



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

AND IN THE MATTER OF A PLAN OF COMPROMISE
OR ARRANGEMENT OF 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: **APPLICATION**

ADDRESS FOR SERVICE
AND CONTACT
INFORMATION OF
PARTY FILING THIS
DOCUMENT: **BENNETT JONES LLP**
Barristers and Solicitors
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Our File: 74414.1

NOTICE TO RESPONDENTS

This application is made against you. You are a respondent.

You have the right to state your side of this matter before the judge.

To do so, you must be in Court when the application is heard as shown below:

Date: October 25, 2017
Time: 2:00 p.m.
Where: Calgary Courts Centre
601 – 5th Street S.W., Calgary, Alberta
Before Whom: Justice B.E.C. Romaine on the Commercial List

Go to the end of this document to see what else you can do and when you must do it.

This Application is being made by the District Creditors' Committee.

REMEDIES CLAIMED OR SOUGHT

1. An Order declaring that service of this Application and supporting materials is hereby declared to be good and sufficient, and no other person is required to have been served with notice of this application, and time for service of this application is abridged to that actually given.
2. An Order to lift of the stay of proceedings ordered in the Initial Order granted herein on January 23, 2015 by the Honourable Mr. Justice K.D. Yamauchi, for the limited purpose of allowing steps to be taken in the following actions:
 - (a) Action No. 1603-03142 in this Honourable Court; and
 - (b) Action No. SI611798 in the Supreme Court of British Columbia.

GROUND FOR MAKING THIS APPLICATION

3. On January 23, 2015, this Honourable Court granted an Initial Order under the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended (the "**CCAA**") with respect to, among other parties, the Lutheran Church – Canada, the Alberta – British Columbia District (the "**District**"), including a stay of proceedings (the "**Stay**") against the District and other parties.
4. On August 2, 2016, this Honourable Court granted an Order sanctioning the Fifth Amended Plan of Compromise and Arrangement of the District, filed June 10, 2016 (the "**Plan**").
5. The Plan provides for the appointment of a District Subcommittee (the "**Subcommittee**") and the prosecution by the Subcommittee of an action or actions as against the District and other parties, for the benefit of some or all depositors of the District (the "**Representative Actions**").

6. The Subcommittee was formed in late 2016 and, in late December 2016, through counsel, the Subcommittee advanced the Representative Actions by:
 - (a) filing an amended Statement of Claim in Action No. 1603-03142 in this Honourable Court under the *Class Proceedings Act* (Alberta) (on December 23, 2016) (the "**Alberta Class Action**"); and
 - (b) filing a Notice of Civil Claim in Action No. SI611798 in the Supreme Court of British Columbia, a proceeding under the *Class Proceeding Act* (B.C.) (on December 21, 2016) (the "**BC Class Action**").
7. The Defendants who were added to the Alberta Class Action by amendment on December 23, 2016 have not been served with the Amended Statement of Claim therein. The Defendants in the BC Class Action have not been served with the Notice of Civil Claim therein.
8. In Spring 2017, certain members of the Subcommittee and counsel to the Subcommittee resigned. The Subcommittee has recently been reconstituted and is in the process of re-appointing counsel.
9. If the Defendants in the Representative Actions who have not yet been served, are not served by December 21 and December 23, 2017 respectively, the Representative Actions against them may expire.
10. It is just and appropriate that the Stay be lifted at this time, for the limited purpose of allowing the Representative Actions to proceed.

MATERIAL OR EVIDENCE TO BE RELIED ON

11. The pleadings and proceedings had and taken in this Action, including the 32nd Report of Deloitte Restructuring Inc., the Court-appointed Monitor of the Applicants (the "**Monitor**"), to be filed, and the previous filed reports of the Monitor.

12. Such further or other material or evidence as counsel may advise and this Honourable Court may permit.

APPLICABLE RULES

13. Such rules as counsel may advise and this Honourable Court may permit.

Applicable Acts and Regulations:

14. *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended; and
15. Such further and other Acts and Regulations as counsel may advise and this Honourable Court may permit.

Any irregularity complained of or objection relied on:

16. None.

How the application is proposed to be heard or considered:

17. In person before the presiding Justice in Commercial List Chambers.

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.