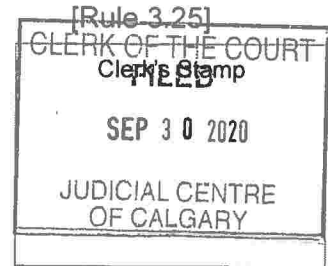


**Form 10**



**COURT FILE NUMBER**                      *B201-642858*  
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:**    October 6, 2020  
**Time:**    10:00 a.m.  
**Where:**    Calgary Courts Centre (via Webex)  
601 5<sup>th</sup> Street S.W.  
Calgary, Alberta  
**Before Whom:**                                      The Honourable Justice R.A. Neufeld 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 October 30, 2020; and
  - (b) 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. On June 24, 2020, Olympus obtained orders from this Honourable Court (i) extending the time to file a proposal by 45 days to August 29, 2020; and (ii) establishing a claims solicitation and bar process (the "**Claims Solicitation Process**") with a claims bar date of July 31, 2020 (the "**Claims Bar Date**").
5. On August 26, 2020, Olympus obtained an order from this Honourable Court extending the time to file a proposal by 45 days to October 13, 2020.
6. By the Claims Bar Date, 44 creditors had filed proofs of claims in accordance with the Claims Solicitation Process. There is one significant landlord claim filed by Le Carrefour Laval (2013) Inc. ("**Carrefour Laval**") that will need to be resolved before any proposal can be presented to Olympus' creditors.

7. On August 14, 2020, The Cadillac Fairview Corporation Limited (“CFC”), as agent for Carrefour Laval filed an application objecting to a Notice by Debtor Company to Disclaim or Resiliate an Agreement in respect of Olympus’ former leased premises at Carrefour Laval Shopping Centre in Laval, Quebec (the “Disclaimer Application”). On August 28, 2020, CFC served the supporting affidavit in respect of the Disclaimer Application on Olympus. The Disclaimer Application has been scheduled to be heard on October 14, 2020, one day after Olympus’ current deadline for filing a proposal under the Order of Romaine J. dated August 26, 2020.
8. Olympus has reviewed the Disclaimer Application and considered the potential impact on Olympus’ ability to formulate a successful proposal to its creditors. Olympus requires an extension of the time to file a proposal to determine whether an amicable or successful resolution of the Disclaimer Application can be achieved and whether Olympus can continue its efforts to formulate a proposal to its creditors.
9. 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:**

10. The Affidavit of Noli Tingzon sworn September 30, 2020;
11. The Fourth Report of the Proposal Trustee dated September 30, 2020; and
12. Such further and other materials as counsel may advise and this Honourable Court may permit.

**Applicable Rules:**

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

**Applicable Acts and Regulations**

14. The *Bankruptcy and Insolvency Act*, RSC 1985, c B-3, as amended; and
15. 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

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:**    October 6, 2020

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

**JUSTICE WHO MADE THIS ORDER:**                    The Honourable Justice R.A. Neufeld

**UPON THE APPLICATION** of Olympus Food (Canada) Inc. ("**Olympus**") filed September 30, 2020; AND UPON reading the Affidavit of Noli Tingzon sworn September 30, 2020; AND UPON reading the Fourth Report of BDO Canada Limited, in its capacity as proposal trustee of Olympus (the "**Proposal Trustee**") dated September 30, 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 October 30, 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