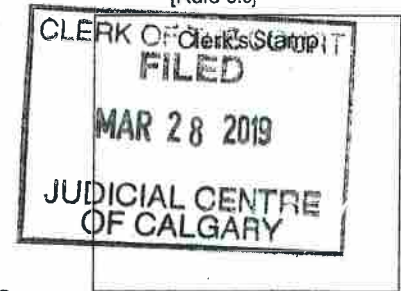


COURT FILE NUMBER 1801-16809
COURT COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE CALGARY
APPLICANT ROBERT KULHAWY
RESPONDENT COMMERX HOLDINGS LLC and LOTUS INNOVATIONS PRIVATE EQUITY FUND also known as LOTUS INNOVATIONS LLC and COMMERX CORPORATION
DOCUMENT **APPLICATION BY ROBERT KULHAWY**



ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT
Burstall LLP
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NOTICE TO THE RESPONDENT: COMMERX HOLDINGS LLC and LOTUS INNOVATIONS PRIVATE EQUITY FUND also known as LOTUS INNOVATIONS LLC and COMMERX CORPORATION

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: April 2, 2019
Time: 1:00 p.m.
Where: 9th Floor, North Tower, Calgary Courts Centre
601-5th Street SW, Calgary, AB T2P 5P7
Before Whom: The Honourable Madam Justice Dario

Go to the end of this document to see what else you can do and when you must do it.

Basis for this claim:

1. On February 25, 2019, the Honourable Madam Justice Dario granted an Order allowing the Applicant, Robert Kulhawy ("**Kulhawy**"), to file a Notice of Intention to Make a Proposal (the "**NOI**") on behalf of Commerx Corporation (the "**Debtor**").
2. The NOI was filed on March 7, 2019.

3. Pursuant to section 50.4(8) of the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3 (the “BIA”), a proposal must be filed by April 6, 2019.
4. The Proposal Trustee is of the view that the Debtor has acted, and is acting, in good faith and with due diligence in order to present a proposal to his creditors.
5. The Debtor will likely be able to make a viable proposal by May 20, 2019.
6. The Applicant is seeking an extension of time to May 20, 2019 to file a proposal pursuant to section 50.4(9) of the BIA.

Remedy sought:

7. The Applicant seeks an Order:
 - (a) declaring service of this Application and its supporting materials good and sufficient, and if necessary, abridging time for notice of the Application to the time actually given;
 - (b) approving a 45 day extension of time for filing the proposal;
 - (c) extending the stay of proceedings in this matter up to and including May 20, 2019; and
 - (d) Such further and other relief as this Honourable Court deems appropriate under the circumstances.

Affidavit or other evidence to be used in support of this application:

8. The Affidavit of Robert Kulhawy, sworn March 28 , 2019, to be filed with this Application.
9. The First Report of the Proposal Trustee.
10. Such further and other materials as counsel may advise and this Honorable Court may permit.

Applicable Acts and Regulations:

11. Sections 50.4(1) and 64.2 of the BIA;
12. Rules 6.3, 9.14, 10.30, and 13.5 of the *Alberta Rules of Court*;
13. *Judicature Act*, RSA, c. J-2, as amended;
14. The inherent and equitable jurisdiction of this Court; and
15. Such further and other provisions and statutes as counsel may advise.

WARNING

You are named as a respondent because you have made or are expected to make an adverse claim in respect of this originating application. If you do not come to Court either in person or by your lawyer, the Court may make an order declaring you and all persons claiming under you to be barred from taking any further proceedings against the applicants and against all persons claiming under the applicants. You will be bound by any order the Court makes, or another order might be given or other proceedings taken which the applicants are entitled to make without any further notice to you. If you want to take part in the application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of this form. If you intend to rely on an affidavit or other evidence when the originating application is heard or considered, you must reply by giving reasonable notice of that material to the applicants.