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September 11, 2019

**Private and Confidential**  
**Sent via E-mail**

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Dear Sirs:


**Re: Wesco Distribution Canada LP v Alvarez & Marsal Canada Inc. et al**  
**Court of Queen's Bench Action No. 1703 19347**

Enclosed for service upon you please find a filed copy of the Order granted by Justice K.G. Nielsen on July 10, 2019.

Yours truly,

MILLER THOMSON LLP

Per:



Emma Johnston  
EJ/

Enclosure  
41944477.1

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File: 0182818.0003 EJ



Clerk's Stamp

COURT FILE NUMBER	1703 19347
COURT OF QUEEN'S BENCH OF ALBERTA	
JUDICIAL CENTRE	EDMONTON
APPLICANT	WESCO DISTRIBUTION CANADA LP
RESPONDENT	ALVAREZ & MARSAL CANADA INC. THE COURT APPOINTED RECEIVER AND MANAGER OF THE UNDERTAKINGS, PROPERTY AND ASSETS OF INDEPENDENT ELECTRIC AND CONTROLS LTD., IEC BUSINESS HOLDINGS INC., SUMMIT CONTROLS (2012) CORP., BLACK KNIGHTS ELECTRIC INC., BRADLEY TURNBULL, BRENT CAMERON ERICKSON, and TODD GUY
RESPONDENT (PLAINTIFF)	ROYAL BANK OF CANADA
DOCUMENT	<u>ORDER</u>
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	MILLER THOMSON LLP Barristers and Solicitors 2700, Commerce Place 10155-102 Street Edmonton, AB, Canada T5J 4G8 Phone: 780.429.1751 Fax: 780.424.5866 Lawyer's name: Emma L. Johnston Lawyer's e-mail: ejohnston@millerthomson.com File No.: 182818.3
DATE ON WHICH ORDER WAS PRONOUNCED:	JULY 10, 2019
LOCATION WHERE ORDER WAS PRONOUNCED:	LAW COURTS BUILDING, EDMONTON AB
NAME OF JUSTICE WHO MADE THIS ORDER:	JUSTICE K.G. NIELSEN

UPON HEARING the Application of Wesco Distribution Canada LP, filed August 3, 2018; AND UPON having read the Affidavit of Craig Schultz, filed August 3, 2018; AND UPON having read the Second Receiver's Report by Alvarez & Marsal Canada Inc. (the "Receiver"), the Court appointed Receiver and Manager of the undertakings, property and assets of Independent Electric and Control Ltd. ("IEC"), filed November 8, 2018; AND UPON having read the Supplemental Receiver's Report filed December 19, 2018;

AND UPON having read the written argument of Wesco filed November 6, 2018, January 31, 2019 and April 18, 2019; AND UPON having read the written argument filed by the Receiver on November 16, 2019, February 14, 2019 and May 3, 2019; AND UPON having read

written argument filed by the Plaintiff, Royal Bank of Canada ("RBC") on November 16, 2019 and February 15, 2019;

AND UPON NOTING that Wesco registered a builders' lien as Instrument No. 172 276 806 (the "Lien") against lands owned by Pembina Marketing Ltd. ("Pembina") and legally described as:

4;21;55;29;SE (the "Lands")

AND UPON noting that the Lands and the Lien are allegedly associated with materials supplied by Wesco to IEC for work undertaken for Pembina and related entities as owner;

AND UPON noting that Wesco failed to file a Statement of Claim or register a Certificate of Lis Pendens in accordance with Section 43 of the *Builders' Lien Act*, RSA 2000 c B-7; AND UPON noting that the Lien was removed from title to the Lands on or about June 1, 2018; AND UPON issuing written reasons in the within matter on March 27, 2019 and July 10, 2019;

IT IS HEREBY ORDERED THAT:

1. Wesco's Application to have its Lien reinstated against title to the Lands is dismissed.
2. The Receiver shall have costs of this application, payable by Wesco, in the amount of \$1,500.00.
3. RBC shall have costs of this application, payable by Wesco, in the amount of \$1,500.00.

APPROVED IN FORM AND CONTENT BY:

Parlee McLaws LLP

Per:

Jeremy H. Hockin, Counsel for the Applicant,  
Wesco Distribution Canada LP

JUSTICE OF THE COURT OF  
QUEEN'S BENCH OF ALBERTA

SEPTEMBER 6, 2019  
Miller Thomson LLP

Per:

Emma L. Johnston, Counsel for the Receiver,  
Alvarez & Marsal Canada Inc.

Dentons LLP

Per:

Dean Hitesman, Counsel for the  
Respondent, Royal Bank of Canada