



No. S-120712  
Vancouver Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

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

**AND**

**IN THE MATTER OF THE *CANADA BUSINESS CORPORATIONS ACT*, R.S.C. 1985, c. C-44**

**AND**

**IN THE MATTER OF THE *BUSINESS CORPORATIONS ACT*, S.B.C. 2002, c. 57**

**AND**

**IN THE MATTER OF CATALYST PAPER CORPORATION  
AND THE PETITIONERS LISTED IN SCHEDULE "A"**

**PETITIONERS**

**NOTICE OF APPLICATION**

**Names of applicants:** Ad Hoc 2016 Noteholder Group

**To:** The Service List

TAKE NOTICE that an application will be made by the applicants to the Honourable Justice Sewell at the courthouse at 800 Smithe Street, Vancouver, British Columbia on Wednesday, June 13, 2012 at 9:00 a.m. for the orders set out in Part 1 below.

## **Part 1: ORDERS SOUGHT**

1. An order that Catalyst Paper Corporation ("Catalyst") forthwith disclose and produce in relation to the defined benefit Catalyst Paper Corporation Retirement Plan for Salaried Employees BC Reg No. 85400 (the "Salaried Plan") the following documents:

- any and all correspondence between Catalyst and the Pension Department of the British Columbia Financial Institutions Commission ("FICOM") from January 1, 2009 to date concerning the funding of the Salaried Plan;
- the current plan member booklet and any previous versions of the booklet over the last 10 years;
- the current trust agreement relating to the defined benefit Salaried Plan and any and all correspondence from Catalyst to the Trustee of the Salaried Plan from January 1, 2009 to date;
- audited financial statements of the Salaried Plan from January 1, 2009 to date;
- all Annual Reports provided by Catalyst to members from January 1, 2009 to date;
- actuarial valuations relating to the defined benefit Salaried Plan from January 1, 2007 to date; and,
- any and all ancillary documents relating to the categories of documents set out above.

## **Part 2: FACTUAL BASIS**

1. The application with respect to the Catalyst deemed trust pension issue is scheduled to be argued commencing June 25, 2012.

2. On May 25th, 2012 Mr. Justice Sewell directed a timeline with respect to the exchange of evidence and written arguments. In this regard the Applicants were to file any evidentiary materials by June 1, 2012, and the Respondents were to file evidentiary response materials by June 13, 2012.

3. By agreement, the parties agreed to extend the date by which the Respondents are to file evidentiary materials to Friday June 15, 2012.

4. The Respondents have requested Catalyst to produce certain documents relating to the Salaried Plan that are relevant and may be required for the purposes of the application. It is the

Respondents' understanding that Catalyst has taken the position that due to its dual role of both Salaried Plan sponsor and Salaried Plan administrator it will not provide these documents without either court order or consent of all parties.

5. In addition, Catalyst wishes that all documents disclosed that pertain to the defined benefit Salaried Plan be available to all parties that have an interest in the deemed trust pension application.

6. The documents are highly relevant to the issues to be litigated on June 25, 2012 and are required immediately in order that the parties can prepare and file the necessary evidence. The application scheduled for June 15, 2012 cannot proceed in the absence of a proper evidentiary record.

### **Part 3: LEGAL BASIS**

1. *Supreme Court Civil Rules*, Rule 8-1, 13-1;
2. *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended; and
3. The inherent and equitable jurisdiction of the Court.

### **Part 4: MATERIAL TO BE RELIED ON**

1. Affidavit No. 1 of Deborah Hamann-Trou, sworn June 12, 2012;
2. The pleadings and affidavits filed in the CCAA proceedings; and
3. Such further and other materials as counsel may advise and the Court may permit.

The applicants estimate that the application will take 1 hour.

☐ This matter is within the jurisdiction of a master.

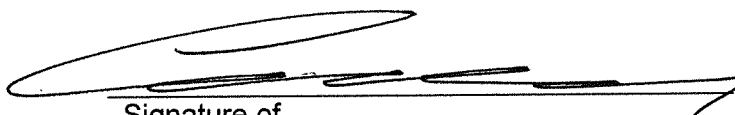
☒ This matter is not within the jurisdiction of a master.

**TO THE PERSONS RECEIVING THIS NOTICE OF APPLICATION:** If you wish to respond to this notice of application, you must, within 5 business days after service of this notice of application or, if this application is brought under Rule 9-7, within 8 business days after service of this notice of application,

(a) file an application response in Form 33,

- (b) file the original of every affidavit, and of every other document, that
- (i) you intend to refer to at the hearing of this application, and
  - (ii) has not already been filed in the proceeding, and
- (c) serve on the applicant 2 copies of the following, and on every other party of record one copy of the following:
- (i) a copy of the filed application response;
  - (ii) a copy of each of the filed affidavits and other documents that you intend to refer to at the hearing of this application and that has not already been served on that person;
  - (iii) if this application is brought under Rule 9-7, any notice that you are required to give under Rule 9-7(9).

Date: June 12, 2012



Signature of  
☐ applicant ☒ lawyer for applicants  
Christopher J. Ramsay / James R. Schmidt

To be completed by the court only:

Order made

☐ in the terms requested in paragraphs ..... of Part 1 of this notice of application

☐ with the following variations and additional terms:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

Signature of ☐ Judge ☐ Master

## APPENDIX

*[The following information is provided for data collection purposes only and is of no legal effect.]*

### **THIS APPLICATION INVOLVES THE FOLLOWING:**

*[Check the box(es) below for the application type(s) included in this application.]*

- ☐ discovery: comply with demand for documents
- ☐ discovery: production of additional documents
- ☐ extend oral discovery
- ☐ other matter concerning oral discovery
- ☐ amend pleadings
- ☐ add/change parties
- ☐ summary judgment
- ☐ summary trial
- ☐ service
- ☐ mediation
- ☐ adjournments
- ☐ proceedings at trial
- ☐ case plan orders: amend
- ☐ case plan orders: other
- ☐ experts