

**COURT OF APPEAL OF ALBERTA**

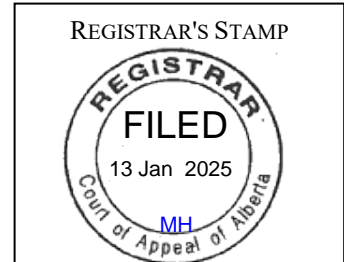
**FORM AP-3**  
[RULE 14.53]

COURT OF APPEAL FILE NUMBER: 2501-0019AC

TRIAL COURT FILE NUMBER: 2401-15969

REGISTRY OFFICE: CALGARY

APPLICANTS: FOSSIL CREEK A2A DEVELOPMENTS, LLC  
AND WINDRIDGE A2A DEVELOPMENTS,  
LLC.



STATUS ON APPEAL: APPELLANTS  
STATUS ON APPLICATION: RESPONDENTS

RESPONDENTS: MICHAEL EDWARDS, PAUL LAUZON,  
ISABELLE BROUSSEAU, PAT WEDLUND,  
AND BRIAN RICHARDS

STATUS ON APPEAL: RESPONDENTS  
STATUS ON APPLICATION: APPLICANTS

DOCUMENT: **APPLICATION FOR PERMISSION TO  
APPEAL**

ADDRESS FOR SERVICE AND  
CONTACT INFORMATION OF  
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**NOTICE TO RESPONDENTS: MICHAEL EDWARDS, PAUL LAUZON,  
ISABELLE BROUSSEAU, PAT WEDLUND,  
AND BRIAN RICHARDS**

**WARNING**

If you do not come to Court on the date and time shown below either in person or by your lawyer, the Court may give the applicant what it wants in your absence. You will be bound by any order that the Court makes. If you intend to rely on other evidence or a memorandum in support of your position when the application is heard or considered, you must file and serve those documents in compliance with the Rules. (Rule 14.41 and 14.43)

**NOTICE TO RESPONDENTS:**

You have the right to state your side of this matter before the Court.

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

Date: February 13, 2025  
Time: 9:30 am  
Where: Suite 2600, 450 – 1 Street SW  
Calgary AB T2P 5H1  
Before: A single Justice of the Court (Rule 14.37)

**Nature of Application and Relief Sought:**

1. This is a case where the Applications Justice erred in law by failing to grant an extension of time to appeal (“**Extension Denial Order**”) an Initial Order (“**Initial Order**”) in proceedings under the *Companies’ Creditors Arrangement Act*, RSC 1985, c C-36 (the “**CCAA**”) against Fossil Creek A2A Developments, LLC and Windridge A2A Developments, LLC (the “**Applicants**”). The Applications Justice erred in law in granting the Extension Denial Order.
2. The Applicants seek leave from this Honourable Court to appeal the Extension Denial Order on the basis that the Applications Justice erred as follows:
  - (a) The Applications Justice erred in law in the application of the test to extend time to appeal by failing to properly consider the public interest component of the test.
  - (b) The Applications Justice erred in law in the application of the test to extend time to appeal by applying the test as a checklist of factors required to be met.
  - (c) The Applications Justice erred in law in the application of the test to extend time to appeal by finding that there was no prejudice to the Applicants.

3. Such further and other relief as counsel may request and this Honourable Court may grant.

**Grounds for making this application:**

4. The points of appeal raise serious questions of general importance, in that the Court of King's Bench of Alberta itself issued a subsequent decision, eleven days after the Initial Order was granted, raising serious questions as to whether the Initial Order should have been granted.
5. Whether time to appeal should be extended in circumstances where the Court itself has put into question whether its own order should have been granted is a matter of general importance to the insolvency bar. Further, the Initial Order – which the Extension Denial Order applies to – raises novel issues of law that are also of general importance to the insolvency bar.
6. The appeal has a reasonable chance of success. The Extension Denial Order made errors of law in its application of the test to extend time to appeal.
7. The appeal will not unduly hinder the progress of the action. There is no stay of any order that has been granted in this matter. Unless and until the appeal is granted, the Applicants continue to comply with any orders that have been granted.
8. Such further and other grounds as counsel may advise and this Honourable Court may permit.

**Material or Evidence to be relied on:**

9. The Applicants intend to rely upon the following:
  - (a) The record or portions of the record that was before the Honourable Justice C. Feasby at the hearing of the application to extend the time to appeal on December 20, 2024.
  - (b) Such further and other material as counsel may advise and this Honourable Court may permit.

**Applicable Acts, Regulations and Rules:**

10. Part 14, Division 4 of the *Alberta Rules of Court*;
11. The *Companies' Creditors Arrangement Act*, RSC 1985, c C-36, as amended, and in particular, sections 13 and 14;
12. *The Judicature Act*, RSA 2000, c J-2; and
13. Such further and other Acts, Regulations and Rules as counsel may advise and this Honourable Court may permit.