



COURT FILE NUMBER 1801-10960
COURT COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE CALGARY

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

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

DOCUMENT **APPLICATION TO RESOLVE PARTICULAR QUESTIONS AND TO STAY THE PLAINTIFF'S APPLICATION**

PARTIES FILING THIS DOCUMENT SUSAN RIDDELL ROSE (**ROSE**)

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File No.: 1001040549

NOTICE TO PLAINTIFF:

This application is made against you. You are the 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 August 30, 2018
TIME 4:00 pm – Commercial List
WHERE Calgary Courts Centre
BEFORE WHOM The Honourable Justice P.R. Jeffrey

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

Remedy claimed or sought:

1. Rose seeks orders:

(a) that her Application for Summary Dismissal be heard before the Plaintiff's Application filed on August 2, 2018 (the **Plaintiff's Application**) pursuant to Rule 7.1(a);

(b) permanently or temporarily staying the Plaintiff's Application pursuant to Rule 7.1(c);

(c) directing the Plaintiff to pay to Rose her costs of this application and this action on a full indemnity basis or on such scale as this Honourable Court determines to be just; and

(d) granting such other relief that this Honourable Court determines to be just.

Grounds for making this application:

2. Rose repeats and relies upon the grounds set out in the Perpetual Defendants' Application to Resolve Particular Questions and to Stay the Plaintiff's Application.

3. In addition, the pleadings and proceedings establish good grounds to conclude that the Plaintiff's claim against Rose personally is a vexatious litigation tactic that is abusive of the process of this Honourable Court and injurious to Rose. Rose deserves the opportunity to demonstrate that the claim against her should be dismissed at an early stage.

Material or evidence to be relied on:

4. Pleadings and proceedings herein.

5. Such other materials as counsel advises and this Honourable Court admits.

Applicable Rules:

6. Rules 1.4 and 7.1 of the *Alberta Rules of Court*, Alta. Reg. 124/2010.

Applicable Acts and Regulations:

7. The *Bankruptcy and Insolvency Act* (Canada), s. 96.
8. The *Business Corporations Act* (Alberta), ss. 239(b)(iv), 242.

How the application is proposed to be heard or considered:

9. Orally.

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(s).