Court File No.: BK-26-03382861-0032
Estate No.: 32-3382861

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

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

IN THE MATTER OF THE NOTICES OF INTENTION TO MAKE A PROPOSAL OF FIELD AVIATION COMPANY INC. AND FIELD AVIATION EAST LTD.

MOTION RECORD

(Returnable October 2, 2026)

September 25, 2026

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Lawyers for Field Aviation Company Inc. and Field Aviation East Ltd.

TO: THE SERVICE LIST

Court File No.: BK-26-03382861-0032
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ONTARIO
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2	Affidavit of Brian M. Love sworn September 25, 2026
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TAB 1

Court File No.: BK-26-03382861-0032
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ONTARIO
SUPERIOR COURT OF JUSTICE
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IN THE MATTER OF THE *BANKRUPTCY AND INSOLVENCY ACT*, R.S.C. 1985, c. B-3, AS AMENDED

IN THE MATTER OF THE NOTICES OF INTENTION TO MAKE A PROPOSAL OF FIELD AVIATION COMPANY INC. AND FIELD AVIATION EAST LTD.

NOTICE OF MOTION
(Stay Extension and Proposal Trustee approvals)
(Returnable October 2, 2026)

Field Aviation Company Inc. ("**Field Canada**") and Field Aviation East Ltd. ("**Field East**", and together with Field Canada, the "**Field Entities**") will make a motion to the Honourable Justice Cavanagh presiding over the Ontario Superior Court of Justice, Toronto (Commercial List) on October 2, 2026, at 11:00 a.m. at the courthouse located at 330 University Avenue, Toronto.

PROPOSED METHOD OF HEARING: The motion is to be heard via judicial videoconference accessible at a link to be provided by the Court.

THIS MOTION IS FOR:

1. An order substantially in the form included at Tab 3 of the Field Entities' Motion Record dated September 25, 2026 (the "**Motion Record**"):

   (a) Extending the time for the Field Entities to file a proposal with the Official Receiver pursuant to section 50.4(9) of the *Bankruptcy and Insolvency Act* (Canada) (the

"**BIA**") and the attendant stay of proceedings in favour of the Field Entities for 45 days, up to and including November 17, 2026 (the "**Stay Extension**");

(b) Approving the Third Report of AlixPartners Restructuring, Inc. in its capacity as proposal trustee (in such capacity, the "**Proposal Trustee**") to be filed (the "**Third Report**"), the activities and fees of the Proposal Trustee and its counsel, Bennett Jones LLP and the Fee Accrual (defined below), each as described in the Third Report; and

(c) If necessary, abridging the time for service of the Motion Record and validating service thereof.

THE GROUNDS FOR THE MOTION ARE:

1. Field Canada is an aerospace engineering and modification company that designs, integrates and certifies aircraft special missions systems and structural modifications for government and commercial operators (the "**Business**"). Field East is a non-operating wholly owned subsidiary of Field Canada;

2. The Business is highly regulated under federal aviation laws;

3. On June 5, 2026, the Field Entities filed notices of intention to make a proposal pursuant to section 50.4(9) of the BIA (the "**NOI Proceedings**"). The stay of proceedings currently expires on October 3, 2026;

4. The Field Entities have substantially completed their restructuring efforts under the NOI Proceedings, save and except for the completion of modification work on an aircraft (the "**Draken Program**") owned by FR Aviation Limited ("**Draken**");

5. The aircraft will be exported out of Canada upon completion of the Draken Program;

6. Under an agreement previously approved by this Court, the Draken Program was scheduled for completion on July 17, 2026, with such deadline being extended twice by the parties thereafter to September 30, 2026, with the consent of the Proposal Trustee and the retained unionized and non-unionized employees;

7. The Draken Program will not be ready for export by September 30, 2026, and, under applicable aviation and export laws, Field Canada must subsist as an operating entity until the aircraft is exported from Canada;

8. The Stay Extension is therefore necessary, and is expected to be sufficient, to permit the completion of the Draken Program and safe export of the aircraft from Canada;

9. The Field Entities have acted, and continue to act, in good faith and with due diligence, and the Stay Extension is appropriate in the circumstances;

10. The Proposal Trustee has been integral to the restructuring efforts of the Field Entities;

11. The Proposal Trustee will file its Third Report ahead of the hearing, which will describe the activities of the Proposal Trustee having occurred since the Second Report (previously approved by the Court), each such activity being appropriate and falling within the Proposal Trustee's mandate;

12. The fees and disbursements of the Proposal Trustee and its counsel, Bennett Jones LLP, as will be set out in the Third Report, are fair and reasonable having regard to the nature and complexity of these proceedings, are consistent with those charged by comparable licensed

insolvency trustees and law firms in the Toronto restructuring and insolvency market, and will be particularized in fee affidavits appended to the Third Report; and

13. The expected fees and disbursements of the Proposal Trustee through to the conclusion of the NOI Proceedings (the "**Fee Accrual**") are likewise fair and reasonable, and will also be set out in the Third Report.

Other Grounds

14. Rules 1.04, 1.05, 2.01, 2.03, 3.02, and 37 of the Ontario *Rules of Civil Procedure*;

15. Section 50.4 of the BIA;

16. Section 106 of the *Courts of Justice Act* (Ontario);

17. The inherent and equitable jurisdiction of this Honourable Court; and

18. Such further and other grounds as counsel may advise and this Honourable Court may permit.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

(a) the Affidavit of Brian M. Love sworn September 25, 2026;

(b) the Third Report of the Proposal Trustee, to be filed; and

(c) such further and other evidence as counsel may advise and this Honourable Court may permit.

September 25, 2026

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Lawyers for Field Aviation Company Inc. and Field Aviation East Ltd.

TO: THE SERVICE LIST

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IN THE MATTER OF THE NOTICES OF INTENTION TO MAKE A PROPOSAL OF FIELD AVIATION COMPANY INC. AND FIELD AVIATION EAST LTD.

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(as at August 4, 2026)

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

IN THE MATTER OF THE NOTICES OF INTENTION TO MAKE A PROPOSAL OF FIELD AVIATION COMPANY INC. AND FIELD AVIATION EAST LTD.

Court File No.: BK-26-03382861-0032
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ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

Proceeding commenced at Toronto

NOTICE OF MOTION

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TAB 2

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

IN THE MATTER OF THE NOTICES OF INTENTION TO MAKE A PROPOSAL OF FIELD AVIATION COMPANY INC. AND FIELD AVIATION EAST LTD.

AFFIDAVIT OF BRIAN M. LOVE
Sworn September 25, 2026

I, **BRIAN M. LOVE,** of the City of Toronto, in the Province of Ontario, **MAKE OATH AND SAY:**

I. OVERVIEW

1. I am a director of Field Aviation Company Inc. ("**Field Canada**") and Field Aviation East Ltd. ("**Field East**", and together with Field Canada, the "**Field Entities**") and as such, have knowledge of the matters deposed hereinafter. Where I rely on the information or belief of others, I state the source and verily believe same to be true.

2. I swear this affidavit in support of the Field Entities' motion returnable October 2, 2026 seeking (i) an extension to the time for the Field Entities to file a proposal pursuant to section 50.4(9) of the *Bankruptcy and Insolvency Act* (Canada) (the "**BIA**"), and the attendant stay of proceedings, for an additional 45 days up to and including November 17, 2026; and (ii) approval of the Third Report and activities of AlixPartners Restructuring, Inc. in its capacity as proposal trustee (in such capacity, the "**Proposal Trustee**"), the fees and disbursements of the Proposal

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Trustee and its counsel, Bennett Jones LLP ("**Bennett Jones**"), including their estimated fees and disbursements through the completion of these proceedings, each as described in the Third Report.

3. Field Canada is an aerospace engineering and modification company that designs, integrates and certifies aircraft special missions systems and structural modifications for government and commercial operations (the "**Business**"). Field East is a non-operating wholly owned subsidiary of Field Canada. The Business is highly regulated under federal aviation laws.

4. On June 5, 2026, following an extended period of financial distress and implementation of protective measures by their former secured creditor, Wells Fargo Capital Finance Corporation Canada ("**Wells Fargo**") and Wells Fargo Bank, National Association (collectively with Wells Fargo, "**Wells**"), the Field Entities filed notices of intention to make a proposal pursuant to section 50.4(1) of the BIA (the "**NOI Proceedings**"). The Field Entities have substantially completed their restructuring efforts and expect that they are now in the final stages of the NOI Proceedings. Among other things, the Field Entities have implemented a Court-approved sale and investment solicitation process, closed the sale of substantially all of their assets, fully repaid Wells, completed transactions involving certain remaining assets, continued the completion of the Draken Program (as defined below) and commenced the wind-down of their operations.

5. The principal remaining matter is the completion of Field Canada's modification work (the "**Draken Program**") on certain aircraft for FR Aviation Limited ("**Draken**"). Due to applicable aviation and export laws, Field Canada must continue to subsist as an operating entity until the modified aircraft is exported from Canada. The Field Entities expect the Draken Program and export of the aircraft to be completed within the proposed 45-day extension period.

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II. SUMMARY AND UPDATE ON NOI PROCEEDINGS

6. Since the commencement of the NOI Proceedings, the Field Entities, with the assistance of the Proposal Trustee, have substantially advanced their restructuring and wind-down. In particular:

(a) on June 12, 2026, the Court approved a sale and investment solicitation process (the "**SISP**") in respect of the Field Entities' business and assets and approved an asset purchase agreement with PAL Aerospace Ltd. ("**PAL**") and De Havilland Aircraft of Canada Limited ("**DHC**") as the stalking horse bid under the SISP;

(b) following completion of the SISP, the stalking horse bid was selected as the successful bid and, on July 27, 2026, the Court approved the sale of substantially all of the Field Entities' assets to PAL and DHC. The transactions closed on July 31, 2026;

(c) following the closing of those transactions, and in accordance with a distribution Order granted by the Court on July 24, 2026, the Proposal Trustee made distributions to Wells from the proceeds of the transactions in the full amount of the outstanding obligations owing by the Field Entities to Wells;

(d) on August 28, 2026, Field Canada received approximately $2,591,114.39 on account of a Scientific Research and Experimental Development tax credit that had been anticipated during the NOI Proceedings;

(e) the Field Entities have completed the sale or disposition of certain remaining assets, including a transaction approved by the Court on July 24, 2026 with Voyageur

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Aviation Corp., and have facilitated the removal of an aircraft and related assets belonging to another customer from Field Canada's premises; and

(f) the Field Entities have substantially wound down their remaining operations and reduced their workforce, with operations now principally focused on completing the Draken Program.

7. On August 21, 2026, Field Canada issued a notice to disclaim pursuant to the BIA in respect of its leased facilities, effective September 22, 2026, in anticipation of the completion of the Draken Program and conclusion of the NOI Proceedings. Field Canada is in discussions with its landlord to further extend its occupation of the premises to facilitate the completion of the Draken Program.

8. The Field Entities have also received correspondence from Export Development Canada ("**EDC**"), in which EDC has indicated that it has a constructive trust claim in respect of over US$1.5 million. Further, Field Canada and the Proposal Trustee are in discussions with Field Canada's landlord to determine the appropriate quantum for post-filing rent, as the landlord has indicated that they dispute Field Canada's calculation of same. Field Canada and the Proposal Trustee are working with EDC and the landlord to review and understand their respective claims.

III. DRAKEN PROGRAM

9. As discussed in the prior affidavits of John Mactaggart sworn in these proceedings on June 6, 2026 and July 17, 2026, pursuant to the Draken Accommodation Agreement dated June 5, 2026, between Field Canada, Draken, Wells Fargo, and ASES, LLC (the "**Draken Accommodation Agreement**"), Draken agreed to fund Field Canada's associated labour, infrastructure, and facility costs on a cost-plus basis to complete the Draken Program. This has provided Field Canada with

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the necessary liquidity to recall employees to work on the Draken Program and work toward its completion.

10. The outside date under the original Draken Accommodation Agreement was set to expire on July 17, 2026. Pursuant to extension agreements dated August 5, 2026 and September 18, 2026, the outside date thereunder has been most recently extended to September 30, 2026, as a result of delays in the completion of the Draken Program. In each case, arrangements were made with the consent of the affected non-unionized and unionized employees to extend their employment and permit work to continue.

11. Field Canada is the exporter identified under the existing export permit for the aircraft. I understand that the permit is specific to Field Canada and cannot simply be transferred to or used independently by another party. Field Canada also maintains registrations and authorizations required in connection with its possession, modification and export of the aircraft (being a controlled good). Accordingly, Field Canada needs to continue to subsist as an operating entity while the Draken Program is completed and arrangements are made for the export of the aircraft.

12. Draken has therefore requested that Field Canada further extend the outside date under the Draken Accommodation Agreement. The parties are in the process of preparing a further extension agreement, which they expect to complete before the return of the within motion. The parties expect that such extension will see the continued employment of certain employees, along with the continued reimbursement by Draken of Field Canada's facility, infrastructure and operational costs.

13. The Field Entities will work with the affected non-unionized employees and the union regarding the arrangements necessary to complete the remaining work on the Draken Program. I

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expect that consensual arrangements will be reached with the affected employees prior to the hearing of this motion.

IV. RELIEF SOUGHT

A. Stay extension

14. The Field Entities are seeking an extension of the stay of proceedings by 45 days to November 17, 2026 principally to provide Field Canada with sufficient time to complete the Draken Program and facilitate the export of the modified aircraft from Canada.

15. The Field Entities believe that the requested extension will provide sufficient time to complete the principal remaining operational matter in the NOI Proceedings, to the benefit of their stakeholders, including Draken and the retained employees, and continue the orderly wind-down of their affairs.

B. Approval of Proposal Trustee's Third Report, activities and fees

16. The First Report of the Proposal Trustee dated June 10, 2026 and the Second Report of the Proposal Trustee dated July 22, 2026 and the activities described therein, have previously been approved by this Court, together with the fees and disbursements of the Proposal Trustee and Bennett Jones incurred up to July 15, 2026.

17. The Field Entities now seek approval of the Proposal Trustee's further activities and report, the further fees and disbursements of the Proposal Trustee and Bennett Jones, and an accrual for their estimated fees and disbursements for the completion of their duties through the course of these NOI Proceedings, in each case to be further described in the Proposal Trustee's Third Report, to be filed.

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18. The Proposal Trustee has been involved with the Field Entities from the very outset of the restructuring process and has played an integral role, including in connection with the SISP, the transactions completed thereunder and the Field Entities' ongoing wind-down. The Proposal Trustee is expected to remain heavily involved through the completion of these proceedings, including in coordinating matters relating to the completion of the Draken Program, assisting with *Wage Earner Protection Program* and employment issues, and considering the claims that have been asserted.

SWORN before me by Brian M. Love stated as being located in the Town of Rothesay, in the Province of New Brunswick, before me at the City of Toronto in the Province of Ontario, on September 25, 2026, in accordance with *O. Reg 431/20, Administering Oath or Declaration Remotely*

Signed by:
Donna Jalili
A18CB5925B64492...

A Commissioner for taking affidavits

9/25/2026 | 1:33 PM EDT

Signed by:
Brian Love
FD8F348CDDEE4AA...

BRIAN M. LOVE

9/25/2026 | 1:30 PM EDT

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

IN THE MATTER OF THE NOTICES OF INTENTION TO MAKE A PROPOSAL OF FIELD AVIATION COMPANY INC. AND FIELD AVIATION EAST LTD.

Court File No.: BK-26-03382861-0032
Estate No.: 32-3382861

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

Proceeding commenced at Toronto

AFFIDAVIT OF BRIAN M. LOVE
(Sworn September 25, 2026)

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Lawyers for Field Aviation Company Inc. and Field Aviation East Ltd.

TAB 3

Court File No.: BK-26-03382861-0032
Estate No.: 32-3382861

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

THE HONOURABLE	)	FRIDAY, THE 2nd
	)	
JUSTICE CAVANAGH	)	DAY OF OCTOBER, 2026

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

IN THE MATTER OF THE NOTICES OF INTENTION TO MAKE A PROPOSAL OF FIELD AVIATION COMPANY INC. AND FIELD AVIATION EAST LTD.

ORDER
(Stay extension and Proposal Trustee approvals)

THIS MOTION, made by Field Aviation Company Inc. and Field Aviation East Ltd. (together, the "**Field Entities**"), for an Order, among other things, (i) extending the time for the Field Entities to file a proposal and attendant stay of proceedings pursuant to section 50.4(9) of the *Bankruptcy and Insolvency Act* (Canada) for 45 days, up to and including November 17, 2026; and (ii) approving the Third Report (defined below) of AlixPartners Restructuring, Inc. in its capacity as proposal trustee (in such capacity, the "**Proposal Trustee**"), the activities described therein and the fees and disbursements of the Proposal Trustee and its counsel, including an accrual for their estimated fees and disbursements through the completion of these proceedings, was heard this day by videoconference at the courthouse located at 330 University Avenue, Toronto, Ontario.

ON READING the affidavit of Brian M. Love sworn September 25, 2026 (the "**Love Affidavit**"), including the exhibits attached thereto, and the Third Report of the Proposal Trustee dated September [•], 2026 (the "**Third Report**"), and on hearing the submissions of counsel for

the Field Entities, the Proposal Trustee and such other counsel as were present, no one else appearing although duly served as evidenced by the Certificate of Service of Denna Jalili, filed.

SERVICE AND DEFINITIONS

1. **THIS COURT ORDERS** that the time for service and filing of the Field Entities Motion Record dated September 25, 2026 is hereby abridged and validated so that this motion is properly returnable today and hereby dispenses with further service thereof.

EXTENSION OF PROPOSAL PERIOD AND STAY OF PROCEEDINGS

2. **THIS COURT ORDERS** that the time for the Field Entities to file a proposal with the Official Receiver, and the attendant stay of proceedings, be and is hereby extended to November 17, 2026 pursuant to section 50.4(9) of the BIA.

APPROVAL OF THIRD REPORT, ACTIVITIES AND FEES

3. **THIS COURT ORDERS** that the Third Report and the activities described therein are hereby approved; provided, however, that only the Proposal Trustee, in its personal capacity and only with respect to its own personal liability, shall be entitled to rely upon or utilize such approval in any way.

4. **THIS COURT ORDERS** that the fees and disbursements of the Proposal Trustee and its legal counsel, Bennett Jones LLP, including their estimated fees and disbursements through the completion of these proceedings, all as set out in the Third Report and the Affidavit of Noah Goldstein sworn September [•], 2026 and the Affidavit of Michael Shakra sworn September [•], 2026, respectively, are hereby approved.

5. **THIS COURT ORDERS** that the Fee Accrual (as defined in the Third Report) of the Proposal Trustee and its counsel in connection with the Proposal Trustee's remaining duties and the administration of these proposal proceedings is hereby approved, and the Proposal Trustee and its counsel shall not be required to pass their accounts in respect of any further activities in connection with the completion by the Proposal Trustee of any remaining duties and the administration of these proposal proceedings.

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

IN THE MATTER OF THE NOTICES OF INTENTION TO MAKE A PROPOSAL OF FIELD AVIATION COMPANY INC. AND FIELD AVIATION EAST LTD.

Court File No.: BK-26-03382861-0032
Estate No.: 32-3382861

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

Proceedings commenced at **Toronto**

ORDER

(Stay extension and Proposal Trustee approvals)

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

IN THE MATTER OF THE NOTICES OF INTENTION TO MAKE A PROPOSAL OF FIELD AVIATION COMPANY INC. and FIELD AVIATION EAST LTD.

Court File No.: BK-26-03382861-0032
Estate No.: 32-3382861

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

Proceeding commenced at Toronto

MOTION RECORD
(Returnable October 2, 2026)

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