

COURT FILE NUMBER 2001-05482
COURT COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE CALGARY



IN THE MATTER OF THE *COMPANIES' CREDITORS*
ARRANGEMENT ACT, RSC. 1985, c C-36, AS AMENDED

AND IN THE MATTER OF THE COMPROMISE OR
ARRANGEMENT OF JMB CRUSHING SYSTEMS INC. AND
2161889 ALBERTA LTD.

DOCUMENT	APPLICATION	\$50
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	McCarthy Tétrault LLP 4000, 421 – 7 th Avenue SW Calgary, AB T2P 4K9 Attention: Sean Collins / Pantelis Kyriakakis Tel: 403-260-3531 / 3536 Fax: 403-260-3501 Email: scollins@mccarthy.ca / pkyriakakis@mccarthy.ca	COM

NOTICE TO RESPONDENTS

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

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

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

Date:	May 29, 2020
Time:	2:30 p.m.
Where:	Calgary Courts Centre
Before Whom:	Madam Justice K.M. Eidsvik

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

Remedy claimed or sought: FTI Consulting Canada Inc. (the "**Monitor**"), in its capacity as court-appointed monitor of JMB Crushing Systems Inc. and 2161889 Alberta Ltd. (collectively, the "**Applicants**") pursuant to the Order issued in the within proceedings (the "**CCAA Proceedings**") on May 1, 2020, as subsequently amended and restated pursuant to the Amended and Restated CCAA Initial Order, granted on May 11, 2020 (the "**ARIO**"), under the *Companies' Creditors Arrangement Act* (Canada) (the "**CCAA**") applies for an order substantially in the form attached as Schedule "**A**" hereto:

1. Declaring that this application (the “**Application**”) is properly returnable on May 29, 2020, that service of this Application is validated and declared to be good and sufficient, that service of this Application on the persons listed on the service list (the “**Service List**”) is validated, good, and sufficient, and that no persons, other than those on the Service List, are entitled to service of the Application.
2. Declaring that all pleadings, documents, and materials uploaded to the online filesite established by the Monitor for managing the pleadings, documents, and other relevant materials in these CCAA Proceedings and hosted on the “canada.caselines.com” website (the “**CaseLines Filesite**”) shall be deemed as having been properly served on all parties named in the Service List, as of the later of such date and time that: (i) such pleadings, documents, or materials have been uploaded to the CaseLines Filesite; and, (ii) notice, via email or correspondence, as necessary, has been provided to the Service List that such pleadings, documents, or materials have been uploaded to the CaseLines Filesite (the “**CaseLines Notice**”).
3. Declaring that no party shall be required to provide the CaseLines Notice following the Monitor providing notice to the Service List that CaseLines has confirmed to the Monitor that notifications are being sent to all registered parties every time any pleadings, documents, or materials have been uploaded to the CaseLines FileSite.
4. Declaring that the Monitor is authorized to pay all costs, expenses, and disbursements, associated with establishing and maintaining the CaseLines Filesite, as part of and for the duration of these CCAA Proceedings or until further Order of this Honourable Court.
5. Such further and other relief as this Honourable Court may deem just and convenient.

Grounds for making this Application

6. The Court has directed the Monitor to establish the CaseLines Filesite for use by the Court and parties in these CCAA Proceedings.
7. The Monitor has established the CaseLines Filesite for these CCAA Proceedings. Specifically, all pleadings, documents, and relevant materials concerning these CCAA Proceedings can be uploaded at the following address:
<https://canada.caselines.com/Section/BulkLoad?casekey=d2e94ff689034466bdb947f7ba17a36c§ionKey=7aab504d92d74eceb95781f841ace053>

8. The Monitor has provided all parties on the Service List who have provided an email address for service, with an invitation, via weblink, to create their own CaseLines account free of charge.

9. Upon the granting of any Order in connection with this Application, the Monitor will provide notice to any parties who are currently on the Service List but who have not provided a valid email address for service and those additional parties who are subsequently added to the Service List, with instructions which include an invitation to create their own CaseLines account, free of charge.

10. No parties to these CCAA Proceedings will incur any cost or expense to: (i) utilize the CaseLines software; (ii) upload documents to the CaseLines Filesite; or, (iii) access documents thereon.

11. The Monitor shall be responsible for maintaining and paying all fees and costs associated with the CaseLines Filesite.

12. Due to the recent implementation of the CaseLines FileSite, not all parties on the Service List, who have created a valid CaseLines account, currently receive notification that pleadings, documents, or relevant materials have been uploaded to the CaseLines FileSite. The CaseLines Notice will provide the entire Service List with such ongoing notifications until such time as the Monitor can obtain confirmation from CaseLines that such notification issues have been rectified.

13. The Monitor will continue to maintain its website concerning these CCAA Proceedings in addition to maintaining and utilizing the CaseLines Filesite.

14. The CaseLines Filesite will allow parties to upload and access pleadings, documents, and relevant materials in real time and will prevent the need for hardcopies to be mailed and courier to parties who have not provided a valid email for service.

15. Such further and other reasons as counsel may advise and this Honourable Court may deem just and appropriate in the circumstances.

Material or evidence to be relied on:

16. The reports, pleadings, and materials filed in these CCAA Proceedings.

17. Such further or other material or evidence as counsel may advise and this Honourable Court may permit.

Applicable rules:

18. Rules 1.4, 11.20, and 11.21 of the *Alberta Rules of Court*.
19. Such further and other rules as counsel may advise and this Honourable Court may permit.

Applicable Acts and Regulations:

20. *Companies' Creditors Arrangement Act*, R.S.C., 1985, c. C-36, as amended.
21. Such further and other Acts and Regulations as counsel may advise and this Honourable Court may permit.

Any irregularity complained of or objection relied on:

22. None.

How the Application is proposed to be heard or considered:

23. The Monitor proposes that this Application be heard in person or via Webex with one, some, or all of the parties present.

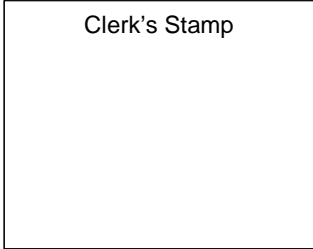
WARNING

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 at the time shown at the beginning of the form. If you intend to rely on an affidavit or other evidence when the application is heard or considered, you must reply by giving reasonable notice of the material to the applicant.

SCHEDULE "A"
PROPOSED FORM OF CASELINES SERVICE ORDER

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DOCUMENT **CASELINES SERVICE ORDER**

ADDRESS FOR SERVICE McCarthy Tétrault LLP
AND CONTACT 4000, 421 – 7th Avenue SW
INFORMATION OF PARTY Calgary, AB T2P 4K9
FILING THIS DOCUMENT Attention: Sean Collins / Pantelis Kyriakakis
Tel: 403-260-3531 / 3536
Fax: 403-260-3501
Email: scollins@mccarthy.ca / pkyriakakis@mccarthy.ca

DATE ON WHICH ORDER WAS PRONOUNCED: May 29, 2020
LOCATION WHERE ORDER WAS PRONOUNCED: Calgary, Alberta
NAME OF JUSTICE WHO MADE THIS ORDER: Justice K.M. Eidsvik

UPON the application (the "**Application**") of FTI Consulting Canada Inc. (the "**Monitor**"), in its capacity as the court-appointed monitor of JMB Crushing Systems Inc. and 2161889 Alberta Ltd. (collectively, the "**Applicants**") pursuant to the Order issued in the within proceedings (the "**CCAA Proceedings**") on May 1, 2020, as subsequently amended and restated pursuant to the Amended and Restated CCAA Initial Order, granted on May 11, 2020 (the "**ARIO**"), under the *Companies' Creditors Arrangement Act* (Canada) (the "**CCAA**"); **AND UPON** reading the Affidavit of Service of Katie Doran (the "**Service Affidavit**"), to be filed; **AND UPON** hearing the submissions of counsel for the Monitor and for any other parties who may be present;

IT IS HEREBY ORDERED AND DECLARED THAT:

SERVICE

1. The time for service of the Application is abridged, the Application is properly returnable today, service of the Application on the service list, in the manner described in the Service Affidavit, is good and sufficient, and no other persons, other than those listed on the service list (the "**Service List**") attached as Exhibit "A" to the Service Affidavit, are entitled to service of the Application.

APPROVAL OF CASELINES

2. All pleadings, documents, and materials uploaded to the online filesite established by the Monitor for managing the pleadings, documents, and other relevant materials in these CCAA Proceedings and hosted on the "canada.caselines.com" website (the "**CaseLines Filesite**") shall be deemed to have been properly served on all parties named in the Service List, as of the later of such date and time that:

- (a) such pleadings, documents, or materials are uploaded to the CaseLines Filesite; and,
- (b) subject to and until the requirements set out in paragraph 3 herein are met, notice (which, for clarity, will not require enclosed copies of any pleadings, documents, or materials uploaded to the CaseLines Filesite), via email or correspondence, as necessary, is provided to the Service List that such pleadings, documents, or materials have been uploaded to the CaseLines Filesite (the "**CaseLines Notice**").

3. No party shall be required to provide the CaseLines Notice following the Monitor providing notice to the Service List that CaseLines has confirmed to the Monitor that notifications are being sent to all registered parties every time any pleadings, documents, or materials have been uploaded to the CaseLines FileSite.

4. The Monitor is hereby authorized to pay all costs associated with establishing and maintaining the CaseLines Filesite in these CCAA Proceedings, for the duration of these CCAA Proceedings or until further order of this Honourable Court.

5. Notwithstanding this Order, the Monitor shall continue to maintain its website in these CCAA Proceedings for public access to pleadings and relevant documents.

MISCELLANEOUS MATTERS

6. Service of this Order shall be deemed good and sufficient by:

(a) Serving same on:

(i) the persons listed on the Service List created in these proceedings;

(ii) any other persons served with notice of the Application for this Order; and

(b) Posting a copy of this Order on the CaseLines Filesite and the Monitor's website at: <http://cfcanada.fticonsulting.com/jmb/>

and service on any other person is hereby dispensed with.

7. Service of this Order may be effected by facsimile, electronic mail, personal delivery, or courier. Service is deemed to be effected the next business day following transmission or delivery of this Order.

Justice of the Court of Queen's Bench of Alberta