

COURT OF APPEAL OF ALBERTA

Form AP-1

[Rules 14.8 and 14.12]



COURT OF APPEAL FILE NUMBER: 1901- **Q255AC**

TRIAL COURT FILE NUMBER: 1801-10960

REGISTRY OFFICE: CALGARY

PLAINTIFF/RESPONDENT: PRICEWATERHOUSECOOPERS INC., LIT,
in its capacity as the TRUSTEE IN
BANKRUPTCY OF SEQUOIA RESOURCES
CORP. and not in its personal capacity

STATUS ON APPEAL: APPELLANT

DEFENDANTS/APPLICANTS: PERPETUAL ENERGY INC., PERPETUAL
OPERATING TRUST, PERPETUAL
OPERATING CORP. and SUSAN RIDDELL
ROSE

STATUS ON APPEAL: RESPONDENTS

DOCUMENT: **CIVIL NOTICE OF APPEAL**

APPELLANT'S ADDRESS FOR SERVICE
AND CONTACT INFORMATION: DE WAAL LAW
1010, 505 – 3RD Street SW
Calgary, AB T2P 3E6
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Attention: Rinus de Waal/Luke Rasmussen
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File: 283.001

WARNING

To the Respondent: If you do not respond to this appeal as provided for in the Alberta Rules of Court, the appeal will be decided in your absence and without your input.

1. Particulars of Judgment, Order or Decision Appealed From:

Date pronounced: Oral reasons pronounced August 15, 2019, with written reasons to follow.

Date entered: N/A

Date served: N/A

Official neutral citation of reasons for decision, if any:
(do not attach copy) N/A

(Attach a copy of order or judgment: Rule 14.12(3). If a copy is not attached, indicate under item 14 and file a copy as soon as possible: Rule 14.18(2).)

2. Indicate where the matter originated:

Court of Queen's Bench

Judicial Centre: Calgary

Justice: Mr. Justice D.B. Nixon

On appeal from a Queen's Bench Master or Provincial Court Judge?:

Yes No

Official neutral citation of reasons for decision, if any, of the Master or Provincial Court Judge:
(do not attach copy) N/A

(If originating from an order of a Queen's Bench Master or Provincial Court Judge, a copy of that order is also required: Rule 14.18(1)(c).)

Board, Tribunal or Professional Discipline Body

Specify Body:

3. Details of Permission to Appeal, if required (Rules 14.5 and 14.12(3)(a)).

Permission not required, or Granted:

Date:

Justice:

(Attach a copy of order, but not reasons for decision.)

4. Portion being appealed (Rule 14.12(2)(c)):

Whole, or

Only specific parts (if specific part, indicate which part):

(Where parts only of a family law order are appealed, describe the issues being appealed, e.g. property, child support, parenting, etc.)

5. Provide a brief description of the issues:

The learned Chambers Judge provided brief oral reasons with detailed written reasons to follow. From the oral reasons it appears that the learned Chambers Judge made errors of law and fact, *inter alia* in striking and dismissing certain claims brought by the Appellant against the Respondents.

6. Provide a brief description of the relief claimed:

The Appellant seeks an Order:

- i. setting aside the August 15, 2019 Order, except for the dismissal of the Respondents' applications to summarily dismiss the Appellant's claims against them pursuant to s. 96 of the *Bankruptcy and Insolvency Act*; and
- ii. dismissing the Respondents' applications to strike and/or dismiss the Appellant's claims against them.

7. Is this appeal required to be dealt with as a fast track appeal? (Rule 14.14)

Yes No

8. Does this appeal involve the custody, access, parenting or support of a child? (Rule 14.14(2)(b))

Yes No

9. Will an application be made to expedite this appeal?

Yes No

10. Is Judicial Dispute Resolution with a view to settlement or crystallization of issues appropriate? (Rule 14.60)

Yes No

11. Could this matter be decided without oral argument? (Rule 14.32(2))

Yes No

12. Are there any restricted access orders or statutory provisions that affect the privacy of this file? (Rules 6.29, 14.12(2)(e),14.83)

Yes No

If yes, provide details:
(Attach a copy of any order.)

13. List respondent(s) or counsel for the respondent(s), with contact information:

Counsel for the Respondents Perpetual Energy Inc, Perpetual Operating Trust and Perpetual Operating Corp.:

Burnet, Duckworth & Palmer LLP
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D.J. McDonald, Q.C.
Paul G. Chiswell

Counsel for the Respondent Susan Riddell Rose:

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Steven H. Leidl
Aditya Badami

If specified constitutional issues are raised, service on the Attorney General is required under s. 24 of the Judicature Act: Rule 14.18(1)(c)(viii).

14. Attachments (check as applicable)

N/A Order or judgment under appeal if available (not reasons for decision) (Rule 14.12(3))

N/A Earlier order of Master, etc. (Rule 14.18(1)(c))

N/A Order granting permission to appeal (Rule 14.12(3)(a))

N/A Copy of any restricted access order (Rule 14.12(2)(e))

If any document is not available, it should be appended to the factum, or included elsewhere in the appeal record.