

2022 01G 1964
IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
IN BANKRUPTCY AND INSOLVENCY

IN THE MATTER OF the Companies Creditor Arrangement Act, R.S.C. 1985 c.C-36 as amended (the "**CCAA**")

AND IN THE MATTER OF an application of Edward Collins Contracting Ltd., Classic Security Limited, 51037 Newfoundland and Labrador Inc., and H & E Designs Ltd. (collectively "**ECC**" or the "**Company**")

NOTICE OF MOTION

SUMMARY OF CURRENT DOCUMENT	
Court File Number:	2022 01G 1964
Date of Filing Document:	March 29, 2022
Name of Filing Party or Person:	Applicants, Edward Collins Contracting Ltd., Classic Security Limited, 51037 Newfoundland and Labrador Inc., and H & E Designs Ltd. (collectively " ECC " or the " Company ")
Application to which Document being filed relates:	Stay Extension Application filed by the Applicants
Statement of Purpose in Filing:	Notice of Motion seeking an extension of the current stay period;
Court Sub-File Number:	N/A

Edward Collins Contracting Limited, Classic Security Ltd., FGC Holdings Ltd., 51037 Newfoundland and Labrador Inc. and H & E Designs Ltd. (collectively, the "**Applicants**") will make a motion before the presiding Judge in Bankruptcy and Insolvency on the 4th of April, 2023, at 10:00 a.m., or so soon thereafter as the motion can be heard at the Courthouse, Duckworth Street, St. John's Newfoundland and Labrador.

On the hearing of this Motion, the Applicants intend to apply for the following relief:

1. an Order, substantially in the form attached as Exhibit "A" (the "**Stay Extension Order**") that, among other things, extends the Stay Period as defined in paragraph 15 of the Amended and Restated Initial Order of the Honourable Justice Alexander MacDonald dated October 17, 2022 (the "**ARIO**") pursuant to the *Companies' Creditors Arrangement Act*, RSC 1985, c C-36, as amended (the "**CCAA**") up to and including May 31, 2023; and
2. such further and other relief as this Honourable Court deems just.

THE GROUNDS FOR THIS MOTION ARE:

3. The Applicants are group of companies operating in the business of heavy civil construction, waste management, logistics, manufacturing of aggregates and industrial materials, property ownership and management..
4. On October 17, 2022, the Initial Order granted by Justice MacDonald, among other things:
 - a) granted a stay of proceedings up to and including December 15, 2022 (the "**Stay Period**"); and
 - b) appointed Grant Thornton Limited as Monitor (the "**Monitor**").
5. The Stay Period was extended by subsequent order of this Honourable Court dated December 15, 2022 to March 31, 2023 (the "**Extended Stay Period**").
6. The Applicants are seeking an extension of the Extended Stay Period to permit them to, among other things, pursue a restructuring strategy that will maximize value for the Applicants' creditors and stakeholders, which includes a refinancing of their indebtedness.

7. The Applicants have worked diligently and in good faith during the CCAA proceeding. Since the ARIO was granted, the Applicants, together with the Monitor, have, among other things:
- a) considered and canvassed all available refinancing and restructuring options to find a solution that benefits the Applicants' creditor and stakeholder group as a whole;
 - b) provided information to the Monitor to facilitate the restructuring process;
 - c) worked with the Monitor to address cash flows; and
 - d) operated in accordance with the ARIO, including conducting business in the normal course.

Further Extension of the Extended Stay Period

8. The further extension of the Extended Stay Period is necessary and appropriate. The Applicants are seeking an extension of the stay of proceedings up to and including May 31, 2023 to provide the time necessary to continue to stabilize the Applicants' operations, allow them to continue operating in the ordinary course, and to complete and implement a Plan, which will ultimately preserve and maximize of the Estate for the Company's creditors and other stakeholders.
9. The Applicants, with the assistance of the Monitor, are continuing to work to refinance their indebtedness and collect their accounts receivable.
10. The Applicants require further time to complete the refinance of its business and collect its accounts receivable.

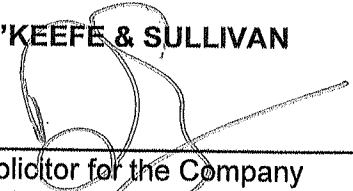
11. If the Applicants are not permitted additional time to complete their re-financing and collect their accounts receivable, the Applicants will not be in a position to make a viable Plan to their creditors. A complete shut-down and liquidation of the Applicants will not maximize value. In contrast, a going-concern restructuring strategy that preserves the active revenue-generating potential of the Applicants will otherwise service the best interests of the broader economic community of its stakeholders.
12. The Applicants have acted in good faith and with due diligence since the granting of the ARIO.
13. The Monitor supports the relief sought.

Further Grounds

14. Section 11.02 and other provisions of the CCAA and the inherent and equitable jurisdiction of this Court;
15. Such further and other grounds as counsel may advise and this Honourable Court may permit.
16. The following documentary evidence will be used at the hearing of this Motion:
 - a) The Affidavit of Josh Collins dated the 29 March 2023, with the Exhibits attached thereto;
 - b) The Fifth Report of the Monitor, to be filed; and
 - c) Such further and other evidence as counsel may advise and this Honourable Court may permit.

17. **DATED** at St. John's, in the Province of Newfoundland and Labrador, this 21 day of March 2023.

O'KEEFE & SULLIVAN



Solicitor for the Company
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To: The Honourable Supreme Court
233 Duckworth Street,
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And To: The Service List attached hereto as Schedule "B"

SCHEDULE "A"

2022 01G 1964

**IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
IN BANKRUPTCY AND INSOLVENCY**

IN THE MATTER OF the Companies Creditor Arrangement Act, R.S.C. 1985 c.C-36 as amended (the "**CCAA**"); and

AND IN THE MATTER OF an application of Edward Collins Contracting Ltd., Classic Security Limited, FGC Holdings Ltd., 51037 Newfoundland and Labrador Inc., and H & E Designs Ltd. (collectively "**ECC**" or the "**Company**").

STAY EXTENSION ORDER

Before the Honourable Justice Alexander MacDonald on April 4, 2023:

THIS APPLICATION, made by Edward Collins Contracting Limited, Classic Security Ltd., FGC Holdings Ltd., 51037 Newfoundland and Labrador Inc. and H & E Designs Ltd. (collectively, the "**Applicants**") pursuant to the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended (the "**CCAA**") for an order extending the Stay Period (as defined herein) up to and including 31 May 2023 was heard on the 4 April 2023.

ON READING the affidavit of Josh Collins, sworn 29 March 2023, and the Exhibits thereto, the Fifth Report of Grant Thornton Limited dated 27 March 2023 in its capacity as monitor of the Applicants (the "**Monitor**");

ON HEARING the submissions of counsel for the Applicants, the Monitor, the Royal Bank of Canada, and such other counsel that were present, no one else appearing for any party although duly served as outlines in the Affidavit of Service dated ____ April, 2023:

SERVICE

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion and the materials filed, as set out in the Affidavit of Service, is hereby deemed adequate notice so that this Motion is properly returnable today and hereby dispenses with further service thereof.

STAY OF PROCEEDINGS

2. **THIS COURT ORDERS** that the Stay Period, as defined in the Order of the Honourable Justice Alexander MacDonald dated October 17, 2022 as extended (the "**Initial Order**"), is hereby further extended up to and including 31 May 2023.

GENERAL

3. **THIS COURT ORDERS** that this Order and all of its provisions are effective as of 12:01 a.m. Eastern Standard/Daylight Time on the date of this Order.

ISSUED at St. John's, Newfoundland and Labrador this 4th day of April 2023.

SCHEDULE "B"

Court File No. 2022 01G 1964

**IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
IN BANKRUPTCY AND INSOLVENCY**

**IN THE MATTER OF THE *COMPANIES' CREDITORS*
ARRANGEMENT ACT, R.S.C. 1985, C. C-36**

**AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGMENT OF
EDWARD COLLINS CONTRACTING LIMITED, H & E DESIGNS LTD.,
CLASSIC SECURITY LTD., FGC HOLDINGS LTD. AND
51037 NEWFOUNDLAND & LABRADOR INC.**

SERVICE LIST

Updated March 29, 2023

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