

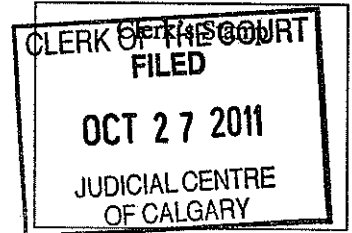
COURT FILE NUMBER      **1101-02781**

COURT                      COURT OF QUEEN'S BENCH OF  
ALBERTA

JUDICIAL CENTRE         Calgary

APPLICANT                IN THE MATTER OF THE *COMPANIES'*  
*CREDITORS ARRANGEMENT ACT, R.S.C.*  
1985, c. C-36

                                  AND IN THE MATTER OF FORTRESS  
ENERGY INC.



DOCUMENT                **APPLICATION**

**(Discharge of Initial Order)**

ADDRESS FOR SERVICE AND  
CONTACT INFORMATION OF  
PARTY FILING THIS  
DOCUMENT                Josef G.A. Kruger, Q.C.  
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File No. 556409-000002



**NOTICE TO RESPONDENT(S)**

This application by Fortress Energy Inc. (the "Applicant") is made against you. You are a 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	October 28, 2011
Time	10:00 o'clock a.m.
Where	Calgary Courts Centre, 601 – 5 <sup>th</sup> Street S.W., Calgary, Alberta
Before Whom	Justice J. Strekaf

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. Declaring that the time for service of this application is abridged, that this application is properly returnable on October 28, 2011, and that service thereof on the service list is sufficient;
2. an Order terminating the protection afforded to the Applicant by the Initial Order granted in these proceedings on March 2, 2011 (the "Initial Order");

**Grounds for making this application:**

3. the Notices of Reassessment issued by Canada Revenue Agency ("CRA") which forced the Applicant to apply for the Initial Order, are in the process of being vacated by CRA;

**Material or evidence to be relied on:**

4. the pleadings in this action;
5. the Affidavit of J. Cameron Bailey, sworn October 27, 2011;
6. the Monitor's Sixth Report to be filed in these proceedings; and
7. such further and other material or evidence as counsel may advise and this Honourable Court permit;

**Applicable Acts and regulations:**

8. the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36; and
9. the *Alberta Rules of Court*, Alta. Reg. 124/2010.

**How the application is proposed to be heard or considered:**

10. In person, on Affidavit evidence, before the Honourable Justice J. Streckfuss at the Calgary Courts Center, 601 – 5 Street S.W., Calgary, AB, on October 28, 2011 at 10:00 am or soon thereafter as counsel may be heard.

**AFFIDAVIT EVIDENCE REQUIRED IF YOU WISH TO OBJECT.**

**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.

DATED at Calgary, Alberta, on October 27, 2011.

**BORDEN LADNER GERVAIS LLP**

PER: \_\_\_\_\_  
**JOSEF G.A. KRÜGER, Q.C.**  
Counsel for Fortress Energy Inc.



To: The Clerk of the Court

And To: The Service List

COURT FILE NUMBER 1101-02781

COURT COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE CALGARY

APPLICANT **IN THE MATTER OF THE COMPANIES' CREDITORS  
ARRANGEMENT ACT, R.S.C. 1985, c. C-36**

**AND IN THE MATTER OF FORTRESS ENERGY INC.**

DOCUMENT **SERVICE LIST**

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