

**Form 10**

[Rule 3.25]

Clerk's Stamp

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                        Carole Hunter  
DLA Piper (Canada) LLP  
1000 - 250 2nd Street SW  
Calgary, AB T3B 5L5

Phone: 403-698-8782  
Fax: 403-697-6600  
Email: carole.hunter@dlapiper.com

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:                                June 24, 2020  
Time:                                11:30 a.m.  
Where:                                Calgary Courts Centre  
601 5<sup>th</sup> Street S.W.  
Calgary, Alberta  
Before Whom:                        The Honourable Justice C.M. Jones 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:
  - (a) an Order substantially in the form attached hereto as Schedule "A":
    - (i) abridging the time for service of this Application and the supporting materials, as necessary, and deeming service thereof to be good and sufficient; and
    - (ii) 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 August 29, 2020;
  - (b) an Order substantially in the form attached hereto as Schedule "B", establishing a process for the solicitation and identification of claims against Olympus (the "**Claims Process Order**"); 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. On May 28, 2020, Olympus obtained an order from this Honourable Court extending the time to file a proposal by 45 days until July 15, 2020.
4. It is contemplated that Olympus' proposal will be funded, in part, through a transaction with a related party, Hi-Flyer Food (Canada) Ltd. ("**Hi-Flyer**") that would allow Hi-Flyer to utilize Olympus' tax losses.
5. As a result of certain pre-filing transactions, a large number of Olympus' leased locations were assigned to FMI Atlantic, Inc. or terminated by Olympus, either with or without settlement with the landlords. The landlords of such leased locations may still have claims against Olympus.

6. It is essential that Olympus determine the existence and quantum of the claims against it as the claims could significantly impact the proposed transaction with Hi-Flyer and the viability of a proposal.
7. Olympus requires an extension of the time to file a proposal in order to complete the claims solicitation process contemplated by the Claims Process Order and continue with its efforts to formulate a proposal to its creditors.
8. 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:**

9. The Affidavit of Noli Tingzon sworn June 16, 2020;
10. The Second Report of the Proposal Trustee dated June 16, 2020; and
11. Such further and other materials as counsel may advise and this Honourable Court may permit.

**Applicable Rules:**

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

**Applicable Acts and Regulations**

13. The *Bankruptcy and Insolvency Act*, RSC 1985, c B-3, as amended; and
14. 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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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                    **ORDER**  
**(Extension of Time to File a Proposal)**

ADDRESS FOR SERVICE  
AND  
CONTACT INFORMATION  
OF  
PARTY FILING THIS  
DOCUMENT                    Carole Hunter  
DLA Piper (Canada) LLP  
1000 - 250 2nd Street SW  
Calgary, AB T3B 5L5

Phone: 403-698-8782  
Fax: 403-697-6600  
Email: carole.hunter@dlapiper.com

File No.: 101195-00001/CJH

**DATE ON WHICH ORDER WAS PRONOUNCED:**            June 24, 2020

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

**JUSTICE WHO MADE THIS ORDER:**                    The Honourable Justice C.M. Jones

**UPON THE APPLICATION** of Olympus Food (Canada) Inc. ("**Olympus**") filed June [], 2020; AND UPON reading the Affidavit of Noli Tingzon sworn June [], 2020; AND UPON reading the Second Report of BDO Canada Limited, in its capacity as proposal trustee of Olympus (the "**Proposal Trustee**") dated June [], 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 August 29, 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

**SCHEDULE "B"**

**Form 10**  
[Rule 3.25]

Clerk's Stamp
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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                      **ORDER**  
**(Claims Solicitation Process Order)**

ADDRESS FOR SERVICE  
AND  
CONTACT INFORMATION  
OF  
PARTY FILING THIS  
DOCUMENT                      Carole Hunter  
DLA Piper (Canada) LLP  
1000 - 250 2nd Street SW  
Calgary, AB T3B 5L5

Phone: 403-698-8782  
Fax: 403-697-6600  
Email: carole.hunter@dlapiper.com

File No.: 101195-00001/CJH

**DATE ON WHICH ORDER WAS PRONOUNCED:**            June 24, 2020

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

**JUSTICE WHO MADE THIS ORDER:**                      The Honourable Justice C.M. Jones

**UPON THE APPLICATION** of Olympus Food (Canada) Inc. (the "**Debtor**" or "**Olympus**") filed June [], 2020; AND UPON reading the Affidavit of Noli Tingzon sworn June [], 2020; AND UPON reading the Second Report of BDO Canada Limited, in its capacity as proposal trustee of Olympus (the "**Proposal Trustee**") dated June [], 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. That the time for service of this Application and related materials is abridged and service is validated such that this Application is properly returnable today and hereby dispenses with further service thereof.

## DEFINITIONS

2. The capitalized terms referenced in this Order shall have the following meanings:

**"BIA"** means the *Bankruptcy and Insolvency Act*, RSC 1985, c. B-3;

**"Business Day"** means a day, other than a Saturday or a Sunday, on which banks are generally open for business in Calgary, Alberta;

**"Claim"** means any right or claim of any Person against the Debtor (i) based in whole or in part on facts which existed prior to the Filing Date, (ii) related to a time period prior to the Filing Date, or (iii) which would have been a claim provable in bankruptcy within the meaning of the BIA had the Debtor become bankrupt on the Filing Date that may be asserted or made in whole or in part against the Debtor, whether or not asserted or made, in connection with any indebtedness, liability or obligation of any kind whatsoever, and any interest accrued thereon or costs payable in respect thereof, including without limitation, by reason of the commission of a tort (intentional or unintentional), by reason of any breach of contract or other agreement (oral or written), by reason of any breach of duty (including, without limitation, any legal, statutory, equitable or fiduciary duty) or by reason of any right of ownership of or title to property or assets or right to a trust or deemed trust (statutory, express, implied, resulting, constructive or otherwise), and whether or not any indebtedness, liability or obligation is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, unsecured, present, future, known or unknown, by guarantee, surety or otherwise, and whether or not any right or claim is executory or anticipatory in nature including, without limitation, any right or ability of any Person to advance a claim for contribution or indemnity or otherwise with respect to any matter, action, cause or chose in action whether existing at present or commenced in the future, including, without limiting the foregoing, any right or claim of a current or former employee of the Debtor or any Tax Claim, provided however, that a "Claim" shall not include an Excluded Claim;



**"Claims Bar Date"** means 5:00 p.m. (Mountain Time) on July 31, 2020, or such other date as may be ordered by the Court;

**"Claims Package"** means the document package which includes a copy of (i) the Instruction Letter, (ii) a Proof of Claim, and (iii) such other materials as Olympus or the Proposal Trustee consider necessary or appropriate;

**"Claims Solicitation Process"** means the procedures set out herein in connection with the solicitation of Claims against the Debtor;

**"Court"** means the Court of Queen's Bench of Alberta;

**"Creditor"** means any Person who has or may have a Claim;

**"Excluded Claim"** means, subject to further order of this Court,

- (i) Claims secured by an order of this Court; and
- (ii) Claims with respect to goods and/or services provided to the Debtor on or after the Filing Date;

**"Filing Date"** means May 1, 2020;

**"Former Landlords"** means any Persons who leased real property to Olympus whose leases were either terminated, disclaimed or assigned by Olympus (as assignor) to FMI Atlantic, Inc. (as assignee) prior to the Filing Date, which according to the books and records of Olympus includes at least the following Persons: Colonel's Realty Inc., Plazacorp Retail Properties Ltd., 9363-1562 Quebec Inc., Place Du Royaume Inc., CRI Realty (No. 3) Inc., Carrefour Repentigny Inc., FCPT Galeries de Repentigny Inc., Developpements Premiere Constant Limitee/First Constant Developments Limited, Carrefour Richelieu Realities Inc., 9316-4291 Quebec Inc., Projets Hamel-Soumande, S.E.N.C., Les Galeries de la Capitale Holdings Inc., Les Galeries D'Anjou Leaseholds Inc., Le Carrefour (2013) Inc., Les Promenades St-Bruno Leaseholds Inc. and Les Placements Mirado Inc. For greater certainty, any Former Landlord who has or may have a Claim is a Creditor;

**"Instruction Letter"** means the letter regarding completion of a Proof of Claim, which letter shall be substantially in the form attached hereto as Schedule "A";

**"Known Creditors"** means any Persons which the books and records of the Debtor disclose were owed money or claim to be owed money as of the Filing Date, which obligation remains unpaid in whole or in part, other than Persons with an Excluded

Claim, including those reflected in the listing of creditors that was attached to the Notice of Intention to Make a Proposal filed by the Debtor on the Filing Date;

**"Mailing Date"** means June 30, 2020;

**"Newspaper Notice"** means the notice of the Claims Solicitation Process to be published in the newspapers listed in paragraph 8 of this Order in accordance with the Claims Solicitation Process in substantially the form attached hereto as Schedule "B";

**"Person"** shall be broadly interpreted and includes, without limitation, an individual, firm, partnership, joint venture, venture capital fund, limited liability company, unlimited liability company, association, trust, corporation, unincorporated association or organization, syndicate, committee, the government of a country or any political subdivision thereof, or any agency, board, tribunal, commission, bureau, instrumentality or department of such government or political subdivision, or any other entity, howsoever designated or constituted, including any Taxing Authority, and the trustees, executors, administrators, or other legal representatives of an individual;

**"Proof of Claim"** means the form to be completed and filed by a Creditor setting forth its Claim, which proof of claim shall be substantially in the form attached hereto as Schedule "C";

**"Proposal Trustee"** means BDO Canada Limited, in its capacity as such;

**"Tax"** or **"Taxes"** means any and all amounts subject to a withholder or remitting obligation and any and all taxes, duties, fees, and other governmental charges, duties, impositions and liabilities of any kind whatsoever whether or not assessed by the Taxing Authorities (including any Claims by any of the Taxing Authorities), including, without limitation, amounts which may arise or have arisen under any notice of assessment, notice of reassessment, notice of objection, notice of appeal audit, investigation, demand or similar request from any Taxing Authority, all interest, penalties, fines, fees, other charges and additions with respect to any such amounts;

**"Taxing Authorities"** means Her Majesty the Queen, Her Majesty the Queen in right of Canada, Her Majesty the Queen in right of any province or territory of Canada, the Canada Revenue Agency, any similar revenue or taxing authority of each and every province or territory of Canada and any political subdivision thereof, and any Canadian or foreign governmental authority, and **"Taxing Authority"** means any one of the Taxing Authorities;

"**Tax Claim**" means any Claim against the Debtor for any Taxes in respect of any taxation year or period ending on or prior to the Filing Date, and in any case where a taxation year or period commences on or prior to the Filing Date, for any Taxes in respect of or attributable to the portion of the taxation period commencing prior to the Filing Date and up to and including the Filing Date. For greater certainty, a Tax Claim shall include, without limitation, any and all Claims of any Taxing Authority in respect of transfer pricing adjustments and any Canadian or non-resident Tax related thereto; and

"Website" shall mean the Proposal Trustee's website located at <https://www.bdo.ca/en-ca/extranets/olympusfood>.

### **APPROVAL OF CLAIMS SOLICITATION PROCESS**

3. The Claims Solicitation Process set forth herein for soliciting Claims of Creditors is hereby approved and Olympus and the Proposal Trustee are authorized and directed to implement the Claims Solicitation Process.

4. The Instruction Letter, Newspaper Notice and Proof of Claim, set forth in the attached Schedules "A", "B" and "C", respectively are hereby approved.

### **CLAIMS BAR**

5. Any Creditor who fails to submit a Proof of Claim in respect of a Claim in accordance with this Order on or before the Claims Bar Date shall be forever barred, estopped and enjoined from asserting or enforcing any Claim (or filing a Proof of Claim with respect to such Claim) against the Debtor and such Claim shall be forever extinguished.

### **NOTICE OF CLAIMS SOLICITATION PROCESS**

6. The publication of the Newspaper Notice and the mailing to the Creditors of the Claims Package in accordance with this Order shall constitute good and sufficient service and delivery of (a) notice of this Order and (b) the Claims Bar Date, on all Persons who may be entitled to receive notice and who may wish to assert Claims and no other notice or service need be given or made and no other document or material need be sent to or served upon any Person in respect of this Order.

## **NOTICE TO CREDITORS**

7. The Proposal Trustee shall cause a Claims Package, including an Instruction Letter, to be sent to each Known Creditor and Former Landlord by regular prepaid mail, facsimile transmission or email, based on such addresses as contained in the books and records of the Debtor, on or before the Mailing Date, in accordance with paragraph 17 herein..
8. The Proposal Trustee shall cause the Newspaper Notice to be published in the Calgary Herald and the Montreal Gazette, on or prior to July 8, 2020.
9. The Proposal Trustee shall post a copy of this Order, a Proof of Claim form and the Instruction Letter on the Website on or prior to the Mailing Date.
10. The Proposal Trustee shall cause a copy of the Claims Package to be sent to any Person requesting such material as soon as practicable by ordinary regular prepaid mail, facsimile transmission or email in accordance with paragraph 17 herein.

## **PROOFS OF CLAIM**

11. Every Creditor asserting a Claim against the Debtor shall set out its aggregate Claim in a written Proof of Claim and deliver that Proof of Claim by registered mail, personal delivery, courier, e-mail (in PDF format) or facsimile transmission so that it is received by both the Proposal Trustee and Olympus by no later than the Claims Bar Date, irrespective of the date and time of sending. For greater certainty, for Creditors with multiple Claims, the Proof of Claim shall set out the individual components of the Claim, together with information on the agreement(s) under which such Claims arise.
12. Any Proof of Claim submitted to the Proposal Trustee and Olympus by the Claims Bar Date must be submitted in English or translated from French to English by the creditor prior to submission.
13. Any Claim set out in a Proof of Claim shall be denominated in the currency of the transactions underlying the Claim and then such Claim shall be converted to and shall constitute a Claim in Canadian dollars, and such calculation will be effected using the noon spot rate of the Bank of Canada as at the Filing Date.

## **NOTICE OF TRANSFEREES**

14. If a Creditor or any subsequent holder of a Claim who has been acknowledged by the Proposal Trustee, in consultation with Olympus, as the holder of a Claim transfers or assigns that Claim to another Person, neither Olympus nor the Proposal Trustee shall be required to give notice to or to otherwise deal with the transferee or assignee of the Claim as the holder of such Claim unless and until actual notice of the transfer or assignment, together with satisfactory evidence of same, has been delivered to Olympus and the Proposal Trustee by registered mail, courier, e-mail (in PDF format), personal delivery or facsimile transmission and is actually received by Olympus and the Proposal Trustee. Thereafter, such transferee or assignee shall, for all purposes hereof, constitute the holder of such Claim and shall be bound by notices given and steps taken in respect of such Claim in accordance with the provisions of this Order.

15. If a Creditor or any subsequent holder of a Claim, who has been acknowledged by Olympus and the Proposal Trustee as the holder of the Claim, transfers or assigns the whole of such Claim to more than one Person or part of such Claim to another Person or Persons, such transfers or assignments shall not create separate Claims and such Claims shall continue to constitute and be dealt with as a single Claim notwithstanding such transfers or assignments. Neither Olympus nor the Proposal Trustee shall, in each such case, be required to recognize or acknowledge any such transfers or assignments and shall be entitled to give notices to and to otherwise deal with such Claim only as a whole and then only to and with the Person last holding the whole of such Claim provided such Person may, by notice in writing delivered to Olympus and the Proposal Trustee, direct that subsequent dealings in respect of such Claim, but only as a whole, shall be dealt with by a specified Person and in such event, such Person shall be bound by any notices given or steps taken in respect of such Claim with such Creditor in accordance with the provisions of this Order.

## **RECEIPT OF PROOFS OF CLAIM**

16. Claims submitted under this Order will be adjudicated in accordance with the relevant provisions of the BIA or such other manner as may be set by further order of the Court.

## NOTICES AND COMMUNICATION

17. Except as otherwise provided herein, Olympus and the Proposal Trustee may deliver any notice or other communication to be given under this Order to Creditors or other interested Persons in English by forwarding true copies thereof by ordinary mail, courier, personal delivery, facsimile transmission or e-mail (in PDF format) to such Creditors or Persons at the address last shown on the books and records of the Debtors, and that any such service or notice by courier, personal delivery, facsimile transmission or e-mail (in PDF format) shall be deemed to be received on the next Business Day following the date of forwarding thereof, or if sent by ordinary mail on the third Business Day after mailing within Canada and the seventh Business Day after mailing internationally.

18. Any notice or other communication to be given under this Order by a Creditor to the Proposal Trustee and/or Olympus shall be in writing in substantially the form, if any, provided for in this Order and will be sufficiently given only if delivered by registered mail, courier, e-mail (in PDF format), personal delivery or facsimile transmission addressed to:

BDO Canada Limited  
5800 2 Street SW  
Calgary, AB T2H 0H2

Attn: Charla Smith  
Fax: 403 640 0591  
Email: chasmith@bdo.ca

Olympus Food (Canada) Inc.  
908 53 Ave NE  
Calgary, AB T2E 6N9

Attn: Madeline Chan  
Fax: 403 230 2610  
Email: inquiry@olympusfood.ca

19. In the event that the day on which any notice or communication required to be delivered pursuant to this Order is not a Business Day then such notice or communication shall be required to be delivered on the next Business Day.

20. In the event of any strike, lock-out or other event which interrupts postal service in any part of Canada, all notices and communications during such interruption may only be delivered by personal delivery, courier, e-mail (in PDF format) or facsimile transmission and any notice or other communication given or made by prepaid mail within the five (5) Business Day period

immediately preceding the commencement of such interruption, unless actually received, shall be deemed not to have been delivered.

## **GENERAL**

21. This Court hereby requests the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada or any foreign jurisdiction to give effect to this Order and to assist Olympus, the Proposal Trustee and their respective agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to Olympus and to the Proposal Trustee, the latter as an officer of this Court, as may be necessary or desirable to give effect to this Order, to grant representative status to the Proposal Trustee in any foreign proceeding, or to assist Olympus and the Proposal Trustee and their respective agents in carrying out the terms of this Order.

22. The Proposal Trustee is hereby authorized to use reasonable discretion as to the adequacy of compliance with respect to the manner in which Proofs of Claim are completed and executed, and may, if it is satisfied that a Claim has been adequately proven, waive strict compliance with the requirements of this Order as to the completion and execution of Proofs of Claim. For greater certainty, the Proposal Trustee may not waive strict compliance with paragraph 5 of this Order relating to the timely submission of Proofs of Claim.

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J.C.Q.B.A.

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## Instructions for Completing a Proof of Claim

This checklist is provided to assist you in preparing the proof of claim form and, if appropriate, the proxy form in a complete and accurate manner. Please check each requirement.

### General

- The signature of a witness is required.
- The document must be signed by the individual completing the declaration.
- Provide the complete address where all notices or correspondence are to be forwarded along with your phone number, fax number and email address where appropriate.

### Notes

- It is permissible to file a proof of claim by facsimile or email.
- A creditor may be eligible to vote either in person or by proxy at any meeting of creditors to consider any Proposal made by Olympus only if the proof of claim is filed with the trustee prior to the Claims Bar Date.
- In order for a duly authorized person to have a right to vote, they must be a creditor or be the holder of a properly executed proxy. The name of the creditor must appear in the proxy.
- A creditor who is participating in any distribution from an estate must have filed a proof of claim prior to the Claims Bar Date.

### Paragraph 1

- The creditor must state the full and complete legal name of the individual, company or firm.
- If the individual completing the proof of claim is a representative of the creditor, the individual's position or title must be identified.

### Paragraph 3

- The amount owing must be set out in paragraph 3.
- A detailed statement of account must be attached to the proof of claim and marked "Schedule A" and must show the date, number and amount of all invoices or charges, together with the date, number and amount of all credits or payments. The amount on the statement of account must correspond to the amount indicated on the proof of claim.

### Paragraph 4

#### Notes

- **Paragraph A** applies to *ordinary unsecured claims*. In addition to recording the amount of the claim, please indicate whether the claim has a priority pursuant to section 136 of the Act.



- **Paragraph B** applies to *lessor claims* in a commercial proposal. Please include the full particulars of the claim.
- **Paragraph C** applies to *secured claims*. Please indicate the dollar value of the security and attach copies of the security document. In addition, please attach copies of the security registration documents, where appropriate.
- **Paragraph D** applies to *inventory claims of farmers, fishermen and aquaculturists*. Please note that such claims apply only to inventory supplied from farmers, fishermen and aquaculturists within 15 (fifteen) days of the date of bankruptcy. In addition, please attach copies of any applicable sales agreements and delivery slips.
- **Paragraph E** applies to *claims by wage earners* for specified amounts that became owing during the six months prior to the initial insolvency event. Please note that such claims apply only for unpaid wages owed upon the bankruptcy of an employer or when the employer becomes subject to a receivership.
- **Paragraph F** applies to *claims by employees for unpaid amounts regarding pension plans*. Please note that such claims apply only to unremitted pension contributions outstanding when the sponsoring employer becomes bankrupt or is subject to a receivership.
- **Paragraph G** applies to *claims against directors*. Please note that such claims will be eligible only where they apply only to directors of corporations that have filed a commercial proposal to creditors that includes a compromise of statutory claims against directors.
- **Paragraph H** applies to *claims of customers of a bankrupt securities firm*.

#### **Paragraph 5**

- All claimants must indicate whether or not they are related to the debtor, as defined in section 4 of the Act, or dealt with the debtor in a non-arm's-length manner.

#### **Paragraph 6**

- All claimants must attach a detailed list of all payments or credits received or granted as follows:

within the three (3) months preceding the initial bankruptcy event, being the date of the filing of the Notice of Intention.

within the twelve (12) months preceding the initial bankruptcy event in the case where the claimant and the debtor were not dealing at arm's length.

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**NOTICE TO CLAIMANTS  
AGAINST OLYMPUS FOOD (CANADA) INC.**  
(hereinafter referred to as the "Debtor")

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**Re: NOTICE OF CLAIMS SOLICITATION PROCESS FOR THE DEBTOR PURSUANT TO THE  
BANKRUPTCY AND INSOLVENCY ACT, RSC 1985, c. B-3**

PLEASE TAKE NOTICE that this notice is being published pursuant to an Order of the Court of Queen's Bench of Alberta made June 24, 2020 (the "**Claims Solicitation Process Order**"). Pursuant to the Claims Solicitation Process Order, a Claims Package will be sent to claimants, on or before June 30, 2020, if those claimants are known to the Debtor.

**Any creditor who fails to file a Proof of Claim on or before the Claims Bar Date of July 31, 2020 shall be forever barred, estopped and enjoined from asserting or enforcing any claim (or filing a Proof of Claim with respect to such claim) against the Debtor and such claim shall be forever extinguished. It is your responsibility to ensure that the Proposal Trustee receives your Proof of Claim by the applicable Claims Bar Date.**

A copy of the Claims Solicitation Process Order, Proof of Claim and Instructions for Completing a Proof of Claim, as well as other documents with respect to the Debtor, are available on the Proposal Trustee's website at <https://www.bdo.ca/en-ca/extranets/olympusfood> or by contacting the Proposal Trustee's office at 403-777-9999.

Proofs of Claim must be submitted to the Proposal Trustee for any claim against the Debtor, whether unliquidated, contingent or otherwise, in each case where the claim (i) is based on facts existing prior to May 1, 2020 or relates to a time period prior to May 1, 2020, among other things. Please consult the Claims Package for more details.

**CLAIMS WHICH ARE NOT RECEIVED BY THE APPLICABLE CLAIMS BAR DATE WILL BE FOREVER BARRED, ESTOPPED AND ENJOINED FROM ASSERTING OR ENFORCING ANY CLAIM (OR FILING A PROOF OF CLAIM) AND SUCH CLAIM SHALL BE FOREVER EXTINGUISHED.**

**DATED** at Calgary this \_\_\_\_ day of June, 2020.

District of: Alberta  
Division No: 25 - Calgary  
Court No: 25-2642858  
Estate No: 25-2642858

BDO Canada Limited  
110, 5800 2 Street SW  
Calgary, AB T2H 0H2  
Phone: 403-777-9999 Fax: 403-641-0591

Proof of Claim (FORM 31)  
(Sections 50.1, 81.5, 81.6, Subsections 65.2(4), 81.2(1),  
81.3(8), 81.4(8), 102(2), 124(2), 128(1), and  
Paragraphs 51(1)(e) and 66.14(b) of the Act)

All notices or correspondence regarding this claim must be forwarded to the following address:

Name \_\_\_\_\_

Address \_\_\_\_\_ Email \_\_\_\_\_

City, Province \_\_\_\_\_ Postal Code \_\_\_\_\_ Tel \_\_\_\_\_

In the matter of the Notice of Intention to Make a Proposal of Olympus Food (Canada) Inc. of Calgary, AB and the claim of \_\_\_\_\_ creditor.

I, \_\_\_\_\_ (name of creditor), of \_\_\_\_\_ (city and province), do hereby certify:

That I am a creditor of the above-named debtor.

That I have knowledge of all of the circumstances connected with the claim referred to below.

That the debtor was, at the date of the filing of the Notice of Intention to Make a Proposal, namely the 1<sup>st</sup> day of May, 2020, and still is, indebted to the creditor in the sum of \$ \_\_\_\_\_, as specified in the statement of account (or affidavit) attached and marked Schedule "A", after deducting any counterclaims to which the debtor is entitled. (*The attached statement of account or affidavit must specify the vouchers or other evidence in support of the claim.*)

Check and complete appropriate category

**A. Unsecured Claim of \$ \_\_\_\_\_**

(Other than as a customer contemplated by Section 262 of the Act)

That in respect of this debt, I do not hold any assets of the debtor as security and

(Check appropriate description)

Regarding the amount of \$ \_\_\_\_\_, I claim a right to a priority under section 136 of the Act.

Regarding the amount of \$ \_\_\_\_\_, I do not claim a right to a priority.

(Set out on an attached sheet details to support priority claim)

**B. Claim of Lessor for Disclaimer of a Lease \$ \_\_\_\_\_**

That I hereby make a claim under subsection 65.2(4) of the Act, particulars of which are as follows:

*(Give full particulars of the claim, including the calculations upon which the claim is based)*

**C. Secured Claim of \$ \_\_\_\_\_**

That in respect of this debt, I hold assets of the debtor valued at \$ \_\_\_\_\_ as security, particulars of which are as follows:

*(Give full particulars of the security, including the date on which the security was given and the value at which you assess the security, and attach a copy of the security documents)*

**D. Claim by Farmer, Fisherman or Aquaculturist of \$ \_\_\_\_\_**

That I hereby make a claim under subsection 81.2(1) of the Act for the unpaid amount of \$ \_\_\_\_\_

*(Attach a copy of sales agreement and delivery receipts)*

**E. Claim by Wage Earner of \$ \_\_\_\_\_**

That I hereby make a claim under subsection 81.3(8) of the Act in the amount of \$ \_\_\_\_\_

That I hereby make a claim under subsection 81.4(8) of the Act in the amount of \$ \_\_\_\_\_

**F. Claim by Employee for Unpaid Amount Regarding Pension Plan of \$ \_\_\_\_\_**

That I hereby make a claim under subsection 81.5 of the Act in the amount of \$ \_\_\_\_\_

That I hereby make a claim under subsection 81.6 of the Act in the amount of \$ \_\_\_\_\_

**G. Claim Against Director \$ \_\_\_\_\_**

*(To be completed when a proposal provides for the compromise of claims against directors)*

That I hereby make a claim under subsection 50(13) of the Act, particulars of which are as follows:

*(Give full particulars of the claim, including the calculations upon which the claim is based)*

**H. Claim of a Customer of a Bankrupt Securities Firm \$ \_\_\_\_\_**

That I hereby make a claim as a customer for net equity as contemplated by section 262 of the Act, particulars of which are as follows:

*(Give full particulars of the claim, including the calculations upon which the claim is based)*

That, to the best of my knowledge, I am (or the above-named creditor is) (or am not or is not) related to the debtor within the meaning of section 4 of the Act, and have (or has) (or have not or has not) dealt with the debtor in a non-arm's-length manner.

That the following are the payments that I have received from, the credits that I have allowed to, and the transfers at undervalue within the meaning of subsection 2(1) of the Act that I have been privy to or a party to with the debtor within the three months *(or, if the creditor and the debtor are related within the meaning of section 4 of the Act or were not dealing with each other at arm's length, within the 12 months)* immediately before the date of the initial bankruptcy event within the

meaning of subsection 2(1) of the Act: *(provide details of payments, credits and transfers at undervalue)*

*(Applicable only in the case of the bankruptcy of an individual)*

- Whenever the trustee reviews the financial situation of a bankrupt to determine whether or not the bankrupt is required to make payments under section 68 of the Act, I request to be informed, pursuant to paragraph 68(4) of the Act, of the new fixed amount or of the fact that there is no longer surplus income.
- I request that a copy of the report filed by the trustee regarding the bankrupt's application for discharge pursuant to subsection 170(1) of the Act be sent to the above address.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ 2020

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Creditor

Telephone No.: \_\_\_\_\_

Fax No.: \_\_\_\_\_

Email address: \_\_\_\_\_

**Note:** If an affidavit is attached, it must have been made before a person qualified to take affidavits.

**Warnings:** A trustee may, pursuant to subsection 128(3) of the Act, redeem a security on payment to the secured creditor of the debt or the value of the security as assessed, in a proof of security, by the secured creditor.

Subsection 201(1) of the Act provides severe penalties for making any false claim, proof, declaration or statement of account.