

NO. S236214
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

1392752 B.C. LTD.

PETITIONER

AND:

SKEENA SAWMILLS LTD.
SKEENA BIOENERGY LTD.
ROC HOLDINGS LTD.

RESPONDENTS

CASE PLAN ORDER

BEFORE THE HONOURABLE) FRIDAY, THE 22nd DAY OF
JUSTICE BLAKE) DECEMBER, 2023

AT A CASE PLANNING CONFERENCE conducted on the 22nd day of December, 2023 by Madam Justice Blake in the presence of those counsel enumerated in Schedule "A" attached hereto;

THIS COURT ORDERS that:

1. By no later than January 5, 2024, the Petitioner, 1392752 B.C. Ltd. (the "**Applicant**") shall file and serve on all persons on the service list (the "**Service List**") maintained by Alvarez & Marsal Canada Inc. (the "**Receiver**"), in its capacity as receiver of certain assets of Respondents, Skeena Sawmills Ltd., Skeena Bioenergy Ltd. and ROC Holdings Ltd. (collectively, the "**Skeena Entities**");

- a. a Notice of Application by way of summary trial (the "**Notice of Application**") seeking declarations as to the validity, enforceability and priority of only the advances made pursuant to the: (i) two Grid Promissory Notes dated January 31, 2023 and May 1 2023 (collectively, the "**Promissory Notes**") ; and (ii) the General Security Agreement (the "**GSA**") dated January 31, 2023 between the Petitioner, 1392752 B.C. Ltd. and the Skeena Entities;
- b. any affidavit evidence in support of the Notice of Application (the "**Supporting Affidavits**"); and

- c. a list of documents pertaining to the evidence adduced in support of the Notice of Application.

2. By no later than January 8, 2024 the Receiver shall deliver by email or regular mail to all persons listed on the Service List claiming against the Skeena Entities (except those persons who are either on the Service List or whose legal counsel are on the service list) (all such persons and all persons on the Service List are hereafter referred to as the “**Parties**”), the following:

- a. a copy of this Case Plan Order;
- b. a copy of the Notice of Application;
- c. copies of the Supporting Affidavits; and

(collectively, the “**Delivery Materials**”).

3. By no later than January 12, 2024, the Receiver shall file in these proceedings and serve on all persons on the Service List an affidavit of delivery confirming the identities of the persons to whom the Delivery Materials were delivered and evidence verifying the manner of deliver to such persons.

4. By no later than January 12, 2024, the Receiver shall file and serve on all persons on the Service List a report addressing, among other things the Receiver deems relevant, the materials filed by the Applicant, and whether the Receiver is aware of any further documents or transactions relevant to the debt and security claimed by the Applicant in the Notice of Application and set out in the Supporting Affidavits, including any related party transactions.

5. All Parties that intend to dispute the validity, enforceability, priority or amount of the Promissory Notes and the GSA or who otherwise assert a claim ranking equal or in priority to Applicant must, by no later than January 19, 2024, file and serve on all persons on the Service List a Response to the Notice of Application along with any supporting affidavits in respect of such Response.

6. Any Party that serves a Response and that is not already on the Service List shall: (i) be bound by the terms of this Case Plan Order; and (ii) be added to the Service List by the Receiver.

7. The Applicant has until January 22, 2024 to file and serve on all persons on the Service List any Reply and additional affidavits arising from the Responses.

8. The Notice of Application shall be heard on January 25 and 26, 2024.

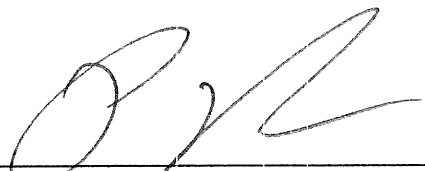
9. The terms of this Order may be amended or varied by court order or with the consent in writing of all Parties enumerated in Schedule “A” to this Case Plan Order.

10. If any party, after receiving the Notice of Application and Supporting Affidavits, is of the view that the timeline set out in this Case Plan Order is no longer reasonable, they are at liberty to apply to amend this Case Plan Order.

11. Any Party may apply to this court on no less than two clear business days' notice for any order varying this Case Plan Order.

12. The need for endorsement of this order by counsel appearing at this case planning conference, other than counsel for the Petitioner, is hereby dispensed with.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:



 Peter J. Roberts, K.C.
 Counsel for the Petitioner/Applicant

BY THE COURT



 REGISTRAR



SCHEDULE "A"

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RESPONDENTS

SERVICE LIST

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<p>KOSKIE GLAVIN GORDON 1650-409 Granville Street Vancouver, BC V6Z 1T2</p> <p>Heather Kennedy Email: hkennedy@koskieglavin.com</p> <p><i>Counsel to United Steelworkers Local 1-1937, on behalf of its members employed or formerly employed by Skeena Sawmills Ltd.</i></p>	<p>KORNFELD LLP 1100 One Bentall Centre 505 Burrard Street, Box 11 Vancouver, BC V7X 1M5</p> <p>Nikhil Pandey Email: npandey@kornfeldllp.com</p> <p><i>Counsel to Delta Cedar Specialties Ltd.</i></p>
<p>MCCARTHY TÉTRAULT LLP Suite 2400, 745 Thurlow Street Vancouver, BC V6E 0C5</p> <p>H. Lance Williams Email: lwilliams@mccarthy.ca</p> <p><i>Counsel to Antler Creek Contracting Ltd., Deuce Creek Contracting Ltd., L&J Logging Ltd., Kitselas Forestry LP, Terrace Timber Ltd., Silvicon Services Inc., Little Trees Reforestation Inc., Timber Tracks Inc., D. R. Holtom Ltd., K'Alii Aks Timber Corporation, Timbertramp Contracting Ltd. and Cypress Forest Consultants Ltd.</i></p>	<p>HIS MAJESTY THE KING IN THE RIGHT OF THE PROVINCE OF BRITISH COLUMBIA c/o Deputy Attorney General PO Box 9290 STN PROV GOVT Victoria, BC V8W 9J7</p> <p>Andrea K. Glen Email: andrea.glen@gov.bc.ca</p>