

## **GUIDE TO COMPLETING THE PROOF OF CLAIM FORM FOR CLAIMS AGAINST MOUNTAIN EQUIPMENT CO-OPERATIVE AND 1314625 ONTARIO LIMITED (THE "PETITIONERS")**

This Guide has been prepared to assist Claimants and Employee Claimants in filling out the Proof of Claim form for Claims against the Petitioners. If you have any additional questions regarding completion of the Proof of Claim form, please consult the Monitor's website at [www.alvarezandmarsal.com/MEC](http://www.alvarezandmarsal.com/MEC) or contact the Monitor, whose contact information is shown below.

Please note that this is a guide only, and that in the event of any inconsistency between the terms of this guide and the terms of the Claims Process Order made on December 4, 2020 (the "**Claims Process Order**"), the terms of the Claims Process Order will govern. Unless otherwise defined, all capitalized terms used herein have the meanings given to them in the Claims Process Order.

A copy of the Claims Process Order and additional copies of the Proof of Claim form may be found at the Monitor's website.

### **SECTION 1 – DEBTOR(S)**

- 1 The full name of the Petitioner against which the Claim is asserted must be listed.

### **SECTION 2(a) – CLAIMANT**

- 1 A separate Proof of Claim must be filed by each legal entity or person asserting a Claim against the Petitioners, or any of them.
- 2 The Claimant or Employee Claimant shall include any and all Claims asserted against the Petitioners, or any of them, in a single Proof of Claim.
- 3 The full legal name of the Claimant or Employee Claimant must be provided.
- 4 If the Claimant or Employee Claimant operates under a different name or names, please indicate this in a separate schedule in the supporting documentation.
- 5 If the Claim has been acquired via assignment or other transfer from another party, Section 2(b) must also be completed.
- 6 Unless the Claim is assigned or transferred, all future correspondence, notices, etc. regarding the Claim will be directed to the Claimant or Employee Claimant at the address indicated in this section.

### **SECTION 2(b) – PARTICULARS OF ORIGINAL CLAIMANT OR EMPLOYEE CLAIMANT FROM WHOM YOU ACQUIRED CLAIM, IF APPLICABLE**

- 1 If the Claimant or Employee Claimant acquired its Claim by assignment or other transfer from an original holder of the Claim, then Section 2(b) must be completed, and all documents evidencing the assignment must be attached.

- 2 The full legal name of the original holder of the Claim must be provided.
- 3 If the original holder of the Claim operates under a different name or names, please indicate this in a separate schedule in the supporting documentation.

### SECTION 3 – AMOUNT AND TYPE OF CLAIM

#### ***Amount***

- 1 If the Claim is a *Pre-Filing* Claim within the meaning of the Claims Process Order, then indicate the amount that each of the Petitioners was and still is indebted to the Claimant in the space reserved for Pre-Filing Claims in the “Amount of Claim” column, including interest up to and including September 14, 2020.
- 2 If the Claim is a *Restructuring Period* Claim within the meaning of the Claims Process Order, then indicate the Claim amount that each of the Petitioners was and still is indebted to the Claimant or Employee Claimant in the space reserved for Restructuring Period Claims in the “Amount of Claim” column (which is below the space reserved for Pre-Filing Claims).

For reference, a “**Restructuring Period Claim**” means any right or claim of any Person against either of the Petitioners in connection with any indebtedness, liability or obligation of any kind whatsoever owed by either such Petitioner to such Person arising out of the restructuring, disclaimer, resiliation, termination or breach by such Petitioner on or after September 14, 2020 of any contract, lease or other agreement whether written or oral.

- 3 If the Claim is an *Employee Claim* within the meaning of the Claims Process Order, then indicate the amount of the Employee Claim that is a Pre-Filing Claim or Restructuring Period Claim, as applicable, in the space reserved for such Claims in the “Amount of Claim” column.
- 4 If there are insufficient lines to record each Claim amount, attach a separate schedule indicating the required information.

#### ***Currency***

- 1 The amount of the Claim must be provided in the currency in which it arose.
- 2 Indicate the appropriate currency in the “Currency” column.
- 3 If the Claim is denominated in multiple currencies, use a separate line to indicate the Claim amount in each such currency. If there are insufficient lines to record these amounts, attach a separate schedule indicating the required information.
- 4 If necessary, currency will be converted in accordance with the Claims Process Order.

### ***Whether Claim is Secured and Value of Security***

- 1 Check the appropriate box if the Claim recorded on that line is a secured claim. If it is, indicate the value which you ascribe to the assets charged by your security in the adjacent column.
- 2 If the Claim is secured, on a separate schedule provide full particulars of the security, including the date on which the security was given, the value which you ascribe to the assets charged by your security and the basis for such valuation and attach a copy of the security documents evidencing the security.

### **SECTION 4 – SUPPORTING DOCUMENTATION**

- 1 Attach to the Proof of Claim form all particulars of the Claim and supporting documentation, including amount, and description of transaction(s) or agreement(s), or legal breach(es) giving rise to the Claim, any claim assignment/transfer agreement or similar document, if applicable, the name of any guarantor(s) which has guaranteed the Claim, the amount of invoices, particulars of all credits, discounts, etc. claimed, as well as a description of the security, if any, granted by the affected Petitioner to the Claimant or Employee Claimant and the estimated value of such security.

### **SECTION 5 – CERTIFICATION**

- 1 The person signing the Proof of Claim should:
  - (a) be the Claimant or Employee Claimant or authorized representative of the Claimant or Employee Claimant;
  - (b) have knowledge of all the circumstances connected with this Claim;
  - (c) assert the Claim against the Debtor(s) as set out in the Proof of Claim and certify all supporting documentation is attached; and
  - (d) have a witness to its certification.
- 2 By signing and submitting the Proof of Claim, the Claimant or Employee Claimant is asserting the Claim against each of the Petitioners named as a “Debtor” in the Proof of Claim.

### **SECTION 6 – FILING OF CLAIM**

- 1 If your Claim is a Pre-Filing Claim or Employee Claim within the meaning of the Claims Process Order, the Proof of Claim MUST be returned to and received by the Monitor on or before 5:00 p.m. (Vancouver time) on February 10, 2021 (the “Claims Bar Date”).
- 2 If your Claim is a Restructuring Period Claim within the meaning of the Claims Process Order, the Proof of Claim MUST be returned to and received by the Monitor by 5:00 p.m. (Vancouver time) on the date (the “Restructuring Period Claims Bar Date”) that is the

later of (i) the date that is 45 days after the date on which the Monitor sends a Claims Package with respect to a Restructuring Period Claim and (ii) the Claims Bar Date.

- 3 Proofs of Claim must be delivered to the Monitor by prepaid ordinary mail, registered mail, courier, personal delivery, facsimile transmission or email at the following address:

Alvarez & Marsal Canada Inc.  
400 Burrard St #1680  
Vancouver, BC V6C 3A6  
Attention: Nishant Virmani  
Email: MEC@alvarezandmarsal.com  
Fax: (604) 638-7441

**Failure to file your Proof of Claim so that it is actually received by the Monitor on or before 5:00 p.m. (Vancouver time) on the Claims Bar Date or the Restructuring Period Claims Bar Date, as applicable, WILL result in your Claim being forever barred and you will be prevented from making or enforcing your Claim against the Petitioners. In addition, you shall not be entitled to further notice of and shall not be entitled to participate as a creditor in the Petitioners' CCAA proceedings.**