

Clerk's Stamp

COURT FILE NO. 24-2709766
ESTATE NO. 24-2709766
COURT Court of Queen's Bench of Alberta
JUDICIAL CENTRE Edmonton

IN THE MATTER OF THE NOTICE OF
INTENTION TO MAKE A PROPOSAL OF
DGS CONSTRUCTION LTD.

DOCUMENT **APPLICATION BY DGS CONSTRUCTION LTD.**

ADDRESS FOR
SERVICE AND
CONTACT
INFORMATION OF
PARTY FILING THIS
DOCUMENT

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File # 204-203711

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NOTICE TO RESPONDENT(S):

This application is made against you. You are a Respondent. 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: Monday, March 8, 2020
Time: 2:00 PM
Where: Law Courts, 1A Sir Winston Churchill Square,
Edmonton, Alberta
Before Whom: The Honourable Madam Justice D.L. Shelley

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. An Order extending the time period within which DGS Construction Ltd. ("DGS" or the "Company") is required to file a Proposal to its creditors with the Official Receiver to April 22, 2021;

2. An Order abridging time for service of notice of this application and the materials in support, if required and an Order deeming service of notice of this application good and sufficient;
3. Such further and other ancillary relief as circumstances may require and the Court deems appropriate in the circumstances.

Grounds for making this application:

4. At all times since the filing of its Notice of Intention to Make a Proposal under section 50.4 of the BIA, DGS has acted, and continues to act, in good faith, and with due diligence;
5. If the request for an extension is granted, DGS will likely be able to make a viable proposal to its creditors. If the extension is not granted, the alternative is bankruptcy, which will result in putting employees out of work, end the business and minimize recovery for stakeholders;
6. No creditor of DGS will be materially prejudiced if the requested extension is granted;
7. Such further and other grounds as counsel may advise and the Court permit.

Material or evidence to be relied on:

8. First Report of the Trustee;
9. Affidavit of Dale Sawchyn;
10. Such further and other materials or evidence as counsel may advise and this Honourable Court permit.

Applicable rules:

11. Rules 11.21, 11.27 and 13.5 of the *Alberta Rules of Court*;
12. Rule 6 of the *Bankruptcy and Insolvency General Rules*;
13. Such further and other rules as counsel may advise and this Honourable Court permit.

Applicable Acts and regulations:

14. *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3, and in particular section 50.4(9) thereof;
15. Such further and other acts and regulations as counsel may advise and the Court permit.

Any irregularity complained of or objection relied on:

16. N/A

How the application is proposed to be heard or considered:

17. By Webex before the Honourable Madam Justice D.L. Shelley.

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 give evidence in response to the application, you must reply by filing an affidavit or other evidence with the Court and serving a copy of that affidavit or other evidence on the Applicant(s) a reasonable time before the application is to be heard or considered.