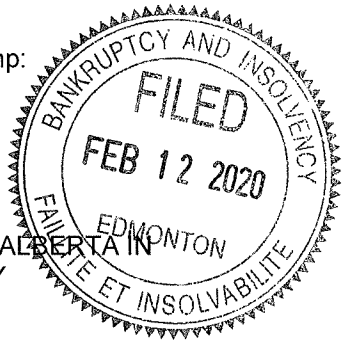
Clerk's Stamp:



COURT FILE NUMBER	24-2612715
COURT	COURT OF QUEEN'S BENCH OF ALBERTA IN BANKRUPTCY AND INSOLVENCY
JUDICIAL CENTRE	EDMONTON
	IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A PROPOSAL OF COPPERLINE EXCAVATING LTD.
DOCUMENT	**APPLICATION BY ROYAL BANK OF CANADA**
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	Dean A. Hitesman Dentons Canada LLP 2500 Stantec Tower 10220 – 103 Avenue Edmonton, Alberta T5J 3V5 Ph. (780) 423-7284 Fx. (780) 423-7276 File No.: 125665-8936/DAH

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	Friday, February 21, 2020
Time	10:00 a.m.
Where	Law Courts Building, Edmonton
Before Whom	The Honourable Mr. Justice J.S. Little

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

Remedy claimed or sought:

1. An Order on the terms of the draft Order attached as Schedule "A" to this Application on such further and other terms as this Honourable Court may direct:

   (a) Declaring terminated the thirty day period in which the proposal trustee of Copperline Excavating Ltd.("**Copperline**") has to file a proposal;

   (b) Lifting the stay of proceedings currently in place in respect of Copperline arising from its filing of a notice of intention to make a proposal;

(c) An Order allowing for the use of, reference to, and reliance upon the Affidavit of Jessica Chohan, and the Bench Brief, filed in the Court of Queen's Bench Action commenced by Royal Bank of Canada ("**RBC**") against Copperline (and others) to recover the indebtedness owed to it and enforce its security (the "**Receivership Action**") for the purposes of the hearing of this Application;

(d) Granting leave for RBC to commence the Receivership Action *nunc pro tunc*; and

(e) Such further and other relief as this Honourable Court may grant.

Grounds for making this application:

2. On or about January 31, 2020, Copperline did file a Notice of Intention (the "**NOI**") to make a proposal pursuant to section 50.4 of the *Bankruptcy and Insolvency Act.*

3. As a result of filing the NOI, a stay of proceedings against Copperline is in place pursuant to section 69 of the *Bankruptcy and Insolvency Act.*

4. Subsequent to the filing of the NOI, Copperline has indicated to RBC that it does not intend to file a proposal to its creditors.

5. Concurrently with this application, RBC seeks in the Receivership Action to appoint a Receiver of the undertakings and property (real and personal) of each of Copperline, 1496986 Alberta Ltd. ("**149**"), and Spruce Creek Contracting Ltd. ("**Spruce Creek**").

6. Each of Copperline, 149, and Spruce Creek are indebted to RBC and have granted security to TBC authorizing the appointment of a receiver upon default.

7. Each of Copperline, 149, and Spruce Creek are in default of their obligations to RBC.

8. Each of Copperline, 149, and Spruce Creek do not oppose the appointment of a Receiver over each of their respective undertakings and property (real and personal).

9. It is not likely that Copperline will make a viable proposal that is accepted by its creditors prior to the expiry of the currently thirty day stay period.

10. It is just and equitable that the stay of proceedings be lifted to allow RBC to appoint a receiver over Copperline, as well as others, as Copperline does not intend to make a proposal and RBC has a right to enforce its security to recover the indebtedness owed to it.

Material or evidence to be relied on:

11. Pleadings and proceedings in this action;

12. The Affidavit of Jessica Chohan, filed in the Receivership Action;

13. The Bench Brief, filed in the Receivership Action;

14. Such further and other material as counsel may advise and this Honourable Court may permit.

Applicable Rules, Acts, and Regulations:

15. Rule 6.3 and 6.11 of the *Alberta Rules of Court*, AR 124/2010;

16. Sections 50.4, 69, and 69.4 of the *Bankruptcy and Insolvency Act,* R.S.C. 1985, c.B-3, as amended;

17. *Bankruptcy and Insolvency General Rules*, CRC, c 368, as amended; and

18. Such further acts and regulations as counsel may advise.

Any irregularity complained of or objection relied on:

19. None.

How the Application is proposed to be heard or considered:

20. In person in open Chambers.

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 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"

ORDER

Clerk's Stamp:

COURT FILE NUMBER	24-2612715
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JUDICIAL CENTRE	EDMONTON
	IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A PROPOSAL OF COPPERLINE EXCAVATING LTD.
DOCUMENT	**ORDER**
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DATE ON WHICH ORDER WAS PRONOUNCED: Friday, February 21, 2020

LOCATION WHERE ORDER WAS PRONOUNCED: Edmonton, Alberta

NAME OF JUSTICE WHO MADE THIS ORDER: The Honourable Mr. Justice J.S. Little

UPON THE APPLICATION of Royal Bank of Canada ("**RBC**"); AND UPON READING the Affidavit of Jessica Chohan, filed in the Court of Queen's Bench Action commenced by Royal Bank of Canada ("**RBC**") against Copperline (and others) to recover the indebtedness owed to it and enforce its security (the "**Receivership Action**") and the Application filed herein and proof of service thereof and the pleadings and proceedings had and taken herein; AND UPON HEARING from counsel for RBC and any other interested parties who may be present;

IT IS HEREBY ORDERED THAT:

1. Service of notice of this application and supporting materials is hereby declared to be good and sufficient, and 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.

2. The thirty day period in which the proposal trustee of Copperline Excavating Ltd. ("**Copperline**") has to file a proposal pursuant to section 62.(1) of the *Bankruptcy and Insolvency Act*, RSC 1985,c B-3 (the "**BIA**") in respect of Copperline are hereby terminated.

3. The stay of proceedings with respect to Copperline pursuant to section 69(1) of the BIA is hereby lifted with respect to RBC.

4. RBC is hereby permitted to use, reference, and rely upon the Affidavit of Jessica Chohan and the Bench Brief filed in the Receivership Action for the purpose of the hearing of this Application.

5. RBC is hereby permitted and granted leave to commence the Receivership Action *nunc pro tunc.*

6. RBC is awared costs of this application on a solicitor and client basis.

_____

Justice of the Court of Queen's Bench of Alberta