This is the 2nd Affidavit
of Kibben Jackson in this case
and was made on November 19, 2026

No. S-267204
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

BANK OF MONTREAL

PETITIONER

AND:

1608083 B.C. Ltd.

RESPONDENTS

AFFIDAVIT

I, Kibben Jackson, lawyer, of 2900 – 550 Burrrard Street, Vancouver, British Columbia, SOLEMNLY AFFIRM THAT:

1. I am a lawyer at Fasken Martineau DuMoulin LLP ("**Fasken**"), counsel for AlixPartners Restructuring, Inc. ("**AlixPartners**"), in its capacity as the court-appointed receiver and manager (the "**Receiver**") of 1608083 B.C. Ltd. ("**ResidualCo**"), and formerly Canstar Restorations Limited Partnership ("**Canstar LP**"), Canstar Restorations GP Inc. and L.U.N.A Restorations Inc (and collectively "**Canstar**"). As such, I have personal knowledge of the facts hereinafter deposed to except where such facts are stated to be on information and belief, and in such cases I verily believe them to be true.

2. I swear this Affidavit in response to the allegations made by MBW Canada Holding Inc. ("**MBW**") concerning an alleged conflict involving Fasken and MBW's request that Fasken be removed or restricted from continuing to act as counsel to the Receiver. I do not intend by swearing this Affidavit to waive any solicitor-client privilege or other privilege held by the Receiver, and I have not disclosed the substance of any privileged

communication. This Affidavit is sworn only to respond to MBW's allegations of conflict, and any disclosure in it is limited to that purpose.

Fasken's Retainer by the Receiver

3. Fasken was retained by AlixPartners Advisory, Inc., in connection with its advisory mandate concerning Canstar, and continues to act as legal counsel to AlixPartners Restructuring, Inc., in relation to its mandate as the court-appointed Receiver of Canstar. I understand that AlixPartners Advisory, Inc. carries out AlixPartners' advisory mandates, while AlixPartners Restructuring, Inc., the Receiver, carries out AlixPartners' court-appointments.

4. I have been one of the principal Fasken lawyers responsible for that retainer.

5. Fasken does not act for Canstar or ResidualCo in relation to the underlying litigation between Canstar LP and MBW (the "**MBW Litigation**"), including in Supreme Court of British Columbia Action No. S-218371 or MBW's appeal in Court of Appeal File No. CA51446 (the "**First Appeal**").

6. DLA Piper (Canada) LLP ("**DLA Piper**") has at all times acted for Canstar, and now the Receiver, in relation to the MBW Litigation and the First Appeal.

7. Neither I nor, to my knowledge, any other of the lawyers at Fasken acting for the Receiver (collectively, the "**Fasken Receivership Team**") has provided any substantive advice to Canstar or the Receiver concerning the MBW Litigation, including the merits of Canstar's claims, MBW's counterclaim, the parties' defences to each other's claims and the First Appeal.

8. Fasken's involvement in matters concerning MBW has been limited to acting in its capacity as counsel to the Receiver in relation to: (a) MBW's appearance and position at the hearing of the Receiver's application for approval of the transaction and granting of the reverse vesting order; (b) MBW's subsequent appeal of the reverse vesting order; (c) MBW's opposition to the Receiver's proposed distributions; and (d) MBW's request for relief against the Receiver and Fasken.

Proposed Retainer of Fasken by MBW

9. On September 30, 2026, Mr. Struan Robertson of DLA Piper, counsel to Canstar on the MBW Litigation, forwarded to me and Jessica Cameron of Fasken an email from Mark Pontin, a partner in Fasken's litigation group, to Mr. Robertson advising that he had been retained to represent MBW in the First Appeal. This was the first I heard of any prospective retainer of Fasken by MBW.

10. After becoming aware of the proposed retainer, I immediately contacted Mr. Pontin and explained that Fasken was acting as counsel to the Receiver in these proceedings and that the proposed representation of MBW would create a conflict. Mr. Pontin agreed that Fasken could not continue with the proposed MBW retainer while acting as counsel to the Receiver. Mr. Pontin further advised that he would contact Edmond Luke, a partner in Fasken's business law group and co-leader of the firm's Asia-Pacific Group, through whom he had been put in touch with MBW, to confirm that Fasken would not be acting.

11. To my knowledge, the only lawyers involved in the proposed MBW retainer were Mr. Luke and Mr. Pontin. Neither Mr. Pontin nor Mr. Luke have ever been members of the Fasken Receivership Team.

12. I was not involved in opening the proposed MBW matter, entering into the engagement letter, or providing any advice to MBW.

13. I did not discuss the merits of MBW's appeal, counterclaim, set-off position or underlying litigation with Mr. Pontin, Mr. Luke or either of their assistants.

14. I understand that Fasken's proposed retainer with MBW was terminated later that same day, being September 30, 2026.

Ethical Wall

15. On September 30, 2026, immediately after learning of the proposed MBW retainer, I instructed Jordan Beaulieu, a legal assistant with Fasken, to arrange for an ethical wall to be implemented to separate Mark Pontin, Edmond Luke and their respective assistants from the Fasken Receivership Team. To be clear, neither Mark Pontin nor Edmond Luke have

ever acted for the Receiver in relation to the Canstar mandate. The ethical wall was implemented on October 1, 2026 in accordance with my instructions.

16. The ethical wall prevents individuals subject to it from accessing the Fasken files relating to the Fasken Receivership Team's mandate and prohibits communications between those individuals and the Fasken Receivership Team concerning the Canstar mandate and the MBW Litigation.

No Transfer or Use of MBW Information

17. I have not received any confidential information belonging to MBW from Mark Pontin, Edmond Luke, their assistants, or any other person at Fasken.

18. I have not asked Mark Pontin, Edmond Luke or their assistants to disclose any information received from MBW.

19. To my knowledge, no member of the Fasken Receivership Team has received confidential information belonging to MBW from any person at Fasken involved in the proposed MBW retainer.

20. To my knowledge, the Fasken Receivership Team has not reviewed the file created in connection with the proposed MBW retainer (if there is one). The ethical screen in place prevents members of the Fasken Receivership Team from accessing any files created in connection with the proposed MBW retainer.

21. The Fasken Receivership Team has not relied on any information obtained through the proposed MBW retainer in advising the Receiver, preparing court materials or responding to MBW.

22. The information concerning MBW that Fasken has been provided and considered in acting for the Receiver has come only from: (a) the public court record; (b) materials served or circulated by MBW or its counsel in these proceedings or related proceedings; (c) communications sent by MBW or its counsel to the Receiver, Fasken, the service list or the Court; (d) the Receiver's own records; and (e) information received independently by Fasken in its capacity as counsel to the Receiver.

Disclosure of the Issue

23. MBW raised the alleged conflict before the hearing of the Receiver's application for approval of the transaction and granting of the reverse vesting order.

24. At the hearing, I advised the Court of the relevant circumstances surrounding the proposed MBW retainer and the steps taken after the issue was identified.

25. MBW was represented by counsel at that hearing. MBW did not ultimately pursue its requested adjournment or application to have Fasken disqualified from acting as the Receiver's counsel.

Continuing Retainer

26. Fasken continues to act for the Receiver in these proceedings. Removing Fasken as counsel to the Receiver would require the Receiver to retain new counsel to become familiar with: (a) the circumstances preceding the receivership; (b) the transaction and sale process; (c) the reverse vesting order and related court materials; (d) the implementation and closing of the transaction; (e) the Receiver's post-closing administration; (f) the claims and priorities affecting the estate; and (g) the proposed distributions and remaining contingencies. I can say without hesitation that significant legal costs would be incurred by the Receiver if it were required to obtain new counsel.

27. The Receiver's proposed distribution application does not seek to adjudicate the merits of MBW's counterclaim or its appeal in Court of Appeal File No. CA51446.

28. Fasken's continuing role as counsel to the Receiver does not require Fasken to advise on the merits of the matter for which MBW sought to retain Mark Pontin and Edmond Luke.

29. I swear this affidavit in response to MBW's request that Fasken be removed or restricted from acting as counsel to the Receiver, and for no improper purpose.

AFFIRMED BEFORE ME at Vancouver, British Columbia on November 19, 2026)

A Commissioner for taking Affidavits for British Columbia)

LISA HIEBERT
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KIBBEN JACKSON

No. S-267204
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IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

BANK OF MONTREAL

PETITIONER

AND:

CANSTAR RESTORATIONS LIMITED PARTNERSHIP, by its general partner CANSTAR RESTORATIONS GP INC., CANSTAR RESTORATIONS GP INC., and L.U.N.A RESTORATIONS INC.

RESPONDENTS

AFFIDAVIT

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