

and

(D.L. Letter # 1)

Divisional Court File No.: 450/14
Superior Court File No.: CV-08-361642

Mr Kaminski - PPL
Mr Shea - Receiver,
Mr Romano - D's

PPL seeks leave to appeal the order of Huges J. determining the members of PPL elected to vote at the election of the Executive of PPL, and directing the Receiver to conduct the election forthwith.

The impugned order follows in the wake of Huges J.'s decision on May 27, 2014 respecting ownership of lands on which premises of Branch 1-7 of the Polish Alliance is located, in Toronto. (The "Trial Judgment"). The Trial Judgment has been appealed to the Court of Appeal.

The parties were unable to come on a consent for holding elections as they a proper execution could be put in place. The D's claimed there were no members to vote at an election. The D's claimed there were 39 members. P Receiver was of course instructed this case and reported back to Huges J., setting out the principles applied by the Receiver were directed by Huges J. in the Trial Judgment, as the terms of PPL. The primary objection to the Receiver's proposed list of members to appeal was that they were the excluded from membership of the Polish Alliance as a meeting during which Branch 1-7

ONTARIO
SUPERIOR COURT OF JUSTICE
DIVISIONAL COURT

Proceeding commenced at TOKONITO

MOTION RECORD FOR
LEAVE TO APPEAL
AND STAY OF ORDER
VOLUME I

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requested to withdraw from PTC. Lucas J. drafted a report to address this issue (regarding
with the information from the members), and rejected PTC's request for a log, handwritten,
and admissible papers on this issue.

The issue of excluding members decided in the first judgment is a final order,
and may not be argued to this court. The substance of a trial judge's determination
concerning a final order in the trial judgment, I consider that the
decision to the Review to hold an election, and the decision to use the
papers followed to decide upon eligible to vote in the forthcoming meeting as the
intervening decision. However, I am not persuaded that there is a breach of the
contract of these members, and certainly they do not constitute a breach of
importance as that phrase is understood in the context of a contract for lease or
apport.

Lucas J. considers it best that matters proceed again. I agree with
him. The Review will maintain in place, and the new available committee on
cannot take steps that would change circumstances irreversibly while the
appeal to the court of appeal is outstanding. Without risking introduction from the Review of
Finally, I reject the process-based arguments on behalf of PTC. The
members judge gave practical directions firmly anchored in the record before
him after both sides had a full opportunity to address the
membership issue. Action demanded. As agreed, costs to each of
the respondents fixed at \$3500 each, payable 14/1/30 days.
D. Pratt