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COURT FILE NUMBER

2203 04647

COURT

KING'S BENCH OF ALBERTA

JUDICIAL CENTRE

EDMONTON

PLAINTIFF

ROYAL BANK OF CANADA

DEFENDANTS

1692260 ALBERTA LTD., BIRKILL HOLDINGS LTD., R. BIRKILL PROFESSIONAL CORPORATION, ALBERTA LTD., and RICHARD BIRKILL



DOCUMENT

SEALING ORDER

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

MLT Aikins LLP
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Phone: 780-969-3500
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Attention: Dana Nowak
File: 31617-38

DATE ON WHICH ORDER WAS PRONOUNCED:

November 27, 2023

LOCATION WHERE ORDER WAS PRONOUNCED:

Edmonton Alberta

NAME OF JUSTICE WHO MADE THIS ORDER:

Mr. Justice N.J. Whiting

UPON THE APPLICATION by MNP Ltd. in its capacity as the Court-appointed receiver (the “**Receiver**”) of the undertakings, property and assets of 1692260 Alberta Ltd. (the “**Debtor**”) for an order sealing the confidential addendum (the “**Confidential Addendum**”) to the Fourth Report of the Receiver, dated November 17, 2023 (the “**Fourth Report**”); **AND UPON HAVING READ** the Receivership Order granted on March 24, 2022 (the “**Receivership Order**”), the Fourth Report, the Confidential Addendum, the Brief of Law dated November 20, 2023, and the Affidavit of Service of Crystal Topilko, to be filed (the “**Affidavit of Service**”), and the confirmation of submission of a Notice to Media of Application to Restrict Access regarding the temporary sealing of the Confidential Addendum; **AND UPON HEARING** the submissions of counsel for the Receiver and any other counsel present; **AND UPON** no one appearing for any other person on the service list, although properly served as appears from the Affidavit of Service, filed;

IT IS HEREBY ORDERED AND DECLARED THAT:

SERVICE OF APPLICATION

1. Service of notice of this application and supporting materials is hereby declared to be good and sufficient, no other person is required to have been served with notice of this application and time for service of this application is abridged to that actually given.

SEALING ORDER

2. The Clerk of the Court shall file the Confidential Addendum, including the appendices thereto, in a sealed envelope attached to a notice that sets out the style of cause of these proceedings and states that:

THIS ENVELOPE CONTAINS CONFIDENTIAL MATERIALS FILED BY MNP LTD. IN ITS CAPACITY AS THE COURT-APPOINTED RECEIVER OF THE UNDERTAKINGS, PROPERTY AND ASSETS OF 1692260 ALBERTA LTD.; and

THE CONFIDENTIAL MATERIALS ARE SEALED UNTIL FURTHER ORDER OR FILING OF THE RECEIVER'S CERTIFICATE EVIDENCING THE CLOSING OF THE TRANSACTION PURSUANT TO THE ORDER ISSUED BY THE HONOURABLE MR. JUSTICE N.J. WHITLING ON NOVEMBER 27, 2023.

3. An application to unseal the Confidential Addendum may be made at any time upon fourteen days' written notice to counsel for the Receiver.

SERVICE OF ORDER

1. Service of this Order shall be deemed good and sufficient by:
 - a. Serving the same on:
 - i. the persons listed on the service list created in these proceedings;
 - ii. any other person served with notice of the application for this Order;
 - iii. any other parties attending or represented at the application for this Order;
 - iv. the Purchaser (as defined in the Application) or the Purchaser's solicitors;
- and

- b. Posting a copy of this Order on the Receiver's website at:
<https://mnpdebt.ca/en/corporate/corporate-engagements/birkill-holdings-ltd>.

and service on any other person is hereby dispensed with.

2. 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 the transmission or delivery of such documents.



Justice of the Court of King's Bench of Alberta