

**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:                      August 26, 2020  
Time:                      11:00 a.m.  
Where:                     Calgary Courts Centre (via Webex)  
601 5<sup>th</sup> Street S.W.  
Calgary, Alberta  
Before Whom:          The Honourable Justice B.E.C. Romaine 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 13, 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. By the Claims Bar Date, 44 creditors had filed proofs of claims in accordance with the Claims Solicitation Process. There are three claims, filed by landlords of Olympus, that will need to be resolved before Olympus, in consultation with the Proposal Trustee, will be able to determine if it is able to make a viable proposal.
6. After the Claims Bar Date, it was determined the Canada Revenue Agency ("**CRA**") did not receive a Claims Package in accordance with the Claims Solicitation Process. Olympus' records do not indicate that any amounts are owing to CRA. The Proposal

Trustee has been in discussions with CRA regarding this issue and CRA has advised that they may need to complete a trust audit to confirm whether there are any amounts owing by Olympus. The Proposal Trustee is continuing its discussions with CRA to determine how best to proceed.

7. Olympus requires an extension of the time to file a proposal so its efforts can continue to finalize the claims and 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 August 20, 2020;
10. The Third Report of the Proposal Trustee dated August 20, 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
---------------

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:**    August 26, 2020

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

**JUSTICE WHO MADE THIS ORDER:**                    The Honourable Justice B.E.C. Romaine

**UPON THE APPLICATION** of Olympus Food (Canada) Inc. ("**Olympus**") filed August [], 2020; AND UPON reading the Affidavit of Noli Tingzon sworn August 20, 2020; AND UPON reading the Third Report of BDO Canada Limited, in its capacity as proposal trustee of Olympus (the "**Proposal Trustee**") dated August 20, 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 13, 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.

---

J.C.Q.B.A