

COURT FILE NUMBER **2001-06997**  
 COURT COURT OF QUEEN'S BENCH OF ALBERTA  
 JUDICIAL CENTRE CALGARY



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

COM  
 Oct 29 2020

AND IN THE MATTER OF THE COMPROMISE OR  
 ARRANGEMENT OF BOW RIVER ENERGY LTD.

DOCUMENT **APPLICATION BY 2270943 ALBERTA LTD.**  
**(SEALING ORDER)**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT  
 Matti Lemmens / Tiffany Bennett  
 Borden Ladner Gervais LLP  
 1900, 520 3<sup>rd</sup> Ave. S.W.  
 Calgary, AB T2P 0R3  
 Telephone: (403) 232-9511 / (403) 232-9199  
 Facsimile: (403) 266-1395  
 Email: [MLemmens@blg.com](mailto:MLemmens@blg.com) / [TiBennett@blg.com](mailto:TiBennett@blg.com)  
 File No. 446071.000002

**NOTICE TO THE RESPONDENTS: SEE ATTACHED SCHEDULE "A"**

This application is made against you. You are a respondent.

You have the right to state your side of this matter before the master/judge.

To do so, you must be in Court when the application is heard as shown below:

Date	October 29, 2020
Time	10:00 a.m.
Where	Edmonton Law Courts Building, Edmonton, Alberta (via WebEx)
Before Whom	The Honourable Madam Justice D. L. Shelley

Go to the end of this document to see what else you can do and when you must do it.

**Remedy claimed or sought:**

1. The Applicant, 2270943 Alberta Ltd. ("**227**"), seeks an Order pursuant to the *Companies'*

*Creditors Arrangement Act*, RSC 1985, c C-36, as amended (the “**CCAA**”), substantially in the form attached hereto as **Schedule “B”** (the “**Sealing Order**”):

- (a) declaring service of this Application good and sufficient, and, if necessary, abridging the time for notice of this Application to the time actually given;
  - (b) sealing Confidential Exhibits “1” and “2” to the Affidavit of Robert Dumaine, sworn on October 14, 2020 (the “**Confidential Exhibits**”);
  - (c) granting such further and other relief as counsel may request and this Honourable Court may deem appropriate.
2. All capitalized terms used but not otherwise defined in this Application shall have the meaning ascribed thereto in 227’s Application filed with this Court on October 9, 2020.

**Grounds for making this application:**

3. This Application made in connection with 227’s Application to be heard by this Honourable Court on October 29, 2020, seeking certain relief relating to the Stalking Horse Bid and the APA.
4. The Confidential Exhibits set out certain commercially sensitive information relating to 227 or the assets that are subject to the Stalking Horse Bid. The dissemination of information set out in the Confidential Exhibits could adversely affect the SISP and any subsequent sales process that may be undertaken respecting Bow River’s assets, and result in prejudice against the stakeholders’ ability to recover value therefrom, as well as 227’s ability to further participate in any such sales process.
5. The proposed Sealing Order sought is the least restrictive and prejudicial alternative to prevent the dissemination of commercially sensitive information.
6. 227 intends to provide notice to the Clerk of the Court of this Application in accordance with Rule 6.32 of the *Alberta Rules of Court*, AR 124/2010 (the “**Rules**”).
7. Such other and further grounds as counsel may advise and this Honourable Court may

permit.

**Material or evidence to be relied on:**

8. The Applicant, 227, intends to rely upon the following materials:
  - (a) the Affidavit of Robert Dumaine, sworn on October 14, 2020;
  - (b) other pleadings and materials filed in these proceedings; and
  - (c) such further and other material or evidence as counsel may advise and this Honourable Court may permit.

**Applicable rules:**

9. Part 6, Division 1 of the *Rules*, and particularly Rue 6.32; and
10. such further and other rules as counsel may advise and this Honourable Court may permit.

**Applicable Acts and regulations:**

11. the CCAA;
12. such further and other Acts and Regulations as counsel may advise and this Honourable Court may permit.

**Any irregularity complained of or objection relied on:**

13. None.

**How the application is proposed to be heard or considered:**

14. With some or all parties present via WebEx before the Honourable Madam Justice D. L. Shelley.

<b>WARNING</b>
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If you do not come to Court either in person or by your lawyer, the Court may give the applicant(s) what they want in your absence. You will be bound by any order that the Court makes. If you want to take part in this application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of the form. If you intend to give evidence in response to the application, you must reply by filing an affidavit or other evidence with the Court and serving a copy of that affidavit or other evidence on the applicant(s) a reasonable time before the application is to be heard or considered.

**Schedule "A"**

**Service List**

(See attached)

COURT FILE NUMBER

**2001-06997**

COURT

COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE

Calgary

IN THE MATTER OF THE *COMPANIES' CREDITORS*  
*ARRANGEMENT ACT*, RSC 1985, c C-36, as amended

AND IN THE MATTER OF THE COMPROMISE OR  
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DOCUMENT

**SERVICE LIST**

<p>Cassels Brock &amp; Blackwell LLP 3810, 888-3 Street SW Calgary, AB T2P 5C5</p> <p><b>Attention: Jeffrey Oliver / Danielle Marechal</b> Email: <a href="mailto:joliver@cassels.com">joliver@cassels.com</a> <a href="mailto:dmarechal@cassels.com">dmarechal@cassels.com</a></p> <p>Counsel for Bow River Energy Ltd.</p>	<p>Bennett Jones LLP 4500, 855 2 Street SW Calgary, AB T2P 4K7</p> <p><b>Attention: Keely Cameron</b> Email: <a href="mailto:cameronk@bennettjones.com">cameronk@bennettjones.com</a></p> <p>Counsel for Monitor</p>
<p>BDO Canada LLP 620, 903 8 Ave SW Calgary, AB T2P 0P7</p> <p><b>Attention: Marc Kelly / Charla Smith</b> Email: <a href="mailto:makelly@bdo.ca">makelly@bdo.ca</a> <a href="mailto:chasmith@bdo.ca">chasmith@bdo.ca</a></p> <p>Monitor</p>	<p>MLT Aikins LLP 2100, 222 – 3 Avenue SW Calgary, AB T2P 0B4</p> <p><b>Attention: Ryan Zahara</b> Email: <a href="mailto:rzahara@mltaikins.com">rzahara@mltaikins.com</a></p> <p>Counsel for AER and OWA</p>
<p>Saskatchewan Ministry of Energy and Resources 1000, 2103 11th Ave Regina, SK S4P 3Z8</p> <p><b>Attention: Chad Adams</b> Email: <a href="mailto:chad.adams@gov.sk.ca">chad.adams@gov.sk.ca</a></p>	<p>Saskatchewan Energy Regulator Saskatchewan Ministry of Energy and Resources 1000, 2103 11th Ave Regina, SK S4P 3Z8</p> <p><b>Attention: Candy Dominique / Megan McGillivray</b> Email: <a href="mailto:candy.dominique@gov.sk.ca">candy.dominique@gov.sk.ca</a> <a href="mailto:megan.mcgillivray@gov.sk.ca">megan.mcgillivray@gov.sk.ca</a></p>
<p>Government of Alberta, Ministry of Energy 9th Floor, North Petroleum Plaza 9945-108 Street Edmonton, AB T5K 2G6</p> <p><b>Attention: Piyush (Peter) Mittal</b> Email: <a href="mailto:peter.mittal@gov.ab.ca">peter.mittal@gov.ab.ca</a></p>	<p>Borden Ladner Gervais LLP 1900, 520 3<sup>rd</sup> Ave SW Calgary, AB T2P 0R3</p> <p><b>Attention: Brad Pierce / Matti Lemmens</b> Email: <a href="mailto:BPierce@blg.com">BPierce@blg.com</a> <a href="mailto:Mlemmens@blg.com">Mlemmens@blg.com</a></p>
<p>Allan Sawin 9111 39<sup>th</sup> Ave Edmonton, AB T6E 5Y2</p> <p>Email: <a href="mailto:asawin@embee.ca">asawin@embee.ca</a></p> <p>Secured Creditor</p>	<p>Debora Proud (Copez Properties) 130, 707 10<sup>th</sup> Ave SW Calgary, AB T2R 0B3</p> <p>Email: <a href="mailto:Lvarin@copez.com">Lvarin@copez.com</a> <a href="mailto:pcohos@copez.com">pcohos@copez.com</a></p> <p>Secured Creditor</p>

<p>Eresman 2013 Family Trust 1701, 1234 5<sup>th</sup> Ave NW Calgary, AB T2N 0R1</p> <p>Email: <a href="mailto:eresman@gmail.com">eresman@gmail.com</a> <a href="mailto:trisha.woodlock@eresman.ca">trisha.woodlock@eresman.ca</a></p> <p>Secured Creditor</p>	<p>Gary Nissen 350 4723 1<sup>st</sup> Street SW Calgary, AB T2G 4Y8</p> <p>Email: <a href="mailto:sharon@cail.ca">sharon@cail.ca</a> <a href="mailto:gary@cail.ca">gary@cail.ca</a></p> <p>Secured Creditor</p>
<p>Henry Cohen 135 Strathallan Blvd. Toronto, ON M5N 1S9</p> <p>Email: <a href="mailto:henry.cohen@fcenergy.com">henry.cohen@fcenergy.com</a></p> <p>Secured Creditor</p>	<p>Hop Investment Ltd. 1440, 33311<sup>th</sup> Avenue SW Calgary, AB T2R 1L9</p> <p>Email: <a href="mailto:lester@hopestate.ca">lester@hopestate.ca</a> <a href="mailto:denny@hopestate.ca">denny@hopestate.ca</a></p> <p>Secured Creditor</p>
<p>Jim W. Buckee Ebblestone House, Homington Salisbury, England XX SP5 4NG</p> <p>Email: <a href="mailto:jwbuckee@gmail.com">jwbuckee@gmail.com</a></p> <p>Secured Creditor</p>	<p>Kim Cohos (Copez Properties) 130, 707 10<sup>th</sup> Ave SW Calgary, AB T2R 0B3</p> <p>Email: <a href="mailto:Lvarin@copez.com">Lvarin@copez.com</a> <a href="mailto:pcohos@copez.com">pcohos@copez.com</a></p> <p>Secured Creditor</p>
<p>Paulette Geis 149 Schooner Landing NW Calgary, AB T3L 1X5</p> <p>Email: <a href="mailto:wayne.geis@shaw.ca">wayne.geis@shaw.ca</a></p> <p>Secured Creditor</p>	<p>R.D. Scurfield &amp; Associates Inc. PO Box 1200 Banff, AB T1L 1B2</p> <p>Email: <a href="mailto:rds@skibanff.com">rds@skibanff.com</a></p> <p>Secured Creditor</p>
<p>Randall Eresman 1701, 1234 5<sup>th</sup> Ave NW Calgary, AB T2N 0R1</p> <p>Email: <a href="mailto:eresman@gmail.com">eresman@gmail.com</a> <a href="mailto:trisha.woodlock@eresman.ca">trisha.woodlock@eresman.ca</a></p> <p>Secured Creditor</p>	<p>Rick Deleff PO Box 483 Consort, AB T0C 1B0</p> <p>Email: <a href="mailto:rdeleff@xplornet.com">rdeleff@xplornet.com</a></p> <p>Secured Creditor</p>
<p>Jim Pattison Industries Ltd. 4937 Regent Street Burnaby, BC V5C 4H4</p> <p><b>Attention: Ion Lazar</b></p> <p>Email: <a href="mailto:Ion.Lazar@jplease.com">Ion.Lazar@jplease.com</a></p> <p>Secured Creditor</p>	<p>JWI Investment LP 200, 3132 118<sup>th</sup> Ave SE Calgary, AB T2Z 3X1</p> <p><b>Attention: Aasit Amin</b></p> <p>Email: <a href="mailto:aamin@jayman.com">aamin@jayman.com</a></p> <p>Secured Creditor</p>



<p>Prairie Provident Resources Canda Ltd. 1100, 640 5th Street SW Calgary, AB T2P 3G4</p> <p>Email: <a href="mailto:gtaylor@ppr.ca">gtaylor@ppr.ca</a></p> <p>Secured Creditor</p>	<p>RCAP Leasing Inc. 300, 5575 North Service RD Burlington, ON L7L 6M1</p> <p>Email: <a href="mailto:csc@rcapleasing.com">csc@rcapleasing.com</a></p> <p>Secured Creditor</p>
<p>Element Fleet Management Inc. c/o Blake, Cassels &amp; Graydon LLP 3500, 855 - 2nd Street SW Calgary, AB T2P 4J8</p> <p><b>Attention: Daniel McLeod</b></p> <p>Email: <a href="mailto:daniel.mcleod@blakes.com">daniel.mcleod@blakes.com</a></p> <p>Secured Creditor</p>	<p>Royhop Hospitality Corp. c/o Dentons LLP 1500, 850 - 2nd Street SW Calgary, AB T2P 0R8</p> <p><b>Attention: Lyle Zulak / Afshan Naveed</b></p> <p>Email: <a href="mailto:lyle.zulak@dentons.com">lyle.zulak@dentons.com</a> <a href="mailto:afshan.naveed@dentons.com">mailto:afshan.naveed@dentons.com</a></p> <p>Secured Creditor</p>
<p>Xerox Canada Ltd. 500, 20 York Mills Road Toronto, ON M2P 2C2</p> <p><b>Attention: Stephanie Grace</b></p> <p>Email: <a href="mailto:Stephanie.Grace@xerox.com">Stephanie.Grace@xerox.com</a></p> <p>Secured Creditor</p>	<p>Enmax Corporation 141 50 Avenue SE Calgary, AB T2G 4S7</p> <p><b>Attention: Sarah King</b></p> <p>Email: <a href="mailto:sking@enmax.com">sking@enmax.com</a></p>
<p>R.M. of Hearts Hill</p> <p>Email: <a href="mailto:rm352@sasktel.net">rm352@sasktel.net</a></p>	<p>R.M. of Loon Lake</p> <p>Attention : <b>Erin Simpson</b></p> <p>Email: <a href="mailto:rm561@sasktel.net">rm561@sasktel.net</a></p>
<p>Northern Municipal Services</p> <p>Email: <a href="mailto:kathryn.menz@gov.sk.ca">kathryn.menz@gov.sk.ca</a></p>	<p>R.M. of Britannia No. 502</p> <p>Email: <a href="mailto:rm502@sasktel.net">rm502@sasktel.net</a></p>
<p>R.M. of Antelope Park No 322</p> <p>Email: <a href="mailto:rm292.rm322@sasktel.net">rm292.rm322@sasktel.net</a></p>	<p>R.M. of Grass Lake</p> <p>Email: <a href="mailto:rm381@sasktel.net">rm381@sasktel.net</a></p>
<p>R.M. of Senlac</p> <p>Email: <a href="mailto:rm411@sasktel.net">rm411@sasktel.net</a></p>	<p>R.M. of Frenchman Butte</p> <p>Email: <a href="mailto:rm501@sasktel.net">rm501@sasktel.net</a></p>

<p>R.M. of Eye Hill No 382</p> <p><b>Attention: Jason Pilat</b></p> <p>Email: <a href="mailto:rm382@sasktel.net">rm382@sasktel.net</a></p>	<p>Gregory Law Office Box 518 101B 2nd Street West Meadow Lake, SK S9X 1Y4</p> <p><b>Attention: Russell Gregory</b></p> <p>Email: <a href="mailto:russell@lawyergregory.com">russell@lawyergregory.com</a> <a href="mailto:nicolerm622@sasktel.net">nicolerm622@sasktel.net</a></p> <p>Counsel for R.M. of Beaver River No 622</p>
<p>County of Paintearth Box 509 Castor, AB T0C 0X0</p> <p>Attention: Linda Bauer</p> <p>Email: <a href="mailto:lbauer@countypaintearth.ca">lbauer@countypaintearth.ca</a></p>	<p>Flagstaff County</p> <p>Email: <a href="mailto:County@flagstaff.ab.ca">County@flagstaff.ab.ca</a></p>
<p>M.D. of Wainright No 61</p> <p>Email: <a href="mailto:admin@mdwainwright.ca">admin@mdwainwright.ca</a></p>	<p>M.D. of Provost</p> <p>Email: <a href="mailto:jlakevold@mdprovost.ca">jlakevold@mdprovost.ca</a></p>
<p>Special Areas Board Facilities / Special Areas Board wells and P/L</p> <p>Email: <a href="mailto:sue.carl@specialareas.ab.ca">sue.carl@specialareas.ab.ca</a></p>	<p>Husky Energy Inc. 707 8 Ave SW Calgary, AB T2P 1H5</p> <p><b>Attention : Jim O’Keefe / Catherine Dunne</b></p> <p>Email: <a href="mailto:jim.okeefe@huskyenergy.com">jim.okeefe@huskyenergy.com</a> <a href="mailto:Catherine.Dunne@huskyenergy.com">Catherine.Dunne@huskyenergy.com</a></p>
<p>Crescent Point Energy Suite 2000, 585 8th Ave SW Calgary, AB T2P 1G1</p> <p><b>Attention: Kirsten Seagrave Millung</b></p> <p>Email: <a href="mailto:kmillung@crescentpointenergy.com">kmillung@crescentpointenergy.com</a></p>	<p>Indian Oil and Gas Canada 100, 9911 Chiila Boulevard Tsuut’ina, AB T3T 0E1</p> <p><b>Attention: Lori Williams / Jordan Milne</b></p> <p>Email: <a href="mailto:Lori.Williams@justice.gc.ca">Lori.Williams@justice.gc.ca</a> <a href="mailto:Jordan.milne@justice.gc.ca">Jordan.milne@justice.gc.ca</a></p> <p>Counsel for Indian Oil and Gas Canada, the federal regulator of oil and gas operations on First Nations’ lands</p>
<p>Canadian Natural Resources Limited 2500, 855-2nd Street SW Calgary, AB T2P 4J8</p> <p><b>Attention: Sheila Hyatt</b></p> <p>Email: <a href="mailto:Sheila.Hyatt@cnrl.com">Sheila.Hyatt@cnrl.com</a></p>	<p>RioCan Real Estate Investment Trust 499 Main St. South, Suite 56 Brampton, ON L6Y 1N7</p> <p><b>Attention : Bibi Khan</b></p> <p>Email: <a href="mailto:bkhan@riocan.com">bkhan@riocan.com</a></p>

<p>PrairieSky Royalty Ltd. 17010, 350 7 Ave SW Calgary, AB T2P 3N9</p> <p><b>Attention: James Nixon</b></p> <p>Email: <a href="mailto:james.nixon@prairiesky.com">james.nixon@prairiesky.com</a></p>	<p>Lawson Lundell LLP Suite 1100, 225-6th Avenue SW Calgary, AB T2P 1N2</p> <p><b>Attention: William Roberts / Alixandra Stoicheff</b></p> <p>Email: <a href="mailto:wroberts@lawsonlundell.com">wroberts@lawsonlundell.com</a> <a href="mailto:astoicheff@lawsonlundell.com">astoicheff@lawsonlundell.com</a></p> <p>Counsel for Husky Oil Operations Limited</p>
<p>Heritage Resource LP 710, 215-2 Street S.W. Calgary, AB T2P 1M4</p> <p><b>Attention: Kelly Perrault</b></p> <p>Email: <a href="mailto:Kelly.Perrault@heritageroyalty.ca">Kelly.Perrault@heritageroyalty.ca</a></p>	<p>Osler, Hoskin &amp; Harcourt LLP 2500, 450 - 1st St. S.W. Calgary, AB T2P 5H1</p> <p><b>Attention: Emily Paplawski</b></p> <p>Email: <a href="mailto:EPaplawski@osler.com">EPaplawski@osler.com</a></p> <p>Counsel for Heritage Royalty Resource Corp.</p>
<p>RMRF LLP 3200, 10180 101 Street Edmonton, AB T5J 3W8</p> <p><b>Attention: Emma F. Banfield / Misty A. Jakubowski / Shauna N. Finlay</b></p> <p>Email: <a href="mailto:EBanfield@rmrf.com">EBanfield@rmrf.com</a> <a href="mailto:MJakubowski@rmrf.com">MJakubowski@rmrf.com</a> <a href="mailto:SFinlay@rmrf.com">SFinlay@rmrf.com</a></p> <p>Counsel for M.D. of Wainright No 61</p>	<p>Saskatchewan Ministry of Justice 2405 Legislative Dr. Regina, SK S4S 0B3</p> <p><b>Attention: Leanne Lang</b></p> <p>Email: <a href="mailto:Leanne.Lang@gov.sk.ca">Leanne.Lang@gov.sk.ca</a></p>
<p>Miles Davison LLP 900, 517 10 Ave SW Calgary, AB T2R 0A8</p> <p><b>Attention: Terry Czechowskyj</b></p> <p>Email: <a href="mailto:tczech@milesdavison.com">tczech@milesdavison.com</a></p> <p>Counsel for Orphan Well Association</p>	<p>David Sharp Box 552 Pierceland, SK S0M 2K0</p>
<p>Patrick G. White and Katherine White Box 336 Provost, AB T0B 3S0</p>	

**Schedule "B"**

**Sealing Order**

(See attached)

COURT FILE NUMBER **2001-06997**

COURT

COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE

CALGARY

Clerk's Stamp

IN THE MATTER OF THE *COMPANIES' CREDITORS  
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DOCUMENT

**SEALING ORDER**

ADDRESS FOR  
SERVICE AND  
CONTACT  
INFORMATION OF  
PARTY FILING THIS  
DOCUMENT

Matti Lemmens / Tiffany Bennett  
Borden Ladner Gervais LLP  
1900, 520 3<sup>rd</sup> Ave. S.W.  
Calgary, AB T2P 0R3  
Telephone: (403) 232-9511 / (403) 232-9199  
Facsimile: (403) 266-1395  
Email: [MLemmens@blg.com](mailto:MLemmens@blg.com) / [TiBennett@blg.com](mailto:TiBennett@blg.com)  
File No. 446071.000002

DATE ON WHICH ORDER WAS PRONOUNCED:

October 29, 2020

LOCATION WHERE ORDER WAS PRONOUNCED:

Edmonton, Alberta

NAME OF JUSTICE WHO MADE THIS ORDER:

The Honourable Justice D. L. Shelley

**UPON** the Application by 2270943 Alberta Ltd. ("**227**") for a Sealing Order respecting certain confidential exhibits;

**AND UPON** having read the Application, the Affidavit of Robert Dumaine, sworn on October 14, 2020 (the "**Dumaine Affidavit**"), and other pleadings and materials filed in these proceedings;

**AND UPON** having heard from counsel for 227, counsel for Bow River Energy Ltd., counsel for the Monitor, and those other counsel present for any other parties;

**IT IS HEREBY ORDERED AND DECLARED THAT:**

## **I. SERVICE**

1. Service of notice of this Application and supporting materials is hereby declared to be good and sufficient. No other Person is required to have been served with notice of this Application and time for service of this Application is abridged to that actually given, and this hearing is properly returnable before this Honourable Court today and further service thereof is hereby dispensed with.

## **II. DEFINITIONS**

2. All capitalized terms not defined herein shall have the respective meanings ascribed to them in the Application by 227, filed on October 9, 2020.

## **III. SEALING ORDER**

3. Confidential Exhibits “1” and “2” to the Dumaine Affidavit (the “**Confidential Exhibits**”) shall be sealed on the Court file, notwithstanding Division 4 of Part 6 of the *Alberta Rules of Court*, AR 124/2010, for a period of one year following the discharge of the Monitor in the within CCAA proceedings, or the discharge of any receiver or receiver-manager that may be appointed in respect of Bow River, whichever is later.
4. The Clerk of the Court shall file the Confidential Exhibit in a sealed envelope attached to a notice that sets out the style of cause of these proceedings and states that:

THIS ENVELOPE CONTAINS CONFIDENTIAL MATERIALS FILED IN COURT FILE NO. 2001-06997. THE CONFIDENTIAL MATERIALS ARE SEALED PURSUANT TO THE SEALING ORDER ISSUED BY THE HONOURABLE MADAM JUSTICE D. L. SHELLEY ON OCTOBER 29, 2020 FOR A PERIOD OF ONE (1) YEAR FOLLOWING THE DISCHARGE OF THE MONITOR OR ANY RECEIVER OR RECEIVER-MANAGER APPOINTED IN RESPECT OF BOW RIVER ENERGY LTD., WHICHEVER IS LATER, AND ARE NOT TO BE PLACED ON THE PUBLIC RECORD OR MADE PUBLICLY ACCESSIBLE.

5. 227 is empowered and authorized, but not directed, to provide Confidential Exhibit “1” (or any portion thereof, or information contained therein) to any interested party, entity or

person that 227 considers reasonable in the circumstances, subject to confidentiality arrangements satisfactory to 227.

6. Bow River is empowered and authorized, but not directed, to provide Confidential Exhibit “2” (or any portion thereof, or information contained therein) to any interested party, entity or person that Bow River considers reasonable in the circumstances, subject to confidentiality arrangements satisfactory to Bow River.

#### **IV. MISCELLANEOUS MATTERS**

7. Service of this Sealing Order shall be deemed good and sufficient by serving same on the persons listed on the Service List (attached as Schedule “A” to the Application) and by posting a copy of this Sealing Order to the Monitor’s Website at: <https://www.bdo.ca/en-ca/extranets/bowriver/>.
8. No other persons are entitled to be served with a copy of this Order.

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Justice of the Court of Queen’s Bench of Alberta