

VANCOUVER
JUN 01 2018
COURT OF APPEAL
REGISTRY

Court of Appeal File No.
Supreme Court File No.
Supreme Court Registry

CA 45324
S-174308
Vancouver

COURT OF APPEAL

BETWEEN:

INDUSTRIAL ALLIANCE INSURANCE AND
FINANCIAL SERVICES INC.

Respondent
(Plaintiff)

AND:

WEDGEMOUNT POWER LIMITED PARTNERSHIP,
WEDGEMOUNT POWER (GP) INC. and
WEDGEMOUNT POWER INC.

Respondents
(Defendants)

AND:

BRITISH COLUMBIA HYDRO AND POWER
AUTHORITY

Appellant
(Applicant)

NOTICE OF APPEAL

Take notice that British Columbia Hydro and Power Authority ("**BC Hydro**") hereby appeals to the Court of Appeal for British Columbia from the order of the Honourable Mr. Justice Butler of the Supreme Court of British Columbia pronounced the 4th day of May, 2018, at Vancouver, British Columbia (the "**Order Below**").

1. The appeal is from a:

- | | |
|--|---|
| <input type="checkbox"/> Trial Judgment | <input type="checkbox"/> Summary Trial Judgment |
| <input type="checkbox"/> Order of a Statutory Body | <input checked="" type="checkbox"/> Chambers Judgment |

2. If the appeal is from an appeal under Rule 18-3 or 23-6 (8) of the Supreme Court Civil Rules or Rule 18-3 or 22-7 (8) of the Supreme Court Family Rules, name the maker of the original decision, direction or order: N/A

3. Please identify which of the following is involved in the appeal:

- Constitutional/Administrative Civil Procedure Commercial
- Family - Divorce *Family Relations Act* Corollary Relief in a Divorce Proceeding
- Other Family
- Motor Vehicle Accidents Municipal Law Real Property
- Torts Equity Wills and Estates

(The Divorce Registry will, as applicable, be notified by the Court of Appeal Registry on filing if the appeal involves divorce, corollary relief in divorce proceeding or matters under the *Family Relations Act*)

And further take notice that the Court of Appeal will be moved at the hearing of this appeal for an order that:

1. The appeal be allowed;
2. The Order Below be set aside;
3. The Notice of Application of Deloitte Restructuring Inc., in its capacity as Court-appointed receiver and manager of all of the assets, undertakings and properties of Wedgemount Power Limited Partnership, Wedgemount Power (GP) Inc and Wedgemount Power Inc., filed 3 April 2018 be stayed pursuant to the *Arbitration Act*, R.S.B.C. 1996, c. 55;
4. BC Hydro receive its costs of this appeal.

The hearing of this proceeding occupied 1 day.

Dated at Vancouver, British Columbia, this 1st day of June 2018.



Lisa Hiebert
(BORDEN LADNER GERVAIS LLP)
Solicitor for the Appellant, BC Hydro

To the respondent: Industrial Alliance Insurance and Financial Services Inc.

And to its solicitor: Gowling WLG
Attn: Colin Brousson and Jeffrey Bradshaw

To the respondent: Deloitte Restructuring Inc., in its capacity as the Court-
appointed Receiver of Wedgemount Power Limited
Partnership, Wedgemount Power (GP) Inc. and
Wedgemount Power Inc.

And to its solicitor: McMillan LLP
Attn: Vicki Tickle

This Notice of Appeal is given by Lisa Hiebert, of the firm of Borden Ladner Gervais
LLP, whose address for service is 1200 Waterfront Centre, 200 Burrard Street,
Vancouver, British Columbia, V7X 1T2.

To the respondents:

IF YOU INTEND TO PARTICIPATE in this appeal, YOU MUST GIVE NOTICE of your
intention by filing a form entitled "Notice of Appearance" (Form 2 of the Court of Appeal
Rules) in a Court of Appeal registry and serve the notice of appearance on the
appellant WITHIN 10 DAYS of receiving this Notice of Appeal.

IF YOU FAIL TO FILE A NOTICE OF APPEARANCE

- (a) you are deemed to take no position on the appeal, and
- (b) the parties are not obliged to serve any further documents on you.

The filing registries for the British Columbia Court of Appeal are as follows:

Central Registry:

B.C. Court of Appeal
Suite 400, 800 Hornby Street
Vancouver BC V6Z 2C5

Other Registries:

B.C. Court of Appeal
The Law Courts
P.O. Box 9248 STN PROV GOVT
850 Burdett Ave
Victoria BC V8W 1B4

B.C. Court of Appeal
223 – 455 Columbia Street
Kamloops BC V2C 6K4

Inquiries should be addressed to (604) 660-2468

Fax filings: (604) 660-1951

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BETWEEN:

Industrial Alliance Insurance and
Financial Services Inc.

Respondent
(Plaintiff)

AND:

Wedgemount Power Limited
Partnership and others

Respondent
(Defendants)

AND:

British Columbia Hydro and Power Authority

Appellant
(Application Respondent)

NOTICE OF APPEAL

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File No. 544441.001726