

CANADA  
PROVINCE OF QUEBEC  
DISTRICT OF MONTREAL

SUPERIOR COURT  
(Commercial Division)

(*Bankruptcy and Insolvency Act*, R.S.C.  
1985, c. B-3)

NO.: 500-11-064695-246  
ESTATE NO.: 41-3132602

IN THE MATTER OF THE NOTICE OF  
INTENTION TO MAKE A PROPOSAL OF:

3760623 CANADA INC.;

Debtor/Petitioner

-and-

KPMG INC., in its capacity as trustee to the  
foregoing Notice of Intention filing;

Trustee

**MOTION TO EXTEND THE DELAY TO MAKE A PROPOSAL**  
(Section 50.4(9) of the *Bankruptcy and Insolvency Act*, Canada)

TO ONE OF THE HONOURABLE JUDGES OF THE SUPERIOR COURT, SITTING IN  
THE COMMERCIAL DIVISION, IN AND FOR THE DISTRICT OF MONTREAL, OR TO  
ONE OF ITS REGISTRARS, THE DEBTOR/PETITIONER RESPECTFULLY SUBMITS  
AS FOLLOWS:

**I. INTRODUCTION**

1. On September 24, 2024, 3760626 Canada Inc. (the “**Debtor**”) filed a Notice of Intention to Make a Proposal (the “**NOI**”) pursuant to the relevant provisions of the *Bankruptcy and Insolvency Act*, Canada (the “**BIA**”), and named KPMG Inc. (the “**Trustee**” or “**KPMG**”) as trustee thereto.
2. On October 1, 2024, this Court issued an order authorizing and approving a sale and solicitation process (the “**Sale Process**”) and an administrative charge, the whole as appears of record herein (the “**First Order**”).
3. The Debtor’s current delay under the NOI to make a proposal (the “**NOI Delay**”) expires on October 24, 2024. For the reasons set forth herein, the Debtor requires an extension of the NOI Delay until December 9, 2024.
4. The Debtor, established in 2000, operates a Montreal based strategy and technology firm which creates, designs and implements customized digital platforms and solutions for many industries, including healthcare, government, pharma, industrial and medicine (the “**Business**”). The Debtor’s activities also include, to a lesser extent, digital media and marketing services.
5. The Debtor currently employs 20 people in Montreal and 8 in Toronto. The Debtor

operates mainly from leased premises in Montreal located at 1435 rue Saint-Alexandre, suite 700 and from temporary workspace in Toronto.

6. The Debtor is self-financed with no bank or financial institution. Effectively, the only creditors of the Debtor are its normal course trade creditors.

## **II. THE DEBTOR'S RESTRUCTURING AND EXTENSION SOUGHT**

7. Pursuant to the First Order, the Trustee initiated the Sale Process on or about October 1, 2024 by soliciting parties it, together with the Debtor, identified as potentially interested in a transaction in connection with the Business. The Trustee informed such parties of the transaction opportunity and invited such parties to sign a non disclosure agreement should they wish to obtain more information or submit an offer.
8. Under the rules governing the Sale Process approved by the First Order, parties have until October 30, 2024 to submit an offer to the Trustee.
9. Accordingly, the Sale Process is still underway, and more time is needed in order to complete such process.
10. The Debtor continues to operate the Business all while pursuing its restructuring efforts and managing potentially interested parties.
11. Given the foregoing, it is appropriate for this Honourable Court to extend the delay under the NOI for the Debtor to make a proposal.
12. The creditors of the Debtor will not be materially prejudiced if the extension of the delay under the NOI requested herein is granted. On the contrary, should the extension sought herein not be granted, the Business will terminate operations, jobs will be lost and the value of the Business will be negatively effected resulting in a poor liquidation scenario.
13. The Debtor has acted, is acting and will continue to act in good faith and with due diligence.
14. In light of the foregoing, the Debtor is well founded to seek the extension of delay to make a proposal until December 9, 2024.
15. A draft order extending the delay under the NOI is produced herewith as **Exhibit P-1**.
16. The Trustee's report in support of the present Motion will be produced at or before the hearing of the Motion as **Exhibit P-2**.
17. The present Motion is well founded in fact and in law.

**WHEREFORE, THE DEBTOR/PETITIONER PRAYS FOR JUDGMENT OF THIS HONOURABLE COURT:**

- (A) **GRANTING** the present Motion;
  - (B) **ISSUING** an order substantially in the form of the draft Order produced herewith as **Exhibit P-1** in support of the Motion; and
  - (C) **ISSUING** any other order(s) the Court deems appropriate;
- THE WHOLE** without costs, save in the event of contestation.

**MONTREAL**, October 18, 2024



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**KUGLER KANDESTIN LLP**

Attorneys for the Debtor/Petitioner

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## AFFIDAVIT

I, the undersigned, Thane Calder, having an office at 700-1435 rue Saint-Alexandre, Montreal, Quebec H3A 2G4, solemnly affirm the following:

1. I am the Chairman of the Debtor/Petitioner;
2. All of the facts alleged in the *Motion to Extend the Delay to Make a Proposal* (the "**Motion**") of which I have personal knowledge are true; and
3. Where I have obtained facts alleged in the Motion from others, I believe them to be true.

And I have signed, in Montréal, Québec

DocuSigned by:

Thane Calder

BF29EFAA8BA74F1...

Thane Calder

Solemnly affirmed before me, by way of technological means, in Montréal, Québec this 18<sup>th</sup> day of October, 2024.

Commissioner for Oaths for Québec

Name:

Commission Number:



CANADA  
PROVINCE OF QUEBEC  
DISTRICT OF MONTREAL  
NO.: 500-11-064695-246  
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(Commercial Division)

(Bankruptcy and Insolvency Act, R.S.C. 1985, c.  
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-and-

KPMG INC.;

Trustee

NOTICE OF PRESENTATION AND SERVICE LIST

TO:

**KPMG INC.**

600 Maisonneuve Blvd West  
Suite 1500  
Montréal, Québec H3A 0A3  
Att: Stéphane De Broux  
([sdebroux@kpmg.ca](mailto:sdebroux@kpmg.ca))  
Dax Romero  
([daxromero@kpmg.ca](mailto:daxromero@kpmg.ca))  
Isabella Todaro  
([itodaro@kpmg.ca](mailto:itodaro@kpmg.ca))

**THE SUPERINTENDENT OF  
BANKRUPTCY**

[osbservice-bsfservice@ised-isde.gc.ca](mailto:osbservice-bsfservice@ised-isde.gc.ca)

**TAKE NOTICE** that the *Motion to Extend the Delay to Make a Proposal* will be presented for adjudication before the Superior Court of Québec, sitting in the Commercial Division, in and for the judicial district of Montréal, on **October 23, 2024, at 8:45 a.m.**, in **Room 16.10** of the Montréal Courthouse, located at 1 Notre-Dame Street East, in the City of Montréal, Province of Québec, or so soon thereafter as counsel may be heard.

**DO GOVERN YOURSELVES ACCORDINGLY.**

**MONTREAL**, October 18, 2024



**KUGLER KANDESTIN LLP**

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[jcuttler@kklex.com](mailto:jcuttler@kklex.com)

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**SUPERIOR COURT**

(Commercial Division)

District of Montreal

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**MOTION TO EXTEND THE DELAY TO MAKE A PROPOSAL  
(Section 50.4(9) of the *Bankruptcy and Insolvency Act*,  
Canada), AFFIDAVIT and NOTICE OF PRESENTATION**

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**ORIGINAL**

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