

VANCOUVER
DEC 22 2016
COURT OF APPEAL
REGISTRY

FORM 3 (RULE 7 (1) (A) (I))

CA 44151

Court of Appeal File No.
Supreme Court File No. S1510120
Supreme Court Registry Vancouver

COURT OF APPEAL

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*
R.S.C. 1985, c. C-36, AS AMENDED

AND

IN THE MATTER OF THE *BUSINESS CORPORATIONS ACT*,
S.B.C. 2002, c. 57, AS AMENDED

AND

IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF WALTER
ENERGY CANADA HOLDINGS, INC. AND THE OTHER PETITIONERS LISTED ON
SCHEDULE "A"

PETITIONERS
(RESPONDENTS)

AND:

UNITED MINE WORKERS OF AMERICA 1974 PENSION PLAN AND TRUST

(APPELLANT)

NOTICE OF MOTION FOR LEAVE TO APPEAL

To the respondent:	Walter Canada Group
And to its solicitor:	Mary I.A. Buttery and H. Lance Williams DLA Piper (Canada) LLP
	Marc Wasserman, Mary Paterson and Patrick Riesterer Osler, Hoskin & Harcourt LLP
To the respondent:	The Monitor KPMG Inc. Philip J. Reynolds, Jordan Sleeth, and Mike Schwartzentruber
And to its solicitor:	Wael Rostom, Peter Reardon, and Caitlin Fell McMillan LLP
To the respondent:	United Steelworkers, Local 1-424

And to its solicitor: Craig Bavis
Victory Square Law Office

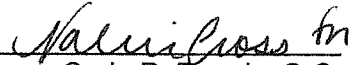
To the service list: See attached Schedule "B"

This Notice of Leave to Appeal is given by Dentons Canada LLP

whose address for service is: 20th Floor, 250 Howe Street
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TAKE NOTICE THAT AN APPLICATION will be made by United Mine Workers of America 1974 Pension Plan and Trust to the presiding justice at 800 Smithe Street, Vancouver, British Columbia, at 9:30 a.m. on Thursday, May 25, 2017, for leave to appeal the order of the Honourable Madam Justice Fitzpatrick of the Supreme Court of British Columbia pronounced the 2nd day of December, 2016.

Dated at Vancouver, British Columbia, this 22 day of December, 2016.



Craig P. Dennis, Q.C.
Solicitors for the Appellant

This application will take no more than 30 minutes to be heard.

SCHEDULE "A"

Petitioners

1. Walter Canadian Coal ULC
2. Wolverine Coal ULC
3. Brule Coal ULC
4. Cambrian Energybuild Holdings ULC
5. Willow Creek Coal ULC
6. Pine Valley Coal, Ltd.
7. 0541237 B.C. Ltd.
8. New Walter Energy Canada Holdings, Inc.
9. New Walter Canadian Coal Corp.
10. New Wolverine Coal Corp.
11. New Brule Coal Corp.
12. New Willow Creek Coal Corp.

Partnerships

1. Walter Canadian Coal Partnership
2. Wolverine Coal Partnership
3. Brule Coal Partnership
4. Willow Creek Coal Partnership

SCHEDULE "B"

SERVICE LIST

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