



MILLER THOMSON
AVOCATS | LAWYERS

MILLER THOMSON LLP
COMMERCE PLACE
10155 - 102 STREET, SUITE 2700
EDMONTON, AB T5J 4G8
CANADA

T 780.429.1751
F 780.424.5866

MILLERTHOMSON.COM

September 11, 2019

Private and Confidential

Sent via E-mail

Adrianna Worman
Goodfellow & Schuett Law
Suite 200, 602 – 11 Avenue SW
Calgary, AB T2R 1J8

Dean Hitesman
Dentons Canada LLP
2500 Stantec Tower
10220 – 103 Avenue NW
Edmonton, AB T5J 0K4

Dear Sirs/Mesdames:

**Re: ECS Electrical Cable Supply Ltd. 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
*sls

Enclosure
41944357.1

Emma Johnston
Direct Line: 780.429.9720
Direct Fax: 780.424.5866
ejohnston@millerthomson.com

File: 182818.0003 EJ



Clerk's Stamp

COURT FILE NUMBER	1703 19347
COURT OF QUEEN'S BENCH OF ALBERTA	
JUDICIAL CENTRE	EDMONTON
APPLICANT	ECS ELECTRICAL CABLE SUPPLY LTD.
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 ECS Electrical Cable Supply Ltd. ("ECS"), filed August 15, 2018; AND UPON having read the Affidavit of Lina Desouki, filed August 15, 2018; AND UPON having read the Second Receiver's Report by Alvarez & Marsel 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 written argument by ECS filed November 9, 2018 and January 30, 2019; AND UPON having read 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 on Royal Bank of Canada ("RBC") on November 16, 2019 and February 15, 2019;

AND UPON NOTING that ECS registered a builders' lien as Instrument No. 172 266 150 (the "Lien") against lands owned by Pembina Marketing Ltd. ("Pembina") and legally described as:

PLAN 1027069
AREA "A" (PIPELINE TERMINAL SITE)
CONTAINING 27.5 HECTARES (67.34 ACRES) MORE OR LESS
EXCEPTING THEREOUT ALL MINES AND MINERALS

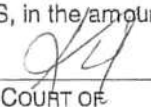
(the "Lands")

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

AND UPON noting that ECS 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 noting that IEC and Pembina are named as Defendants in Court of Queen's Bench Action No. 1803 16236 commenced by ECS as Plaintiff in respect to the Lien, filed on August 16, 2018; AND UPON issuing written reasons in the within matter on March 27, 2019 and July 10, 2019;

IT IS HEREBY ORDERED THAT:

1. ECS's Application to have its Lien reinstated against title to the Lands is dismissed.
2. Court of Queen's Bench Action No. 1803 16236 is discontinued against Pembina Marketing Ltd.
3. The Receiver shall have costs of this application, payable by ECS, in the amount of \$1,500.00.
4. RBC shall have costs of this application, payable by ECS, in the amount of \$1,500.00.

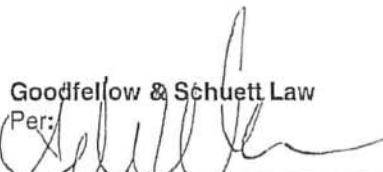


JUSTICE OF THE COURT OF
QUEEN'S BENCH OF ALBERTA

SEPTEMBER 6, 2019

APPROVED IN FORM AND CONTENT BY:

Goodfellow & Schuett Law

Per: 

Adrianna Worman, Solicitor for the
Respondent, ECS Electrical Cable Supply
Ltd.

JUSTICE OF THE COURT OF
QUEEN'S BENCH OF ALBERTA

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