



COURT FILE NUMBER 1201 15430
COURT COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE CALGARY
PLAINTIFF STANLEY EISENBERG, BRENDA EISENBERG, JACK EISENBERG,
LYNN EISENBERG and EISENBERG'S PROPERTIES LTD.
DEFENDANT 910234 ALBERTA LTD., RANDY CALMUSKY, THERESA
CALMUSKY, KYLE CALMUSKY, CALE HUMENIUK and JORDAN
RINTOUL
DOCUMENT APPLICATION

Field LLP
400 - 604 1 ST SW
Calgary AB T2P 1M7
Lawyer: Douglas S. Nishimura
Phone Number: (403) 260-8548
Fax Number: (403) 264-7084
Email Address: dnishimura@fieldlaw.com
File No. 56679-3

NOTICE TO RESPONDENT

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	<u>Friday, November 8, 2013</u>
TIME	<u>10:00 a.m. – Commercial List</u>
WHERE	<u>Court House, Calgary, Alberta</u>
BEFORE WHOM	<u>Mr. Justice G. C. Hawco</u>

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 abridging the time for service of this Application and the supporting materials, as necessary, and deeming service thereof to be good and sufficient.

2. An Order setting the amount of costs previously granted as against Theresa Calmusky, Gary Calmusky and Mary Calmusky on October 3, 2013, 2013;
3. An Order awarding costs of the Application to the Receiver;
4. Such further and other relief as counsel may advise and this Honourable Court deem fit.

Grounds of the Application:

5. The facts with respect to the underlying action are set forth in full in the Written Decision of the Honourable Mr. Justice G. C. Hawco on October 2, 2013.
6. The Receiver shall also rely on such further and other grounds as counsel may advise and this Honourable Court deem fit.

Material or evidence to be relied on:

7. The Receivership Order granted on December 12, 2012;
8. The Amended and Restated Receivership Order granted on January 14, 2013;
9. The Attachment Order;
10. The December 21, 2012 Order;
11. The January 14, 2013 Order;
12. The February 19, 2013 Order;
13. The April 5, 2013 Order;
14. The Affidavit of Stanley Eisenberg sworn December 4, 2012, filed;
15. The Affidavit of Jack Eisenberg sworn December 4, 2012, filed;
16. The Affidavit of Richard Cormstock sworn December 6, 2012, filed;
17. The Transcripts from the Questioning of Theresa Calmusky held April 3rd, 2013, including Exhibits and Responses to Undertakings;
18. The Transcripts from the Questioning of Randy Calmusky held on May 3rd, 2013 and May 10th, 2013, including Exhibits and Responses to Undertakings;

19. The Receiver's Second Report – January 9, 2013, the Receiver's Third Report – February 13, 2013, Receiver's Fourth Report – March 26, 2013, the Receiver's Sixth Report – August 27, 2013 and the Receiver's Supplemental Sixth Report – September 26, 2013;
20. The Written Submissions of Grant Thornton Limited dated October ___, 2013, filed
21. The pleadings filed in this proceeding; and
22. Such further and other material as counsel may advise and this Honourable Court may permit.

Applicable Rules:

23. Rules 1.3, 6.2, 6.3, 6.4(b), 10.55 and 13.5(2) of the *Alberta Rules of Court*; and
24. Such further and other rules as counsel may advise.

Applicable Acts and Regulations:

25. *Bankruptcy and Insolvency Act* (Canada);
26. The inherent jurisdiction of this Honourable Court; and
27. Such further and other Acts and regulations as counsel may advise.

Any irregularity complained of or objection relied on:

28. N/A

How the Application is proposed to be heard or considered:

29. This Application is proposed to be heard in Justice Chambers.

WARNING

If you do not come to Court either in person or by your lawyer, the Court may give the Applicant 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.