

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 Disclosure of Personal Information)

BEFORE THE HONOURABLE	)	
JUSTICE FITZPATRICK	)	October 30, 2024
	)	

THE APPLICATION of the Petitioner, coming on for hearing before me at the courthouse at 800 Smithe Street, Vancouver, British Columbia, on the 30<sup>th</sup> day of October, 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 #7 of Hein Frey, affirmed October 23, 2024 (the "**Frey Affidavit #7**"), the Affidavit #5 of Michèle Hay sworn October 24, 2024, and the Fifth Report of FTI Consulting Canada Inc. (in its capacity as court-appointed monitor of the Petitioner, the "**Monitor**") dated October 25, 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 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 Frey Affidavit #7.

### STAY EXTENSION

3. The Stay Period is hereby continued and extended to and including January 31, 2025.

#### DISCLOSURE OF PERSONAL INFORMATION

- 4. Pursuant to Section 18(1)(i) of the Personal Information Protection Act, S.B.C. 2003, c. 63 ("PIPA"), the Petitioner shall disclose personal information materially relied upon in the Contribution Rectification Process (the "Personal Information") of identifiable individuals (the "Unionized Employees") who are members of UNIFOR Local 3019 (the "Union"), to representatives of the Union for the sole purpose of the Union assisting any Unionized Employee with questions such Unionized Employee directs to the Union regarding the Contribution Rectification Process (as defined in the Frey Affidavit #7) as it applies to that specific Unionized Employee (the "Purpose"), but only to the extent reasonably required to allow the Union to effect the Purpose.
- 5. The Union and each representative of the Union to whom the Personal Information are disclosed shall protect such Personal Information, including without limitation, in accordance with PIPA, and limit the use and disclosure of such Personal Information to the Purpose. Further, the Union shall promptly destroy such Personal Information when the Purpose is no longer being served by retention of such Personal Information.

#### **GENERAL**

- 6. Endorsement of this Order by counsel appearing on this application other than counsel for the Petitioner is hereby dispensed with.
- 7. 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

CHECKED

## Schedule "A"

## **LIST OF COUNSEL**

COUNSEL NAME	PARTY REPRESENTED	
Peter Rubin	Monitor, FTI Consulty Canada Inc.	
Lauren Nykolayihuk	Langley Freight Lines (190) Ctd.	
Aaron Welch and Andrea Glen	Province of British Columbia	
Heather Kemedy	Unifor Local 3019	
Victoria Fortora	Wet War kom	
Manuel Domingus & Virginie Gauthler	Petitiones	

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# ORDER (STAY EXTENSION AND DISCLOSURE OF PERSONAL INFORMATION)

## **GOWLING WLG (CANADA) LLP**

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