



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.

APPLICANT **The DIL Creditors' Committee**

DOCUMENT **APPLICATION**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT
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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 Justice.

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

DATE	<u>October 25, 2017</u>
TIME	<u>3:00 p.m. – Commercial List</u>
WHERE	<u>Court House, Calgary, Alberta</u>
BEFORE WHOM	<u>Madam Justice B. E. C. Romaine</u>

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

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 22507 in this Honourable Court; and
 - (b) Action No. S1611746 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.
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 Representative Action Subcommittee (the "DIL Subcommittee") and the prosecution by the DIL Subcommittee of an action or actions as against the District and other parties, for the benefit of some or all depositors of The DIL Creditors' Committee (the "Representative Actions").
6. The DIL Subcommittee was formed in late 2016 and, in late December 2016, through counsel, the DIL Subcommittee advanced the Representative Actions by:
 - (a) filing an amended Statement of Claim in Action No. 1603 22507 in this Honourable Court under the *Class Proceedings Act* (Alberta) (on December 20, 2016) (the "Alberta Class Action"); and

- (b) filing a Notice of Civil Claim in Action No. S1611746 in the Supreme Court of British Columbia, a proceeding under the *Class Proceeding Act* (B.C.) (on December 20, 2016) (the "**BC Class Action**").
7. An Application has been advanced by the representative actions subcommittee for the District investors (the "**District Subcommittee**") for the purpose of lifting the stay to allow the District Committee's Actions to proceed. It has always been contemplated that District and The DIL Creditors' Committee would proceed at the same time.
8. It is just and appropriate that the Stay be lifted at this time, for the limited purpose of allowing all Representative Actions to proceed.

MATERIAL OR EVIDENCE TO BE RELIED ON

9. 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.
10. Such further or other material or evidence as counsel may advise and this Honourable Court may permit.

APPLICABLE RULES

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

Applicable Acts and Regulations:

12. *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended; and
13. 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:

14. None.

How the application is proposed to be heard or considered:

15. 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.