Form 32 (Rule 8-1(4))

No. S113459
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 *BUSINESS CORPORATIONS ACT*, S.B.C. 2002, c. 57 and THE *BUSINESS CORPORATIONS ACT*, R.S.A. 2000, c. B-9**

- AND -

**IN THE MATTER OF BUL RIVER MINERAL CORPORATION, BIG BEAR METAL MINING CORPORATION, EARTH'S VITAL EXTRACTORS LIMITED, FORT STEELE MINERAL CORPORATION, FORT STEELE METALS CORPORATION, FUSED HEAT LTD., GALLOWAI METAL MINING CORPORATION, GIANT STEEPLES MINERAL CORPORATION, GRAND MINERAL CORPORATION, INTERNATIONAL FELDSPAR LTD., JAO MINE DEVELOPERS LTD., KUTTENI DIAMONDS LTD., STANFIELD MINING GROUP OF CANADA LTD., SULLIBIN MINERAL CORPORATION, SULLIBIN MULTI METAL CORPORATION, SUPER FELDSPARS CORPORATION, WHITE CAT METAL MINING CORPORATION, ZEUS METAL MINING CORPORATION, ZEUS METALS CORPORATION and ZEUS MINERAL CORPORATION**

PETITIONERS

## NOTICE OF APPLICATION

**Names of applicants: The Petitioners c/o Suite 2300, 550 Burrard Street, Vancouver, British Columbia V6C 2B5, Attention: Jonathan B. Ross**

**WITHOUT NOTICE**

TAKE NOTICE that an application will be made WITHOUT NOTICE by the applicants to the Honourable Madam Justice Fitzpatrick, as arranged through Trial Division, at the courthouse at 800 Smithe Street, Vancouver, British Columbia, V6Z 2E1 on Wednesday October 26, 2011 at 9:45 a.m. for the orders set out in Part 1 below.

**Part 1: ORDER(S) SOUGHT**

1. An order substantially in the form attached as Schedule "A" to this Notice of Application:

   (a) extending to November 15, 2011 the time for delivery of Notices of Disallowance under the Claims Process Order made in this proceeding on August 19, 2011;

   (b) amending the Claims Process Order to reflect the extension; and

   (c) setting the manner of service of the Order.

**Part 2: FACTUAL BASIS**

1. The Petitioners have received approximately 364 Proofs of Claim under the Claims Process set out in the Claims Process Order.

2. This number is far more than was anticipated.

3. Many of the claims raise complex evidentiary and legal issues that were similarly not anticipated.

4. The claims are more than can be properly reviewed and assessed by the Petitioners in the time allotted by the Claims Process Order.

5. The Petitioners have the Monitor's approval in seeking an extension of the time for the delivery of Notices of Disallowance to November 15, 2011.

**Part 3: LEGAL BASIS**

1. *Companies' Creditors Arrangement Act*, R.S.C. 1995, c. C-36, as amended; and

2. Rules 1-3, 4-4, 8-1, 8-2, 8-5, 22-1 and 22-4 of the *Supreme Court Civil Rules*; and

3. The inherent jurisdiction of this Honourable Court.

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

1. Affidavit of C.D. Brousson # 1 sworn October 25, 2011

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 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: October 25, 2011

Signature of lawyer for applicants
Jonathan B. Ross

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

**THIS APPLICATION INVOLVES THE FOLLOWING:**

- ☐ discovery: comply with demand for documents
- ☐ discovery: production of additional documents
- ☐ other matters concerning document discovery
- ☐ 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

Schedule "A"

No. S113459
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IN THE MATTER OF

**BUL RIVER MINERAL CORPORATION, BIG BEAR METAL MINING CORPORATION, EARTH'S VITAL EXTRACTORS LIMITED, FORT STEELE MINERAL CORPORATION, FORT STEELE METALS CORPORATION, FUSED HEAT LTD., GALLOWAI METAL MINING CORPORATION, GIANT STEEPLES MINERAL CORPORATION, GRAND MINERAL CORPORATION, INTERNATIONAL FELDSPAR LTD., JAO MINE DEVELOPERS LTD., KUTTENI DIAMONDS LTD., STANFIELD MINING GROUP OF CANADA LTD., SULLIBIN MINERAL CORPORATION, SULLIBIN MULTI METAL CORPORATION, SUPER FELDSPARS CORPORATION, WHITE CAT METAL MINING CORPORATION, ZEUS METAL MINING CORPORATION, ZEUS METALS CORPORATION and ZEUS MINERAL CORPORATION**

PETITIONERS

**ORDER MADE AFTER APPLICATION**

| | | |
|---|---|---|
| BEFORE THE HONOURABLE | ) | WEDNESDAY, THE 26TH DAY |
| | ) | |
| MADAM JUSTICE FITZPATRICK | ) | OF OCTOBER, 2011 |

THE WITHOUT NOTICE APPLICATION of the Petitioners coming on for hearing at Vancouver, British Columbia, on the 26th day of October, 2011; AND ON HEARING Jonathan B. Ross, counsel for the Petitioners and no other counsel appearing; AND UPON READING the material filed, including the 1st Affidavit of Colin D. Brousson sworn October 25, 2011:

THIS COURT ORDERS AND DECLARES THAT:

1. For purposes of this Order "**Claims Process Order**" means the order pronounced in these proceedings on August 19, 2011. All other capitalized terms, where defined in the Claims Process Order, have the meaning as defined therein;

2. The Claims Process is hereby amended such that the last day for delivery of a Notice of Disallowance by the Petitioners to a Creditor is extended to November 15, 2011;

3. Paragraph 15 of the Claims Process Order is hereby amended by deleting the words "October 31, 2011" and by replacing them with "November 15, 2011";

4. By no later than November 2, 2011 the Petitioners shall serve this Order on every Creditor that delivered to the Petitioners a Proof of Claim prior to the Claims Bar Date and such service shall be deemed valid and complete service of this Order.

_____

Signature of
☐ Party ☑ Lawyer for the Petitioners

_____

Jonathan B. Ross

BY THE COURT

_____

REGISTRAR

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PETITIONERS

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ORDER MADE AFTER APPLICATION

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