

COURT FILE NUMBER: 2101 05019

COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE: Calgary

IN THE MATTER OF THE COMPANIES' CREDITORS
ARRANGEMENT ACT, R.S.C. 1985, c. C-36, as
amended

AND IN THE MATTER OF THE COMPROMISE OR
ARRANGEMENT OF COALSPUR MINES (OPERATIONS)
LTD.

APPLICANT(S): CONSTRUCTION E LINK, INC.

DOCUMENT: **APPLICATION TO REVERSE MONITOR'S REVISION OF
CLAIM**

ADDRESS FOR SERVICE AND CONTACT
INFORMATION OF PERSON FILING THIS DOCUMENT: Field LLP
Barristers and Solicitors
2500, 10175 - 101 Street NW
Edmonton, AB T5J 0H3
Ph: (780) 423-3003 Fax: (780) 428-9329
File No. 74151-3
Attn: Lindsey E. Miller

NOTICE TO RESPONDENT(S) (*Indicate name(s) and status of Respondent(s)*):
FTI CONSULTING CANADA INC., in its capacity as court appointed Monitor of Coalspur Mines
(Operations) Ltd.
Coalspur Mines (Operations) Ltd.

This application is made against you. You are a Respondent.

You have the right to state your side of this matter before the master/judge.

To do so, you must be in court when the application is heard as shown below:

Date:	November 17, 2020
Time:	2:00 p.m.
Where:	Law Courts, Calgary – via Webex
Before Whom:	Justice on the Commercial List

Go to the end of this document to see what else you can do and when you must do it.

Remedy claimed or sought:

1. An Order:
 - a. Setting aside the Notice of Revision of the Applicant's claim by FTI Consulting Canada Inc. in its capacity as Monitor for Coalspur Mines (Operations) Ltd. (the "Monitor");
 - b. Declaring that the Applicant has a secured claim in the amount of \$283,924.50 against Coalspur Mines (Operations) Ltd. ("Coalspur");
 - c. Granting costs of this application.
2. Deeming service of this Application compliant with the terms of the Order (Claims Process) granted August 9, 2021, if necessary.
3. Such further and other relief as Counsel may advise and the Court may permit.

Grounds for making this application:

1. On September 22, 2021 the Applicant submitted a secured claim to the Monitor pursuant to the Claims Process Order of August 9, 2021 for \$283,924.50 (the "Claim").
2. On October 8, 2021 the Monitor disallowed the Claim as a secured claim, but allowed the Claim as an unsecured claim (the "Notice of Revision").
3. The Applicant supplied goods in the nature of Omega Beams (the "Beams") and ongoing support services to Coalspur regarding the installation of the Beams and conversion into a temporary bridge suitable for super heavy mining trucks.
4. The Beams were delivered on December 16, 2020 and the installation support services provided thereafter on an ongoing basis through February 2021, with an on-site visit planned for the summer of 2021 for the inspection and evaluation of the performance of the installed Beams.
5. A Builder's Lien was filed against a mineral lease held by Coalspur on February 5, 2021.
6. A Statement of Claim and CLP were filed on July 30, 2021 and registered against the mineral lease on August 3, 2021.

Material or evidence to be relied on:

1. Affidavit of Kevin Lathan, sworn October 22, 2021
2. Such further and other evidence as Counsel may advise and this Court may permit.

Applicable Rules:

1. Rule 6.3 of the Alberta Rules of Court, Alta. Reg. 124/2010

Applicable Acts and Regulations:

1. Builders' Lien Act, RSA 2000, c .B-7.
2. Companies' Creditors Arrangement Act, R.S.C. 1985, c. C-36
3. Such further and other statutes as Counsel may advise and this Court may permit.

Any irregularity complained of or objection relied on:

1. None.

How the application is proposed to be heard or considered:

1. Via Webex.

AFFIDAVIT EVIDENCE IS REQUIRED IF YOU WISH TO OBJECT

WARNING:

If you do not come to Court either in person or by your lawyer, the Court may give the Applicant(s) what they want in your absence. You will be bound by any order that the Court makes. If you want to take part in this application, you or your lawyer must attend in Court on the date and time shown above. If you intend to give evidence in response to the application, you must reply by filing an affidavit or other evidence with the Court and serving a copy of that affidavit or other evidence on the Applicant(s) a reasonable time before the application is to be heard or considered.