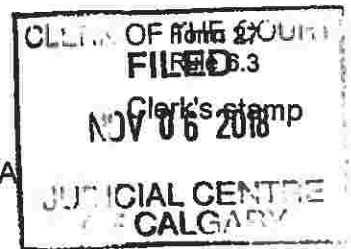


Court File Number 1801-09188
Court COURT OF QUEEN'S BENCH OF ALBERTA
Judicial Centre CALGARY



IN THE MATTER OF THE RECEIVERSHIP OF
OPSMOBIL INC., RANCH ENERGY
CORPORATION, 1734163 ALBERTA INC.,
1859821 ALBERTA INC., AIR DALLAIRE LTD.,
OPSMOBIL GROUP INC., OPSMOBIL
CONSTRUCTION INC., OPSMOBIL ENERGY
SERVICES INC. and K.L. CAPITAL CORP.

IN THE MATTER OF SECTION 243 OF THE
BANKRUPTCY AND INSOLVENCY ACT, RSC
1985, C B-3, as amended

Applicant THIRD EYE CAPITAL CORPORATION
Respondents RANCH ENERGY CORPORATION, OPSMOBIL
INC., 1734163 ALBERTA INC., 1859821
ALBERTA INC., AIR DALLAIRE LTD.,
OPSMOBIL GROUP INC., OPSMOBIL
CONSTRUCTION INC., OPSMOBIL ENERGY
SERVICES INC. and K.L. CAPITAL CORP.
Document APPLICATION TO STRIKE AFFIDAVIT
Address for Service and
Contact Information of
Party Filing this
Document STIKEMAN ELLIOTT LLP
Barristers & Solicitors
4300 Bankers Hall West,
888-3rd Street S.W.,
Calgary, AB T2P 5C5

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Lawyers for the Applicant, Third Eye Capital Corporation
File No.: 120536-1037

NOTICE TO RESPONDENT

This application is made against you. You are a respondent.
You have the right to state your side of this matter before the Court.

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

Date:	November 7, 2018
Time:	2:00pm
Where:	Calgary Courts Centre, Calgary, Alberta
Before Whom:	Justice K.M. Horner

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) deeming service of this Application and supporting materials to be good and sufficient;
 - (b) striking the Affidavit of Reed McDonnell, filed November 2, 2018 on behalf of Tidewater Midstream and Infrastructure Ltd. ("**Tidewater**") (the "**Tidewater Affidavit**");
 - (c) in the alternative, an adjournment of the Application of Predator Oil BC Ltd. ("**Predator**"), as amended, scheduled to be heard before this Court on November 7, 2018 at 2:00pm (the "**Predator Application**");
 - (d) costs of this Application; and
 - (e) such further and other relief, advice and directions as counsel may advise and this Honourable Court deems just.

Grounds For Making This Application:

2. The Tidewater Affidavit was previously unannounced and was not served a reasonable period of time before the Predator Application, was to be heard.
3. On October 16, 2018, Predator filed and served the Predator Application, seeking advice and direction regarding operatorship of the oil and gas assets owned by Ranch Energy Corporation. Predator also filed and served an Affidavit of Ryan Tobber in support of the Predator Application. Predator sought to have the Predator Application heard urgently and before October 25, 2018.
4. On October 18, 2018, this Honourable Court determined that the Predator Application was not urgent and did not need to be heard before October 25, 2018 (the "**October Hearing**").
5. Accordingly, this Honourable Court rescheduled the Predator Application to be heard November 7, 2018 at 2:00pm. In addition, the Parties that appeared and made submissions at the October Hearing were given a procedural timetable, as follows (the "**Procedural Timetable**");

- (a) Ernst & Young Inc., in its capacity as receiver (the "Receiver") and Third Eye Capital Corporation ("TEC") were given until October 23, 2018 at 4:00 pm to file and serve any further report or affidavit;
 - (b) cross-examinations, if any, were to be conducted on any affiant on or before October 26, 2018, with Mr. Tobber to submit to examination first in time;
 - (c) the Receiver was to file and serve any briefs on or before October 31, 2018;
 - (d) any reply brief was to be filed and served by Predator on or before November 2, 2018; and
 - (e) any brief of the British Columbia Oil and Gas Commission ("BCOGC") was to be filed and served on or before November 2, 2018.
- 6. On October 19, 2018, the Procedural Timetable was amended to permit the Receiver and TEC until October 24, 2018 at 4:00 pm to file and serve any further report or affidavit, and for TEC to file and serve a brief on or before October 31, 2018.
 - 7. Based on the Procedural Timetable, as amended, all affidavit evidence was to be submitted by October 24, 2018, with cross-examinations concluded by October 26, 2018, and briefs due on October 31, 2018 and November 2, 2018, respectively.
 - 8. On November 2, 2018, the BCOGC requested additional time to serve its brief and this Honourable Court permitted the BCOGC until November 5, 2018 at 4:00 pm to file and serve its brief.
 - 9. The Tidewater Affidavit was served on November 2, 2018, being the deadline for Predator to file its reply brief.
 - 10. There is no evidence that, prior to the service of the Tidewater Affidavit, Tidewater informed TEC, the other interested parties, or the service list that it sought to supplement the record with additional evidence prior to the hearing of the Predator Application.
 - 11. Accordingly, the Tidewater Affidavit ought be struck in its entirety.
 - 12. In the alternative, if this Honourable Court determines that it cannot strike the Tidewater Affidavit at this time, it is respectfully submitted that the Predator Application must be adjourned for a reasonable period of time to allow the parties to cross-examine Mr. McDonnell and test his evidence.

Material or Evidence to be Relied on:

- 13. The Affidavit of Lorrelei Breton, sworn November 6, 2018, filed.
- 14. Such further and other material and evidence as counsel may advise and this Honourable Court may permit.

Applicable Rules:

- 15. Rules 1.3, 1.4, 3.68, 6.3, 6.9 and 11.27 of the *Alberta Rules of Court*, as amended.

Applicable Legislation:

16. The inherent jurisdiction of this Honourable Court to control its own process.
17. The *Judicature Act*, RSA 2000, c J-2, as amended.
18. Such other Rules, Acts and Regulations as counsel may advise and this Honourable Court may permit.

Any Irregularity Complained of or Objection Relied on:

19. None.

How the Application is Proposed to be Heard:

20. This application is proposed to be heard by the Honourable Madam Justice K.M. Horner in Chambers immediately prior to the Predator Application.

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 Holder 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 dates and at the time shown at the beginning of this 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 Holder.