



No. B200434
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA
IN BANKRUPTCY AND INSOLVENCY

IN THE MATTER OF THE BANKRUPTCY AND INSOLVENCY ACT, R.S.C. 1985, C. B-3,
AS AMENDED

AND IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A PROPOSAL OF RED DOG DELI
RAW FOOD COMPANY INC., OF THE CITY OF VANCOUVER, IN THE PROVINCE OF BRITISH
COLUMBIA

NOTICE OF APPLICATION

Name(s) of Applicant(s): Red Dog Deli Raw Food Company ("Red Dog")

To: Service List

TAKE NOTICE that an application will be made by the applicant(s) to the presiding judge or master at the courthouse at 800 Smithe Street, Vancouver, British Columbia on December 18, 2020 at 09:45 a.m. for the order(s) set out in Part 1 below.

To be heard by telephone counsel for the applicant Martin Sennott, Boughton Law at #700-595 Burrard Street, Vancouver, BC V7X 1S8, (604)-647-4106; msennott@boughtonlaw.com.

Part 1: ORDER(S) SOUGHT

1. Any time limits be abridged so that this application and its supporting materials may be heard.
2. An order for an extension of the time for the Applicant to file a proposal under Section 50.4(9) of the *Bankruptcy and Insolvency Act*, including the stay of proceedings be extended to **February 12, 2021**.
3. Such further and other relief as counsel may advise and this Honourable Court may deem just.

Part 2: FACTUAL BASIS

General Background

1. Red Dog is a British Columbia based corporation that was incorporated under the *British Columbia Business Corporations Act* on July 15, 2004.

2. Red Dog is a company in the business of selling high quality pet food. It was founded on the belief that pets deserve higher quality food and care and, as such, emphasize the use of humanely raised meat, wild-caught fish, and certified organic vegetables in their pet food recipes.
3. Red Dog is committed to creating positive changes in the pet food industry by emphasizing food safety, whole foods, natural balance and a health and wellness philosophy based on prevention rather than disease and suppression. As such, Red Dog makes substantial investments in educating employees and associated parties about food processing, pet food safety, food quality, and other aspects of the food industry that impact the value of the foods people provide their pets. Red Dog prides themselves on continual improvement in processes and products, their professional and personal growth, and in the creation of partnerships with suppliers, vendors, and retailers.

Extension of Stay of Proceedings

4. The expiry of the initial 30 day stay of proceedings from August 31, 2020, was September 30, 2020. On September 23, 2020, the court extended the stay of proceedings and the time to file a proposal by an additional 45 days to November 14, 2020. On November 12, 2020, the court extended the stay of proceedings and the time to file a proposal by additional 46 days to December 29, 2020.
5. Since the commencement of these NOI proceedings, Red Dog has successfully maintained and improved operations. The additional challenges relating to Covid-19 protocols have been overcome, and financial performance of Red Dog has improved. The improvement in financial performance will greatly improve the likelihood of a successful proposal as both lenders and investors will be more attracted to Red Dog due to such financial gains. Red Dog has also retained consultants to assist with sourcing new investment or financing, and a sales consultant to assist in increasing sales and expects to receive refinancing or investment offers shortly.
6. No creditors will be materially prejudiced by an extension of the stay of proceedings to November 14, 2020. The Second Report, prepared by Red Dog's Proposal Trustee, reflects that Red Dog will have sufficient liquidity to cover any restructuring costs throughout the proposed extension of the stay of proceedings, and as the performance of Red Dog has continued to improve, the position of the stakeholders has also improved.
7. Red Dog has been acting in good faith and with due diligence to make a proposal to its creditors.
8. The Proposal Trustee supports the requested stay extension and other relief sought on this motion, and will be setting out the reasons for its support in the Third Report to be filed with the Court.

Part 3: LEGAL BASIS

Extension of Stay of Proceedings

1. Pursuant to Section 50.4(9) of the BIA, a debtor in a proposal proceeding may, before the expiry of the time to file a proposal, apply to the court for an order extending the time to file a proposal, by a maximum of 45 days, and the court may extend the time if it is satisfied that:

- (a) the insolvent person has acted, and is acting, in good faith and with due diligence;
- (b) the insolvent person would likely be able to make a viable proposal if the extension being applied for were granted; and,
- (c) no creditor would be materially prejudiced if the extension being applied for were granted.

Part 4: MATERIAL TO BE RELIED ON

1. Affidavit #1 of Inna Shekhtman, sworn September 14, 2020.
2. Affidavit #2 of Inna Shekhtman, sworn November 5, 2020.
3. Affidavit #3 of Inna Shekhtman sworn December 14, 2020.
4. The First Report of the Proposal Trustee dated September 15, 2020.
5. The Second Report of the Proposal Trustee dated November 2, 2020.
6. The Third Report of the Proposal Trustee dated December 14, 2020.
7. Such further and other material as counsel may advise and this Honourable Court permits.

The applicant(s) estimate(s) that the application will take 30 minutes.

This matter is within the jurisdiction of a master.

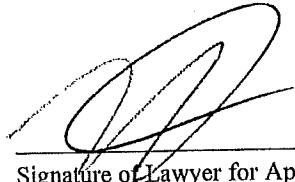
This matter is not within the jurisdiction of a master.

TO THE PERSONS RECEIVING THIS NOTICE OF APPLICATION: If you wish to respond to this notice of application, you must, within 5 business days after service of this notice of application or, if this application is brought under Rule 9-7, within 8 business days after service of this notice of application,

- (a) file an application response in Form 33,
- (b) file the original of every affidavit, and of every other document, that
 - (i) you intend to refer to at the hearing or this application, and
 - (ii) has not already been filed in the proceeding, and
- (c) serve on the applicant 2 copies of the following, and on every other party of record one copy of the following:
 - (i) a copy of the filed application response;

- (ii) a copy of each of the filed affidavits and other documents that you intend to refer to at the hearing of this application and that has not already been served on that person;
- (iii) if this application is brought under Rule 9-7, any notice that you are required to give under Rule 9-7(9).

Dated: December 15, 2020



Signature of Lawyer for Applicant
Martin C. Sennott

This NOTICE OF APPLICATION is delivered by Martin C. Sennott of Martin C. Sennott Law Corporation on behalf of Boughton Law Corporation, whose place of business and address for delivery is PO Box 49290, 700 - 595 Burrard Street, Vancouver, BC V7X 1S8, 604-687-6789. (File No. 87001.12)

To be completed by the court only:

Order made

in the terms requested in paragraphs _____ of Part 1 of this notice of application

with the following variations and additional terms:

Date: _____

Signature of Judge Master

APPENDIX

THIS APPLICATION INVOLVES THE FOLLOWING:

discovery: comply with demand for documents
discovery: production of additional documents
other matters concerning document discovery
extend oral discovery
other matter concerning oral discovery
amend pleadings
add/change parties
summary judgment
summary trial
service
mediation
adjournments
proceedings at trial
case plan orders: amend
case plan orders: other
experts.

No. B200434
Estate No. 11-2668916
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ELECTRONIC FILING STATEMENT

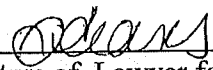
x I, Martin Sennott, am the lawyer acting for Red Dog Deli Raw Food Company
Inc.

I advise as follows:

that the attached Affidavit #3 of Inna Shekhtman is being submitted for filing
electronically on behalf of Red Dog Deli Raw Food Company Inc.

1. that the original paper version of the document being submitted for filing electronically
appears to bear an original signature of the person identified as the signatory and I have
no reason to believe that the signature placed on the document is not the signature of the
identified signatory;
2. that the version of the document that is being submitted for filing electronically appears
to be a true copy of the original paper version of the document and I have no reason to
believe that it is not a true copy of the original paper version.

Dated: December 14, 2020



Signature of Lawyer for Party(ies)
Martin Sennott