

**IN THE COURT OF QUEEN'S BENCH OF ALBERTA  
JUDICIAL DISTRICT OF EDMONTON**

**IN THE MATTER OF THE  
BANKRUPTCY AND INSOLVENCY ACT,  
R.S.C. 1985, c. B-3, AS AMENDED**

**IN THE MATTER OF THE  
COMPANIES' CREDITORS ARRANGEMENT ACT,  
R.S.C. 1985, c. C-36, AS AMENDED  
(the "CCAA")**

*I hereby certify this to be a true copy of the original.*  
*[Signature]*  
Clerk of the Court

**AND IN THE MATTER OF A PLAN OF COMPROMISE OR  
ARRANGEMENT OF COW HARBOUR CONSTRUCTION LTD.  
(the "Company")**

BEFORE THE HONOURABLE )  
JUSTICE K.D. YAMAUCHI ) ON THURSDAY THE 5TH DAY  
IN CHAMBERS, LAW COURTS )  
EDMONTON, ALBERTA ) OF AUGUST, 2010.

**ORDER**


**UPON THE APPLICATION** of Cow Harbour Construction Ltd. (the "Applicant") to extend the CCAA Stay of Proceedings; **AND UPON** having read the Affidavits and other evidence filed herein, including certain sealed materials, and various Reports of the Monitor, Deloitte & Touche Inc. (the "Monitor") and the Reports of PricewaterhouseCoopers Inc. in its capacity as Court Appointed Facilitator (the "Facilitator"); **AND UPON** hearing counsel for the Applicant, counsel for the Facilitator, counsel for the Monitor, and counsel for various creditors including the Royal Bank of Canada, counsel for the Advisor, Patrick Ross and counsel for a proposed purchaser of the assets of the Applicant described in these proceedings as "Bidder A"; **AND UPON** reviewing the Initial Order of this Court dated April 7, 2010 as amended July 6, 2010 (the "Amended Initial Order"); **IT IS HEREBY ORDERED AND DECLARED THAT:**

1. The Amended Letter of Intent of Bidder A (the "Bidder A LOI") shall be provided to the Court in a sealed Confidential Facilitator's Report.
2. The said Confidential Facilitator's Report shall be made available to those counsel on the Service List who request the same and who (1) provide an undertaking to counsel for the Facilitator to keep the Report confidential and use the same solely for discussions with their client, and (2) confirm a similar commitment of confidentiality with their client, which covenant of confidentiality shall remain in effect until further Order of this Court.
3. The powers of the Facilitator as set out in the Amended Initial Order are extended to include the direction and authority to execute and accept the Bidder A LOI on behalf of the Applicant and the Facilitator is further authorized and directed to continue to negotiate definitive documents and apply for such confirmation, sale and vesting Orders as are necessary to give effect to the Bidder A LOI.
4. This Order is without prejudice to and is not determinative of:
  - (a) any creditor (including employees or their respective bargaining Union) rights or ability to oppose any final sale approval or vesting Order;
  - (b) any Order or direction for the allocation of any charges created under the Amended Initial Order;
  - (c) any outstanding equipment lessor determination of issues; or
  - (d) any determination of any priority issues.
5. This Honourable Court shall reconvene at the Edmonton Law Courts at 9:30 a.m. on Wednesday, August 25, 2010 and on such further or other dates as may be scheduled by the Court on notice to the service list.
6. The application of the International Union of Operating Engineers Local 955 filed in this Action and the application to appoint a Receiver in Action Number 1003-11241 are each also adjourned to be returned before this Court at 9:30 a.m. on Wednesday, August 25,

Entered this 24 day

of August A.D. 2010

  
Clerk of the Court

  
J.C.Q.B.A.



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**ORDER**

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