

ONTARIO
SUPERIOR COURT OF JUSTICE

THE HONOURABLE)
JUSTICE F.L. MYERS) WEDNESDAY, THE 3RD DAY
OF SEPTEMBER 2014

B E T W E E N:

THE POLISH ALLIANCE OF CANADA

Plaintiff

- and -

POLISH ASSOCIATION OF TORONTO LIMITED,
MAREK MIASIK aka MAREK ADAM MIASIK, MARIA MIASIK,
JAN ARGYRIS aka LOUIS JOHN ELIE ARGYRIS aka LOUIS JOHN ARGYRIS aka
JOHN ARGYRIS, WLADYSLAW JASLAN aka WLADYSLAW JULIAN JASLAN,
HELENA JASLAN, EUGENIUSZ SKIBICKI, CZESLAWA ERICKSEN, STANISLAW
ROGOZ aka STAN ROGOZ, ALBERT JOSEPHFLIS AND RICHARD RUSEK

Defendants

ORDER

THIS MOTION, made by Collins Barrow Toronto Limited (the “Receiver”), in its capacity as Court-appointed receiver and manager of the assets, undertakings and properties of Branch 1-7 of The Polish Alliance of Canada (the “Branch”) and Polish Association of Toronto, Limited (the “PATL”), was heard this day at 393 University Avenue, Toronto, Ontario.

ON READING the First Report of the Receiver dated 22 August 2014 and the Affidavit of Elizabeth Betowski sworn 29 August 2014, and on hearing the submission of counsel for the Receiver, the Plaintiff and the Defendants (other than Richard Rusek);

1. **THIS COURT ORDERS** that the approval of the Receiver’s activities as set out in the First Report and the Receiver’s fees and disbursements is adjourned to a date to be set.

2. **THIS COURT ORDERS** that the members of the Branch are the 20 individuals identified on the attached **Schedule "A"** (the "**Branch Members**").
3. **THIS COURT ORDERS** that, to the extent practical, following and in accordance with the constating documents and by-laws of The Polish Alliance of Canada (the "**PAC**"), the Receiver shall:
 - (a) canvass the Branch Members to determine a slate to stand for election to the Executive of the Branch; and
 - (b) convene a meeting of the Branch at such time and such location as may be determined by the Receiver for the purpose of reconstituting the Executive of the Branch by electing an Executive from among the Branch Members (the "**Special Branch Meeting**")
4. **THIS COURT ORDERS** that the Receiver will appoint a neutral chair for the Special Branch Meeting who should be Polish speaking, if practicable.
5. **THIS COURT ORDERS** that for the purpose of calling the Special Branch Meeting, written notice shall be given by the Receiver individually to the Branch Members and the Receiver need not advertise the Special Branch Meeting.
6. **THIS COURT ORDERS** that a Branch Member shall not be entitled to vote at the Branch Special Meeting unless he or she signs a Statutory Declaration in the form provided by the Receiver stating that he or she did not know that the dues being paid by him or her to the Branch were not being paid to The Polish Alliance of Canada ("**PAC**")
7. **THIS COURT ORDERS** that the Receiver is not required to permit representative of the PAC to attend at the premises of the Branch or to permit representative of the PAC to have access to the books, records or documents in the Receiver's possession or under the Receiver's control and relating to the Branch.
8. **THIS COURT ORDERS** that the conduct of the Receiver in permitting the removal of the personal property of Marek Miasik from the Branch's premises is hereby approved.

9. **THIS COURT ORDERS** the Receiver will have access to the \$25,000 retainer to help to pay its final bill, and if and when that occurs the PAC will be entitled to assert a claim for indemnity against the Branch if it chooses to do so.

ENTERED AT / INSCRIT À TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO.:

NOV 07 2014

AS DOCUMENT NO.:
À TITRE DE DOCUMENT NO.:

PER / PAR: *C. Sinclair*



SCHEDULE "A"

Names

Celej, Helena

Celej, Marian

Dreher, Maria

Flis, Emily

Grabowski, Helena

Kowalska, Krystyna

Kucharska, Wladyslawa

Miasik, Adam

Miasik, Andrzej

Miasik, Piotr

Miasik, Renata

Neuff, Eugeniusz

Neuff, Ksawera

Piltz, Juno

Pomorska, Janina

Pomorski, Lucjan

Ross, Virginia

Skibicki, Teresa

Zboch, Constance

Zwara, Cecylia

B E T W E E N:

THE POLISH ALLIANCE OF CANADA
-Plaintiff-

v.

POLISH ASSOCIATION OF TORONTO LIMITED, et al
-Defendants-

ONTARIO
SUPERIOR COURT OF JUSTICE

(PROCEEDING COMMENCED AT TORONTO)

ORDER

GOWLING LAFLEUR HENDERSON LLP

Barristers and Solicitors

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Solicitors for Collins Barrow Toronto Limited,
Court Appointed Receiver and Manager