



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

ADDRESS FOR SERVICE AND
CONTACT INFORMATION OF
PARTY FILING THIS DOCUMENT

Burnet, Duckworth & Palmer LLP
2400, 525 – 8th Avenue SW
Calgary, Alberta T2P 1G1
Lawyer: Douglas Nishimura
Phone Number: (403) 260-0269
Fax Number: (403) 260-0332
Email Address: dsn@bdplaw.com
File No. 62616-8

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 Judge.

To do so, you must be in Court when the application is heard as shown below:

DATE	<u>Monday, May 13, 2013</u>
TIME	<u>2:00 p.m. – Commercial List</u>
WHERE	<u>Court House, Calgary, Alberta</u>
BEFORE WHOM	<u>Mr. Justice R. G. Stevens</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 authorizing the Receiver, Grant Thornton Limited, to assign the Defendant, 910234 Alberta Ltd. ("910") into bankruptcy; and
3. Such further and other relief as counsel may advise and this Honourable Court deem fit.

Grounds of the Application:

4. The Receiver has, in the course of its investigations, determined that several transactions involving 910 may be subject to Section 96 of the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3;
5. The Receiver has determined that, in order to best preserve the right to review and potentially seek relief in respect of the foregoing transactions, 910 must be placed into bankruptcy on or before May 28, 2013 or alternatively, as soon as possible; and
6. 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 Receiver's Fifth Report dated May 6, 2013, filed;
10. The pleadings filed in this proceeding; and
11. Such further and other material as counsel may advise and this Honourable Court may permit.

Applicable Rules:

12. *Alberta Rules of Court*; and
13. Such further and other rules as counsel may advise.

Applicable Acts and Regulations:

14. *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3;
15. The inherent jurisdiction of this Honourable Court; and

16. Such further and other Acts and regulations as counsel may advise.

Any irregularity complained of or objection relied on:

17. N/A

How the Application is proposed to be heard or considered:

18. 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.