



No. S-238572
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

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

AND

IN THE MATTER OF A PLAN OF COMPROMISE AND ARRANGEMENT OF
MYRA FALLS MINE LTD.

PETITIONER

**ORDER MADE AFTER APPLICATION
(Stay Extension and Additional Relief)**

BEFORE THE HONOURABLE)
JUSTICE FITZPATRICK) 02/08/2024
)

THE APPLICATION of the Petitioner, coming on for hearing before me at the courthouse at 800 Smithe Street, Vancouver, British Columbia, on the 2nd day of August, 2024; AND ON HEARING Jonathan B. Ross, counsel for the Petitioner and those other counsel listed on **Schedule "A"** hereto; AND UPON READING the materials filed, including the Affidavit #6 of Hein Frey, affirmed July 25, 2024 (the "**Frey Affidavit #6**") and the Fourth Report of FTI Consulting Canada Inc. (in its capacity as court-appointed monitor of the Petitioner, the "**Monitor**") dated July 30, 2024; AND pursuant to the *Companies' Creditors Arrangement Act*, R.S.C. 1985 c. C-36 as amended (the "**CCAA**"), the *British Columbia Supreme Court Civil Rules*, BC Reg 168/2009 and the inherent jurisdiction of this Honourable Court;

THIS COURT ORDERS AND DECLARES THAT:

SERVICE AND DEFINITIONS

1. The time for service of the Notice of Application dated July 26, 2024 and supporting materials is hereby abridged such that the Notice of Application is properly returnable today.

2. Capitalized terms used in this Order and not otherwise defined herein shall have the meaning given to them in the amended and restated initial order granted in these proceedings by the Honourable Justice Fitzpatrick dated December 28, 2023 (the "ARIO") or the Affidavit .

STAY EXTENSION

3. The Stay Period is hereby continued and extended to and including October 31, 2024.

DIP AMENDMENT AND INCREASE IN INTERIM LENDER'S CHARGE

4. The Petitioner is hereby authorized and empowered to borrow up to an additional \$7.5 million for an aggregate principal amount of \$34 million pursuant to the DIP Term Sheet (as amended by the first amendment to the DIP Term Sheet dated February 16, 2024 and the second amendment to the DIP Term Sheet dated June 20, 2024 (the "**Amended DIP Term Sheet**").

5. The Interim Lender shall be entitled to the benefit of the Interim Lender's Charge provided for in the ARIO to secure amounts advanced under the Amended DIP Term Sheet. The Interim Lender's Charge shall be increased to the maximum amount of \$34 million (plus accrued and unpaid interest, fees and expenses).

6. The Interim Lender's Charge, as amended herein, shall continue to have the priority set out in paragraphs 40 and 42 of the ARIO.

CONTINUOUS PREMIUM INSTALMENT CONTRACT

7. The Petitioner is hereby authorized and empowered to enter into a Continuous Premium Instalment Contract (the "**PIC**") with CAFO Inc. ("**CAFO**") pursuant to which CAFO shall provide financing to the Petitioner for the purchase of one or more policies of insurance (the "**Financed Policies**").

8. In the event of a payment default under the PIC, CAFO shall be permitted without further order of the Court, to exercise its rights under the PIC to cancel the Financed Policies and to receive any unearned premiums (the "**Unearned Premiums**") that may be refunded by the insurers as a result of the same.

9. Notwithstanding any provision in the ARIO or any other order in these proceedings, none of the Charges, or any Encumbrances existing as of the date hereof or any further security interests, trusts liens, mortgages, charges and encumbrances and claims, statutory or otherwise in favour of any person, including those which may be created in this proceeding, apply to the Unearned Premiums.

GENERAL

10. The Petitioner, the Monitor, or the Interim Lender, may from time to time apply for such further or other directions as may be necessary or desirable to give effect to this Order, including, without limitation, the discharge of their respective powers and duties under this Order, or any matter in connection therewith.

11. Endorsement of this Order by counsel appearing on this application other than counsel for the Petitioner is hereby dispensed with.

12. This Order and all of its provisions are effective as of 12:01 a.m. local Vancouver time on the date this Order is made.

THIS COURT REQUESTS the aid and recognition of other Canadian and foreign Courts, tribunal, regulatory or administrative bodies, including any Court or administrative tribunal of any federal or State Court or administrative body in the United States of America, to act in aid of and to be complementary to this Court in carrying out the terms of this Order where required. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the Petitioner and to the Monitor, as an officer of this Court, as may be necessary or desirable to give effect to this Order, to grant representative

status to the Monitor in any foreign proceeding, or to assist the Petitioner and the Monitor and their respective agents in carrying out the terms of this Order.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:



Signature of Jonathan B. Ross
Lawyer for the Petitioner

BY THE COURT



REGISTRAR





Schedule "A"

LIST OF COUNSEL

COUNSEL NAME	PARTY REPRESENTED
Peter Rubin	Monitor, FTI consulting Canada Inc.
Andrew Froh	Amalgamated Mining & Tunnelling Inc.
Aminollah Subzevari	Canada Revenue Agency
Heather Kennedy	Unifor Local 3019
Brandon Lewis Tremblay	WSP Canada Inc. and WPS E & I Canada Limited
Benjamin S. Lorimer	Sonepar Canada Inc., Frontline Machinery Ltd., and Heidelberg Materials Canada Limited
Lauren Nykolaychuk	Langley Freight Lines ('90) Ltd.
Andrea K. Glen	Ministry of Attorney General
Ashley Bowron	Wei wai kum First Nation and we wai kai First Nation

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**ORDER
(STAY EXTENSION)**

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File No. A172589

MD/SPK