

COURT FILE NUMBER 24-2625289

COURT COURT OF QUEEN'S BENCH OF ALBERTA
IN BANKRUPTCY AND INSOLVENCY

JUDICIAL CENTRE EDMONTON

IN THE MATTER OF THE *BANKRUPTCY
AND INSOLVENCY ACT*, RSC 1985 c.B-3,
as amended

AND IN THE MATTER OF THE
BANKRUPTCY OF CANADIAN HUMALITE
INTERNATIONAL INC.

APPLICANT ERNST & YOUNG INC.

DOCUMENT **APPLICATION BY TRUSTEE FOR ORDER
APPROVING PROPOSAL & ANNULING
BANKRUPTCY**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF
PARTY FILING THIS DOCUMENT Sharek Logan & van Leenen LLP, Barristers & Solicitors
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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 master/judge.

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

Date	June 5, 2020
Time	2:00pm
Where	WebEx Video Conference - Virtual Courtroom 10, Edmonton Law Courts Access via: https://albertacourts.webex.com/meet/virtual.courtroom10 Or Phone: +1-780-851-3573, Access Code 960 356 115

Before Whom Presiding Justice in Commercial Chambers

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 good and sufficient in the manner advised by counsel and declaring this Application properly returnable;
 - b) Approving the Proposal in Bankruptcy of Canadian Humalite International Inc. ("CHI");
 - c) Annuling the Bankruptcy of CHI as of the Annulment Date as defined in the Proposal;

d) Directing certain corporate reorganization steps occur in CHI, as set forth in the Proposal; and

e) Directing that as part of the reorganization of CHI, the Directors of CHI be replaced.

2. Such further or other Order or relief as this Court deems just and appropriate.

Grounds for making this application:

3. On March 3, 2020, CHI made a voluntary assignment into Bankruptcy pursuant to the BIA;
4. Ernst & Young Inc. (the "Trustee") was appointed as Trustee in Bankruptcy over CHI;
5. The Trustee has operated the business of CHI to date;
6. On May 1, 2020, CHI filed a Proposal to its creditors;
7. At the first meeting of creditors in the Proposal, was approved by the requisite number of creditors of each class;
8. The Proposal is fair and reasonable to CHI's general body of secured and unsecured creditors and will provide for recovery greatly in excess of what those creditors would receive in liquidation proceedings.

Material or evidence to be relied on:

9. The Report of the Trustee, to be filed, including particulars of the creditor votes on the Proposal.
10. Amended Master Order #3 Relating to Court's Response to the COVID-19 Virus, as amended.

Applicable rules:

11. Alberta Rules of Court, Rules 1.2, 1.3, 1.4, 6.9, 6.10, generally

Applicable Acts and regulations:

11. *Bankruptcy and Insolvency Act*, sections 30(1), 50, 50.1, 54, 58, 59, 61, 187
12. *Business Corporations Act* (Alberta), section 193 and generally.

How the application is proposed to be heard or considered:

13. Electronic Hearing pursuant to processes set forth in Amended Master Order #3 Relating to Court's Response to the COVID-19 Virus, as amended.

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 at the 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.