



COURT FILE NUMBER 1301-04364

COURT COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE CALGARY

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

AND IN THE MATTER OF POSEIDON CONCEPTS
CORP., POSEIDON CONCEPTS LTD., POSEIDON
CONCEPTS LIMITED PARTNERSHIP AND
POSEIDON CONCEPTS INC.

COURT FILE NUMBER **APPLICATION**

ADDRESS FOR SERVICE
AND CONTACT
INFORMATION
OF THE PARTY
FILING THIS
DOCUMENT

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Client File No.: 11866.66

NOTICE TO RESPONDENT:

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: Monday, March 16, 2015

Time: 10:00 a.m.

Where: Calgary Courts Centre, 601 - 5 Street SW, Calgary, AB

Before Whom: The Honourable Justice Horner on the Commercial
Appearance List

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. If necessary, an Order abridging the time for service of this Application and supporting materials and declaring service to be good and sufficient.
2. An Order for advice and directions concerning the appropriate procedure or procedures to be followed in adjudicating the claims of KPMG LLP (the "KPMG Claims") filed in response to a Claims Process Order dated May 27, 2014;
3. Such further and other relief, advice and directions as counsel may request and this Honourable Court may deem just and appropriate in the circumstances.

Grounds for making this application:

4. The KPMG Claims are complex, total in excess of \$800,000,000.00 and their resolution requires a process that is more lengthy and rigorous than that contemplated by the Claims Process Order, which is designed for comparatively simple lien and unsecured claims.
5. If the KPMG Claims are arguably "equity claims", or "duplicate claims" and their full resolution may not be required to put forward a Plan of Compromise and Arrangement.
6. The Claims Process Order requires the Monitor to file an application respecting a claim within a certain time period, and this Application is filed to meet those periods but agreed with KPMG to be adjourned *sine die*.
7. Such further and other grounds as counsel may advise and this Honourable Court may permit.

Material or evidence to be relied on:

8. The pleadings and proceedings filed in the within action, including the Initial Order and the Claims Process Order.
9. A Monitor's Report to be filed prior to the hearing of this Application.
10. The inherent jurisdiction of this Honourable Court.

11. Such further and other material as counsel may advise and this Honourable Court may permit.

Applicable rules:

12. None.

Applicable Acts and regulations:

13. The *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended.

Any irregularity complained of or objection relied on:

14. None.

How the application is proposed to be heard or considered:

15. Oral submissions by counsel in an application in commercial Justice Chambers on a date to be agreed upon.

WARNING

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 rely on an affidavit or other evidence when the application is heard or considered, you must reply by giving reasonable notice of the material to the applicant.