

COURT OF APPEAL OF ALBERTA

Form AP-1
[Rules 14.8 and 14.12]

COURT OF APPEAL FILE NUMBER:

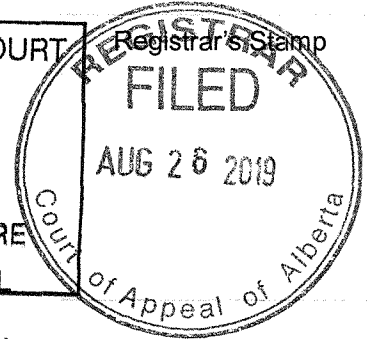
1901- 0262AC

CLERK OF THE COURT

FILED

AUG 26 2019

JUDICIAL CENTRE
OF CALGARY



TRIAL COURT FILE NUMBER:

1801-10960

REGISTRY OFFICE:

CALGARY

DEFENDANTS:

PERPETUAL ENERGY INC. PERPETUAL OPERATING TRUST, PERPETUAL OPERATING CORP. and SUSAN RIDDELL ROSE

STATUS ON APPEAL:

APPELLANTS

PLAINTIFF:

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

STATUS ON APPEAL:

RESPONDENT

DOCUMENT:

CIVIL NOTICE OF APPEAL

APPELLANTS' ADDRESS FOR SERVICE AND CONTACT INFORMATION:

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Counsel for Susan Riddell Rose

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: August 15, 2019

Date entered: Not yet entered

Date served: Not yet served

Official neutral citation of reasons for decision, if any: 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: 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)

(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:

- *Bankruptcy and Insolvency Act*, RSC 1985, c. B-3, ss. 193(a), (b), and (c).
- In the alternative, the Defendants apply for leave to appeal under the *Bankruptcy and Insolvency Act*, RSC 1985, c. B-3, ss. 193(e) and the *Bankruptcy and Insolvency General Rules*, CRC c. 368, Rule 31(2).

(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):

- The part of the decision dismissing the application to summarily dismiss the claim under s. 96 of the *Bankruptcy and Insolvency Act*.

5. Provide a brief description of the issues:

- (a) Whether the Chambers Justice erred in dismissing an application to summarily dismiss a claim under s. 96 of the *Bankruptcy and Insolvency Act*.

6. Provide a brief description of the relief claimed:

- (a) An Order granting the Appeal;
- (b) An Order dismissing the entire Statement of Claim; and
- (c) Costs.

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

Yes No

Rule 14.14(2)e: a decision denying summary judgment

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:

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Attention: Rinus de Waal/Luke Rasmussen
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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)

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

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

Order granting permission to appeal (Rule 14.12(3)(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.

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