



COURT FILE NUMBER 25-2642858

COURT COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE CALGARY

APPLICANT IN THE MATTER OF THE NOTICE OF INTENTION TO FILE A PROPOSAL OF OLYMPUS FOOD (CANADA) INC.

DOCUMENT **APPLICATION**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

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File No.: 101195-00001/CJH

**NOTICE TO RESPONDENT(S)**

This application is made against you. You are Respondents.

You have the right to state your side of this matter before the Master/Judge.

To do so, you must be in Court when the application is heard as shown below:

Date: May 28, 2020  
Time: 10:00 a.m.  
Where: Calgary Courts Centre  
601 5<sup>th</sup> Street S.W.  
Calgary, Alberta  
Before Whom: The Honourable Justice A.D. Grosse on the Commercial List

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. The Applicant, Olympus Food (Canada) Inc. ("**Olympus**") respectfully seeks an Order substantially the form attached hereto as Schedule "A" for, inter alia:
  - (a) abridging the time for service of this Application and the supporting materials, as necessary, and deeming service thereof to be good and sufficient;
  - (b) pursuant to section 50.4(9) of the *Bankruptcy and Insolvency Act*, RSC 1985, c. B-3 (the "**BIA**") extending the time for filing a proposal to July 15, 2020; and
  - (c) such further and other relief as counsel may request and this Honourable Court may deem appropriate in the circumstances.

**Grounds for making this Application**

2. Olympus is insolvent and filed a Notice of Intention to Make a Proposal with the Official Receiver on May 1, 2020. BDO Canada Limited is the proposal trustee of the Olympus (the "**Proposal Trustee**").
3. Olympus requires an extension of the time to file a proposal in order to continue with its efforts to formulate a proposal to its creditors.
4. The extension of time to file a proposal is appropriate because:
  - (a) Olympus has acted and is acting, in good faith and with due diligence;
  - (b) Olympus will likely be able to make a viable proposal if the extension is granted, and
  - (c) no creditor will be materially prejudiced by the requested extension.

**Material of Evidence to be Relied On:**

5. The Affidavit of Noli Tingzon sworn May 22, 2020;
6. The First Report of the Proposal Trustee, to be filed; and



7. Such further and other materials as counsel may advise and this Honourable Court may permit.

**Applicable Rules:**

8. The Alberta *Rules of Court*, AR 124/2010, as amended.

**Applicable Acts and Regulations**

9. The *Bankruptcy and Insolvency Act*, RSC 1985, c B-3, as amended; and
10. Such further and other Acts and Regulations as counsel may advise and that this Honourable Court may Permit.

**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.

**SCHEDULE "A"**

**Form 10**  
[Rule 3.25]

Clerk's Stamp

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JUDICIAL CENTRE CALGARY

APPLICANT IN THE MATTER OF THE NOTICE OF INTENTION TO FILE A PROPOSAL OF OLYMPUS FOOD (CANADA) INC.

DOCUMENT **ORDER**  
**(Extension of Time to File a Proposal)**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT Carole Hunter  
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Email: carole.hunter@dlapiper.com  
File No.: 101195-00001/CJH

**DATE ON WHICH ORDER WAS PRONOUNCED:** May 28, 2020

**LOCATION WHERE ORDER WAS PRONOUNCED:** Calgary, Alberta

**JUSTICE WHO MADE THIS ORDER:** The Honourable Justice A.D. Grosse

**UPON THE APPLICATION** of Olympus Food (Canada) Inc. ("**Olympus**") filed May 22, 2020; AND UPON reading the Affidavit of Noli Tingzon sworn May 22, 2020; AND UPON reading the First Report of BDO Canada Limited, in its capacity as proposal trustee of Olympus (the "**Proposal Trustee**") dated May 22, 2020; AND UPON hearing submissions by counsel for Olympus and any other counsel or other interested parties present,

**IT IS HEREBY ORDERED THAT:**

**SERVICE**

1. The time for service of the notice of application for this order (the "**Order**") is hereby abridged and deemed good and sufficient and this application is properly returnable today, and no other than those persons served is entitled to service of the notice of application.

**EXTENSION OF TIME TO FILE A PROPOSAL**

2. The time within which the Olympus is required to file a proposal to its creditors with the Official Receiver, under section 50.4 of the *Bankruptcy and Insolvency Act*, RSC 1985, c. B-3, shall be and is hereby extended to July 15, 2020.
3. Service of this Order shall be deemed to be achieved by posting a copy of this Order of the website of the Proposal Trustee and by delivering a copy of this Order to those parties listed on the Service List prepared by counsel for Olympus.

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J.C.Q.B.A