

Clerk's Stamp

COURT FILE NUMBER 1501-00955
COURT COURT OF QUEEN'S BENCH
OF ALBERTA
JUDICIAL CENTRE CALGARY

IN THE MATTER OF THE COMPANIES'
CREDITORS ARRANGEMENT ACT,
R.S.C. 1985, c. C-36, as amended

APPLICANTS LUTHERAN CHURCH – CANADA, THE ALBERTA – BRITISH
COLUMBIA DISTRICT, ENCHARIS COMMUNITY HOUSING
AND SERVICES, ENCHARIS MANAGEMENT AND SUPPORT
SERVICES AND LUTHERAN CHURCH – CANADA, THE
ALBERTA – BRITISH COLUMBIA DISTRICT INVESTMENTS
LTD.

DOCUMENT **APPLICANTS' REPLY BRIEF TO RESPONDENTS
ELVINA KROEGER AND RANDALL KELLEN
ADDITIONAL WRITTEN SUBMISSIONS DATED
JULY 21, 2016**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT Bishop & McKenzie LLP
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Attention: Francis N. J. Taman/Ksena J. Court

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File: 103,007-003

1. Respectfully, the submissions of the counsel for Ms. Kroeger and Mr. Kellen in her second sur-reply brief, dated July 21, 2016, are based upon a basic misapprehension of the Monitor's submissions, the District Plan of Arrangement and Compromise, and the proposed Subcommittee Order.

2. Counsel for Ms. Kroeger and Mr. Kellen correctly states that the definition of Representative Action permits more than one Representative Action. This is the basis for the comments of the Monitor. The hypothetical District Depositor, as posited by Ms. Poyner, who has a unique individual claim and is willing to fund their own action could be permitted by the Subcommittee to act as a Representative Plaintiff in a Representative Action addressing that unique claim.

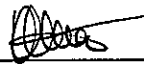
3. Upon being appointed Representative Action Plaintiff, this hypothetical District Depositor would become part of the Subcommittee and would be entitled to instruct Representative Counsel.

4. Further, should any issues arise during this hypothetical District Depositor process or any other process, the advice and direction of the Court is available as set out in the Order.

Proposed Subcommittee Order, para. 15, 36.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

Bishop & McKenzie LLP

Per: 
for Francis N. J. Taman,
Solicitors for the Applicants