

CANADA  
PROVINCE OF SASKATCHEWAN

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Court No.: Q.B. No. 872 of 2020  
Estate No.: 23-2654754

**COURT OF QUEEN'S BENCH FOR SASKATCHEWAN  
IN BANKRUPTCY AND INSOLVENCY**

**JUDICIAL CENTRE                      SASKATOON**

**APPLICANT                                      101100090 SASKATCHEWAN LTD.**

**IN THE MATTER OF SECTION 50.4 OF THE *BANKRUPTCY AND INSOLVENCY ACT*, RSC 1985, C.  
B-3, AS AMENDED**

**AND IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A PROPOSAL OF 101100090  
SASKATCHEWAN LTD.**

**NOTICE OF APPLICATION**

**(Application for Second Extension)**

**NOTICE TO THE RESPONDENT**

This application is made against you. You are a respondent.

You have the right to state your side of this matter before the Court. To do so, you must be in Court when the application is heard as shown below:

Where                      Court of Queen's Bench  
520 Spadina Crescent East,  
Saskatoon Saskatchewan

Date                              Tuesday, September 8, 2020

Time                              10:00. A.M.

*(Read the Notice at the end of this document to see what else you can do and when you must do it.)*

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**APPLICATION FOR SECOND EXTENSION PURSUANT TO  
THE *BANKRUPTCY AND INSOLVENCY ACT***

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**Remedy claimed or sought:**

1. The Applicant, 101100090 SASKATCHEWAN LTD., seeks an Order (the "**Second Extension Order**") pursuant to section 50.4(9), of the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3, (the "**BIA**"), Rules 12-1(1) and 10-4(2) of *The Queen's Bench Rules*, and the inherent jurisdiction of this Honourable Court, substantially in the form of the draft Second Extension Order filed herewith:

- a. validating service of this Notice of Application and the materials filed herewith;
- b. extending the stay of proceedings herein and the Applicant's timeline required for filing a proposal to its creditors granted by the Honourable Mr. Justice B.J. Scherman for a period from September 9, 2020, to 11:59 p.m. on October 24, 2020;
- c. waiving the requirements of Rule 10-4(2); and
- d. providing such further and other relief that Court may deem appropriate or necessary.

**Grounds for making this application:**

2. On June 26, 2020, the Applicant, 101100090 SASKATCHEWAN LTD., filed a Notice of Intention to Make a Proposal (the "**NOI**") pursuant to section 50.4(1) the *BIA* with the Superintendent of Bankruptcy.
3. On July 23, 2020, the Honourable Mr. Justice B.J. Scherman issued an Order (the "**First Extension Order**"), pursuant to this Court's authority under section 50.4(9) of the *BIA*, to extend the timeline in which the Applicant is required to make its proposal to its creditors.
4. Section 50.4(9) of the *BIA* authorizes this Honourable Court to grant multiple Orders extending the timeline in which a debtor is required to file its proposal by 45 days, provided that such extensions do not exceed the aggregate period of 5 months after the expiry of the initial 30-day period.
5. The Applicant has acted diligently and in good faith with a view to making a proposal to its various creditors since the filing of its NOI and since the issuance of the First Extension Order. In that time, the Applicant has, without limitation:
  - a. continued to carry on its business in the ordinary course;
  - b. communicated candidly and forthrightly with its various stakeholders;
  - c. pursued the collection of outstanding accounts receivable; and
  - d. worked extensively with its counsel and Proposal Trustee to formulate a viable proposal.
6. The Applicant will not be in a position to make a proposal to its creditors by September 9, 2020. However, as of the date hereof, the Applicant is in the process of preparing its proposal, with a view to filing it as soon as possible.
7. Subject to unforeseen or extenuating circumstances, it is not anticipated that that the Applicant will require a further extension beyond the second extension sought in this Application,

notwithstanding the fact that this Honourable Court would have the discretionary authority to continue to extend these proceedings through to December of 2020.

8. The Applicant respectfully submits that the granting of the Second Extension Order will not materially prejudice any of its creditors. Conversely, should the Second Extension Order not issue, the Applicant will be deemed to have made an assignment into bankruptcy, thereby negating its significant efforts to date to prepare a proposal in these proceedings, and resulting in material prejudice to the Company and all of its stakeholders.
9. In light of the foregoing, the Applicant respectfully submits that it is appropriate for this Honourable Court to exercise its authority pursuant to section 50.4(9) of the *BIA* to grant the Second Extension Order, thereby affording the Applicant the opportunity to restructure its financial obligations for the mutual benefit of itself and its stakeholders generally.

**Material or evidence to be relied on:**

10. The Applicant relies on the following materials in support of its Application:
  - a. this Notice of Application;
  - b. Affidavit of Ryan Kolibab, dated September 4, 2020;
  - c. Form 10-3 (draft) Second Extension Order;
  - d. the Second Report of the Proposal Trustee, dated September 4, 2020;
  - e. the pleadings and proceedings herein; and
  - f. such further and other material as counsel may advise and the Court may allow.

DATED at Saskatoon, Saskatchewan, this 4<sup>th</sup> day of September, 2020.

**THE W LAW GROUP LLP**



Per:

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**Mike J. Russell and Kevin N. Hoy**, Counsel  
for 101100090 Saskatchewan Ltd.

### NOTICE

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.

### CONTACT INFORMATION AND ADDRESS FOR SERVICE

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