

**ONTARIO
SUPERIOR COURT OF JUSTICE**

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

**MOTION RECORD
(RETURNABLE 28 NOVEMBER 2014)**

Date: 26 November 2014

GOWLING LAFLEUR HENDERSON LLP
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Suite 1600, 1 First Canadian Place
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Toronto, Ontario M5X 1G5

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

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**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

THE POLISH ALLIANCE OF CANADA

Plaintiff

- and -

**POLISH ASSOCIATION OF TORONTO LIMITED,
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ROGOZ aka STAN ROGOZ, ALBERT JOSEPHFLIS AND RICHARD RUSEK**

Defendants

NOTICE OF MOTION

COLLINS BARROW TORONTO LIMITED, in its capacity as receiver and manager (in such capacity, the “**Receiver**”) of all of the assets, undertakings and properties of Branch 1-7 of The Polish Alliance of Canada (the “**Branch**”) and Polish Association of Toronto, Limited, will make a motion to the Court on Friday, 28 November 2014, at 3:00 p.m., or as soon after that time as the motion can be heard, at 361 University Avenue, Toronto, Ontario.

PROPOSED METHOD OF HEARING: The motion is to be heard orally.

THE MOTION IS FOR:

1. An Order substantially in the form of the draft order attached as Schedule “A”; and
2. Such further and other relief as this Honourable Court deems just.

THE GROUNDS FOR THE MOTION ARE:

1. The grounds set forth in the Second Report of the Receiver dated 26 November 2014.

2. Such further and other grounds as counsel may advise and this Honourable Court may accept.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the Motion:

1. Second Report of the Receiver dated 26 November 2014;
2. Such further and other evidence as this Honourable Court may permit.

26 November 2014

GOWLING LAFLEUR HENDERSON LLP
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Solicitors for Collins Barrow Toronto Limited,
Court Appointed Receiver and Manager

SCHEDULE "A"

**ONTARIO
SUPERIOR COURT OF JUSTICE**

D

**THE HONOURABLE
JUSTICE**

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)
)

**DAY, THE DAY
OF NOVEMBER 2014**

BETWEEN:

R

THE POLISH ALLIANCE OF CANADA

Plaintiff

- and -

**POLISH ASSOCIATION OF TORONTO LIMITED,
MAREK MIASIK aka MAREK ADAM MIASIK, MARIA MIASIK,
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ROGOZ aka STAN ROGOZ, ALBERT JOSEPH FLIS AND RICHARD RUSEK**

A

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**") (the "**Property**"), was heard this day at 361 University Avenue, Toronto, Ontario.

ON READING the Second Report of the Receiver dated 26 November 2014 (the "**Second Report**"), and on hearing the submission of counsel for the Receiver, the Plaintiff and the Defendants (other than Richard Rusek);

- THIS COURT ORDERS** that the Receiver's actions and activities as set out in the Second Report.

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2. **THIS COURT ORDERS** that the Receiver be and is hereby authorized and directed to turn over possession and control of the Property to the Branch and PATL.

3. **THIS COURT ORDERS** that:

(a) the Branch and PATL shall take no steps to sell or encumber the Property; and

(b) the Branch and PATL shall not incur any costs or expenses out-of-the-ordinary-course which would result in any lien or other interest being created in the Property

without leave of this Court or the consent of the Receiver.

4. **THIS COURT ORDERS** that the Branch and PATL shall pay all taxes, utilities or other charges relating to the Property as and when such amounts become due and payable.

5. **THIS COURT ORDERS** that the Branch and PATL shall report to the Receiver with respect to any out-of-the-ordinary-course transaction with respect the Property.

F

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BETWEEN:

THE POLISH ALLIANCE OF CANADA
-Plaintiff-

v.

POLISH ASSOCIATION OF TORONTO LIMITED, et al
-Defendants-

D R A F T

ONTARIO
SUPERIOR COURT OF JUSTICE

(PROCEEDING COMMENCED AT TORONTO)

ORDER

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Court Appointed Receiver and Manager

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)

NOTICE OF MOTION

GOWLING LAFLEUR HENDERSON LLP

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

TAB 2

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

THE POLISH ALLIANCE OF CANADA

Plaintiff

- and -

**POLISH ASSOCIATION OF TORONTO LIMITED,
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ROGOZ aka STAN ROGOZ, ALBERT JOSEPHFLIS AND RICHARD RUSEK**

Defendants

**SECOND REPORT OF THE RECEIVER
(dated as of 26 November 2014)**

I. INTRODUCTION

1. Pursuant to an Order of the Ontario Superior Court of Justice dated June 20, 2014 (the “**Appointment Order**”), Collins Barrow Toronto Limited was appointed receiver and manager (the “**Receiver**”) of all of the assets, undertakings and properties of Branch 1-7 of The Polish Alliance of Canada (the “**Branch**”) and Polish Association of Toronto, Limited (“**PATL**”) (the “**Property**”).
2. The Appointment Order arose out of Reasons for Decision of Mr. Justice Myers released on 27 May 2014 in these proceedings. The Reasons for Decision related to a dispute with respect to the ownership of the Property.
3. The Defendants, with the exception of Richard Rusek, have filed a Notice of Appeal to the Court of Appeal appealing from the Order made on 27 May 2014. PAC has cross-

appealed. The appeals have not yet been scheduled to be heard. The Defendants have sought an Order staying the Order made on 27 May 2014, but that Motion has not yet been heard.

4. The Defendants brought a Motion seeking leave to appeal the Appointment Order. That Motion has, however, been withdrawn by the Defendants.
5. PAC brought a Motion seeking: (a) leave to take proceedings against the Receiver; and (b) an Order removing the Receiver. PAC's Motion was adjourned. PAC has not yet advised the Receiver as to whether it wishes to proceed with its Motion.
6. The purpose of this Report of the Receiver is to:
 - (a) Report to the Court with respect to the Special Meeting of members of the Branch held on 25 November 2014 to elect a new executive for the Branch (the "**Executive**"); and
 - (b) seek an Order authorizing and directing that the Receiver turn over possession and control of the Property to the Branch, subject to certain terms and conditions intended to ensure that the Property is not encumbered, dissipated, etc. pending the hearing and determination of the Appeals.
7. In preparing this Report and making the comments herein, the Receiver has relied upon information prepared or provided by representatives/former representatives of the Branch and PATL (some of which is written in the Polish language), discussions with representatives/former representatives of the Branch and PATL, representatives of the Plaintiff, and their respective counsel, and information from other third-party sources (collectively, the "**Information**"). Certain of the information contained in this Second Report may refer to, or is based on, the Information. As the Information has been provided by various parties, or obtained from documents filed with the Court in this matter, the Receiver has relied on the Information and, to the extent possible, reviewed the Information for reasonableness. However, the Receiver has not audited or otherwise attempted to verify the accuracy or completeness of the Information in a manner that would wholly or partially comply with Generally Accepted Assurance Standards pursuant

to the CPA Canada Handbook and, accordingly, the Receiver expresses no opinion or other form of assurance in respect of the Information.

II. SPECIAL MEETING

8. Mr. Justice Myers ordered PAC to reconstitute the Executive. The Receiver was required to oversee and supervise the reconstitution of the Executive, and to report to the Court any concerns that it may have with respect to the reconstitution of the Executive.
9. On 2 September 2014, the Receiver brought a Motion seeking, *inter alia*: (a) a determination as to the identity of the members of the Branch; and (b) advice and directions with respect to the convening by the Receiver of a Special Meeting of the Branch to elect a new Executive.
10. On 3 September 2014, the Court made an Order (the “**3 Sept 2014 Order**”) declaring that the membership of the Branch consisted of 20 individuals and directed that the Receiver convene a Special Meeting of the Branch to elect a new Executive. Copies of the Endorsements dated 3 September 2014 and 17 September 2014¹, and the 3 Sept 2014 Order are attached as **Schedule “A”**.
11. PAC applied to the Divisional Court seeking leave to appeal the 3 Sept Order. On 6 November 2014, the Divisional Court dismissed PAC’s request for leave. A copy of the Divisional Court’s endorsement is attached as **Schedule “B”**.
12. The Receiver, through counsel, consulted with the members with respect to a slate of Executives and the timing of the Special Meeting.
13. The Receiver was provided with the following slate for the Executive:

President – Connie Zboch

Vice- President – Adam Miasik

Recording Secretary – Wladyslawa Kucharska

¹ On 17 September 2014, the Court clarified the Endorsement from 3 September 2014 to clarify that there were 20 members of the branch.

Financial Secretary – Krystyna Kowalski

Treasurer – Virginia Ross

Organizer – Teresa Skibicki

14. The Receiver determined that, based on the availability of members, the Special Meeting should be held on 25 November 2014 at 1900.
15. On 18 November 2014, the Receiver sent a package to 19 of the 20 members of the Branch calling a Special Meeting for 25 November 2014 at 1900 to be held at the Branch's premises. The Receiver did not have a delivery address for the 20th member of the Branch on 18 November 2014, but sent a package to that member on 19 November 2014. A copy of the package sent to members of the Branch is attached as **Schedule "C"**.
16. Bogdan Kaminski, counsel to PAC, requested that he and the President of PAC be permitted to attend the Special Meeting to observe. This request was refused by the Receiver. The attendance of the President of PAC and/or Mr. Kaminski at the Special Meeting would, in the Receiver's view, have been disruptive.
17. The 20 Sept 2014 Order required that any member of the Branch voting at the Special Meeting be required to swear a statutory declaration in a form prepared by the Receiver stating that he or she did not know that the dues being paid to the Branch were not being paid to PAC.
18. While not required to do so, the Receiver circulated a draft of the Statutory Declaration to Mr. Bernie Romano, counsel to the Defendants other than Mr. Rusek, and Mr. Kaminski for comments. Mr. Romano had no comments on the draft. Mr. Kaminski did not oppose the form of the Statutory Declaration, but requested that the document be amended to include a declaration that the person signing the document was a member of the Branch. In light of the terms of the 3 Sept Order, the Receiver did not feel this was necessary. Mr. Kaminski then requested that the 3 Sept Order be attached to the Statutory Declaration. The Receiver did not believe that this was necessary and also refused this request.
19. The Special Meeting was convened on 25 November 2014.

20. At about 1530 on 25 November 2014, Mr. Kaminski sent an e-mail to the Receiver's counsel requesting that the Receiver "instruct" the new Executive with respect to certain matters relating to the endorsements made in these proceedings. In response to a request for clarification, Mr. Kaminski advised that the request was based on the belief that the Receiver was, in convening the Special Meeting, acting "in the shoes" of his client. The Receiver's counsel advised Mr. Kaminski that the Receiver was not "standing in the shoes" of PAC.
21. The Attendance Sheet for the Special Meeting is attached as **Schedule "D"**. There were a total of 19 members of the Branch in attendance at the Special Meeting, either in person or by proxy.
22. The Receiver permitted 17 of the members in attendance on 25 November 2014 to vote, either in person or by proxy. Sixteen members voted at the Special Meeting in person and 1 member voted by proxy. The Receiver refused to permit 2 members of the Branch to vote by proxy because the Statutory Declaration submitted by them was not properly sworn and they were not in attendance.
23. As required by the 3 September 2014 Order, the Special Meeting was chaired by Danika Zrebiec, a Polish-speaking employee of the Receiver and the Special Meeting was conducted primarily in Polish. The Minutes from the Special Meeting are attached as **Schedule "E"**. An English translation of the Minutes, including confirmation by Ms. Zrebiec that the English-language Minutes accurately reflect the Polish-language Minutes, is attached as **Schedule "F"**.
24. The Executive elected by the members of the Branch at the Special Meeting is:

President – Connie Zboch

Vice- President – Adam Miasik

Recording Secretary – Wladyslawa Kucharska

Financial Secretary – Krystyna Kowalski

Treasurer – Virginia Ross

Organizer – Teresa Skibicki

25. There is, in the Receiver's view, no need, given the costs being incurred and the fact that an Executive has been elected, for the Receiver to remain in possession of the Property. The Receiver will, however, remain in place to ensure, *inter alia*, that the Property is not sold or encumbered. In addition, the Executive of Branch 1-7 should, in the Receiver's view, be required to obtain consent prior to entering into any transactions that are out-of-the-ordinary-course relating to the real property and ought to be required to pay all taxes and other expenses that might result in a lien or other interest against the property.

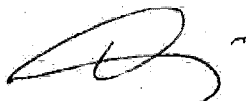
III. CONCLUSION

26. The Receiver respectfully requests that the Court make an Order authorizing and directing that the Receiver turn possession and control of the Property over to the Branch and PATL, subject to certain terms and conditions intended to ensure that the Property is not encumbered, dissipated, etc. pending the hearing and determination of the pending appeals of the Order made on 27 May 2014.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 26th day of November 2014

COLLINS BARROW TORONTO LIMITED

In its capacity as Court Appointed Receiver
and Manager of Branch 1-7 of The Polish Alliance
of Canada and Polish Association of Toronto, Limited
and not in its personal capacity



Per: Daniel Weisz, CPA, CA, CIRP
Senior Vice President

SCHEDULE "A"

CITATION: The Polish Alliance of Canada v. Polish Association of Toronto Limited, 2014
ONSC 5095
COURT FILE NO.: CV-08-361644
DATE: 20140903

SUPERIOR COURT OF JUSTICE - ONTARIO

BETWEEN:

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 aka JOHN ARGYRIS, WLADYSLAW JASLAN aka WLADYSLAW JULIAN JASLAN, HELENA JASLAN, EUGENIUSZ SKIBICKI, CZESLAWA ERICKSEN, STANISLAW ROGOZ aka STAN ROGOZ, ALBERT JOSEPH FLIS and RICHARD RUSEK

Defendants

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 JOSEPH FLIS and RICHARD RUSEK

Plaintiffs by Counterclaim

AND:

THE POLISH ALLIANCE OF CANADA, ROBERT ZAWIERUCHA, TADEUSZ MAZIARZ, ELIZABETH BETOWSKI, DANUTA ZAWIERUCHA, TERESA SZRAMEK, ANDRZEJ SZUBA, ADAM SIKORA, ELZBIETA GAZDA, STANISLAW GIDZINSKI, STANISLAW IWANICKI and TADEUSZ SMIETANA

Defendants by Counterclaim

BEFORE: F.L. Myers J.

COUNSEL: E. Patrick Shea, for Collins Barrow Toronto Limited, Receiver and Manager
Peter Waldmann, for the Plaintiff
Bernie Romano, for the Defendants/Respondents, except for Richard Rusek

HEARD: September 2, 2014

F.L. MYERS J.

ENDORSEMENT

[1] By order dated June 20, 2014 (the "Appointment Order") Collins Barrow Toronto Limited was appointed receiver and manager (the "Receiver") of the assets, undertaking and properties of Branch 1-7 of The Polish Alliance of Canada and Polish Association of Toronto Limited (the "Branch" and the "Corporate Defendant" respectively). The Receiver moves under Rule 41.05 and under paragraph 24 of the Appointment Order, on notice to the parties, for directions concerning a number of matters that have arisen during its brief tenure.

[2] At the hearing of the motion, The Polish Alliance of Canada ("PAC") delivered a motion for leave to sue the Receiver and two of its officers personally for alleged misconduct. The motion was not intended to proceed on September 2, 2014, but the PAC relied upon the evidence in its motion record and other material filed in response to the Receiver's motion.

Background

[3] By order dated May 27, 2014, the Court resolved a trial of the issues between the parties concerning the ownership of the properties of the Branch. At its core, the case concerns a dispute between the local branch of a national association and the national association itself concerning ownership and control over those properties. Although the Branch's historic clubhouse is a modest building, the land upon which it sits is very valuable for development purposes on the waterfront in Toronto. In the May 27, 2014 order, the Court essentially found that the property of the Branch and the Corporate Defendant was beneficially owned by the members of the Branch and not by the national PAC. The Corporate Defendant owns legal title to the bulk of the Branch's land and holds the land in trust for the members of the Branch. As a result of internal corporate law issues and the law applicable to ownership of property by not-for-profit corporations, the Court found that the PAC was trustee of the shares of the Corporate Defendant, but that the management of the legal title to the shares fell within the purview of the executive of the Branch.

[4] The Defendants were the longtime executive of the Branch. In the trial of the issues, they claimed that the Branch left the PAC in 2006 and had successfully taken the members' properties with them. The Court did not agree with the Defendants. It held that since the Defendants had voluntarily resigned from the PAC, they no longer represent the members of the Branch in whom beneficial title to the shares and the lands resides. But, on the facts, the Court held that the Branch continues to exist although the identity of its members was not clear and there is no validly elected executive in place to manage the Branch members' properties.

[5] The Court called for submissions from the parties as to how to deal with these issues during the trial of the issues. Paragraph 90 of the Court's Reasons for Decision dated May 27, 2014 provides:

[90] Early in the trial, I advised counsel and the parties that I had the authority to add terms or conditions to any declaration that I might make and I invited counsel to consider

terms that might be appropriate - especially any that might be helpful to protect the membership generally. I have the authority to add terms to my declaratory orders whether under the general law and rules applicable to declaratory orders (see *Jordan v. McKenzie* (1998), 3 C.P.C. (2d) 220 (O.H.C.J.)) or as an additional issue that I am authorized to raise under the Order to Campbell J. establishing this trial of the issues. That is, I raised an issue as to the remedial terms that should properly follow from the declarations being sought. Counsel both proposed terms and made argument on the terms proposed. In paragraph [22] above, I referred to terms suggested by Mr. Romano to alleviate concerns raised by the PAC with respect to the corporate structure of PATL. In closing argument, Mr. Waldmann for the PAC fairly invited me to make the following directions as conditions in respect of the declarations that he sought:

- (A) The PAC will recognize as continuing members of Branch 1-7 of The Polish Alliance of Canada all those who were members as at August 26, 2006 without any requirement to re-apply or to pay arrears from August 26, 2006 provided that the members did not know that their dues were not being paid to the PAC;
- (B) The PAC will accept membership applications for Branch 1-7 of The Polish Alliance of Canada in the ordinary course from anyone who qualifies other than the defendants;

[6] The Court accepted these submissions and views them as commitments of the PAC to the Court. In any event, they were incorporated in the May 27, 2014 order. Paragraph 1 of that order provides:

THIS COURT ORDERS that the PAC will recognize as continuing members of Branch 1-7 of the PAC all those who were members as at August 26, 2006 without any requirement to re-apply or to pay arrears from August 26, 2006 provided that the members did not know that their dues were not being paid to the PAC.

[7] The May 27, 2014 order provides as well that the PAC should see to the reconstitution of the executive of the Branch and that, in the interim, the parties should agree upon a neutral third party to hold the Branch members' properties failing which the Court would consider a motion to appoint a receiver to do so.

[8] By urgent motion returnable June 20, 2014, the PAC sought the appointment of the Receiver and the Court made the appointment as sought. At that time, the Defendants were seeking to hold a meeting to elect a new executive of the Branch. The Court held that this was impermissible as the Defendants were no longer part of the Branch or the PAC. Paragraphs 7 and 8 of the Court's Endorsement dated June 20, 2014 provide:

[7] Absent agreement on a neutral third party, it is just, convenient and urgent to appoint Collins Barrow Toronto Limited as receiver and manager of the Lakeshore Property (as defined in my Reasons for Judgment), 32 Twenty-Fourth Street and PATL pursuant to Rule 60.02(1)(d), s.101 of the *Courts of Justice Act*, R.S.O. 1990 c.C.43 and my Order of May 27, 2014. The Receiver is to hold the properties as a neutral officer of the court and is not to take direction from the PAC, the defendants or anyone else. The receiver is to do as little as it views as reasonably possible to take control of all assets of, or held in trust for, the members of the Branch and to hold those assets pending the election of a new executive of the Branch. It should try to allow ongoing programs and uses of the premises as planned subject always to its reasonable concerns for security and protection of the properties under its control.

[8] The receiver will also oversee and supervise the efforts by the PAC to reconstitute the Branch and its executive. The receiver shall report to the court as often as it deems advisable to ensure that the provisions of the court's orders are being observed. The PAC made certain commitments concerning the reconstitution of the Branch that I incorporated into my Order. I expect that my Order will be followed to the letter and in spirit. All that is required for a pre-August 26, 2006 member to be affirmed by the PAC is that he or she did not know that his or her dues were not being forwarded to the PAC. No loyalty oath was proposed by Mr. Waldmann at trial or incorporated into my Order. As to approval of new members in the ordinary course by the PAC as I have ordered, the ordinary course for this organization has not involved an inquisition. The mere fact that someone may have been at a meeting in which the defendants induced him or her to support a change of the name of the Branch to the old name of the "mother branch", for example, is not, to my mind, *ipso facto* proof that those members chose to leave the PAC or are disloyal. I spoke of that event and the defendants' tactical purposes in changing the name of their group in my Reasons for Judgment. There is no indication that the general body of members knew or participated in the tactics of the leadership. All of the principals in this litigation are charismatic leaders with legal teams behind them. The lay members have been caught up in these events. **It was and is my expectation that the reconstitution of the Branch will be conducted as a good faith effort to protect the Polish community of Toronto and in a spirit of reconciliation with the membership at large. The receiver shall ensure that this is so or report to the court any concerns that it may have.** [Emphasis in original]

[9] As a final note of background, in the May 27, 2014 Reasons for Decision, the Court discusses at several places the unfortunate and overwhelming degree of antipathy between the parties. Leaders on both sides were found to have had serious credibility issues in their testimony. Several of the defendants were found to have committed improper acts. However, the Court also accepted the honesty and legitimacy of the defendants' concerns about the true motive of the PAC to unlawfully appropriate the local Branch members' lands through its autocratic and dictatorial acts. Hence, the PAC's confirmation of its recognition of existing members of the Branch in whom beneficial title resides without the need to re-apply through the PAC was an important condition to prevent the PAC from inappropriately taking steps designed to seize unlawfully the valuable property belonging to the members of the Branch.

[10] Unfortunately, the submissions and conduct of the PAC during the receivership have raised serious concerns for the Receiver and the Court. The PAC has now taken the position that despite its submission quoted in paragraph 90(A) of the Reasons for Decision dated May 27, 2014 and para. 1 of the order of May 27, 2014, there are no existing members of the Branch and only people who apply to the PAC can be recognized as members. This is directly contrary to its commitment at trial. Moreover, as noted below, the PAC has been sharply critical of the conduct of the Receiver (whose appointment it sought). Mr. Waldmann complains that “we thought we won” but now see the Receiver dealing with the defendants who “made a Declaration of Independence and Rebellion” against the PAC.

[11] I do not know why the PAC would have thought that it won the trial of the issues. In paragraphs 93 and 94 of the Endorsement dated May 27, 2014, the Court wrote:

[93] I do not regard either side as having been successful in this proceeding. The plaintiff's success is that it holds paper title to a corporation that is itself a trustee. That has no practical value. The plaintiff did not win equitable title to the properties. Moreover, its claim to own the branches' properties was not reasonable in light of its history and its own witnesses' testimony. The defendants had good reason to suspect the plaintiff's bona fides. The defendants, by contrast, failed in their efforts to secede from the PAC with the properties of Branch 1-7. They proved that the members of Branch 1-7 hold equitable title to their properties, but the defendants themselves are not among those members/owners. Their days in the PAC are over due to their own choices. Moreover their acts, however motivated, may have seriously jeopardized the interests of the PAC as a whole and their own members' status and insurance.

[94] This litigation has been typified by tactics and a lack of cooperation. The 2007 effort by the PAC to repeal the amendment to Article 8 of its constitution and the 2013 shareholders' meeting of PATL are both examples of legally-driven, transparent, and ultimately invalid tactics. Both sides played production of documents games procedurally. There was little or no cooperation among counsel in preparation for the trial. There were surprises during the trial. Instead of a joint book of documents and cooperation as ordered at the pre-trial conference, hundreds of documents were filed unnecessarily with no prior agreement on admissibility. The testimony of the lead witnesses on both sides was repeatedly and successfully impeached. In all, neither side behaved like transparent and accountable fiduciaries fulfilling their duties of care, honesty and good faith as the members of the PAC are entitled to expect. I order that there be no costs of this trial of the issues. [Emphasis added]

[12] The Court's efforts to protect the beneficial owners from the strong-arm tactics of both sides is clear in its Reasons for Decision dated May 27, 2014 and the endorsement dated June 20, 2014. On hearing the PAC's motion to appoint the Receiver, the Court feared that the PAC might think that a Court-appointed receiver would do the PAC's bidding. The Court included in the endorsement of June 20, 2014 the express provision (which the Receiver would have understood implicitly in any event) that the Receiver was not “to take direction from the PAC, the defendants or anyone else” in carrying out its mandate as an officer of the Court. Moreover, the Court expressly instructed the Receiver to oversee the efforts of the PAC to reconstitute the

executive of the Branch in light of comments made by Mr. Waldmann at that hearing that led the Court to fear that there could be an inconsistency between the PAC's commitments at trial and its actions after trial. As emphasized in the June 20, 2014 endorsement, it remains the Court's expectation that the parties approach the reconstitution of the Branch executive in a spirit of reconciliation with the members who are the beneficial owners of the Branch's properties. Unfortunately, that has not yet come to pass.

Directions sought by the Receiver

[13] In light of the PAC's motion to lift the stay to allow it to sue the Receiver, the Receiver quite properly asked to adjourn the portions of its motion that had sought approval of its activities and its fees and disbursements pending the resolution of the PAC's motion. Those aspects of the motion are adjourned to a date to be set before me subject to the specific items that were argued and are dealt with below.

[14] The PAC argues that the Court is *functus* in light of the entry of the May 27 and June 20, 2014 orders. The trial of the issues is over. The motion before the Court is for directions under Rule 41.05 and under para. 24 of the Appointment Order. The Court is not *functus* for those purposes.

i. Documents and Squatters' Presence at the Clubhouse

[15] The PAC wants to tour the Branch's properties and to review the Branch's documents that are now under the control of the Receiver. Mr. Romano asserts that there are privileged documents of the defendants among the documents at the Branch's properties. The PAC is critical of the Receiver, accusing it of being one-sided, since the Receiver has continued to allow some of the Defendants to access the Branch clubhouse and not the PAC. The PAC objects to the presence of "squatters" at the Branch's properties.

[16] The PAC does not own the clubhouse or any of the Branch's properties. At most, it has bare legal title to the shares of the Corporate Defendant and even that title is to be managed by the executive of the Branch once it is reconstituted. The PAC has no particular need to visit the clubhouse right now and certainly none to see the defendants' privileged documents.

[17] The Receiver and its counsel could conduct a documents' sweep and review 100 years of documents for privilege. It sees no reason to incur the time and expense of such activity. This is doubly the case because the PAC is already complaining aggressively about the Receiver's fees and disbursements even in the limited manner by which the Receiver has been carrying out its mandate as instructed.

[18] That brings me directly to the presence of defendants on the site. While the defendants are no longer members of the PAC or the Branch, it cannot be denied that they have been managing the clubhouse and the properties for the past two decades plus. Receivers, trustees and other court appointed business administrators are typically experienced accountants and are expert in running other people's businesses with transparent reporting and due oversight by the parties and the Court. But they are generally not experts in the substance of the businesses that they oversee. To keep costs down and minimize, as much as reasonably possible, the use of expensive accounting professionals who may know little about how to run Polish community

events, it is quite normal for a receiver to utilize existing staff for their know-how under appropriate oversight and financial controls. Here, the Receiver declined to terminate the employment of Mrs. Miasik in order to continue to utilize her services organizing and running community events while ensuring that the Receiver had physical control of the premises and all finances. By not firing Mrs. Miasik, the Receiver has also prevented a claim for termination and severance pay by a long-term employee from arising. The Receiver has allowed a number of the defendants to attend the site to help set up tables for events or to help run dinners that had already been planned. All of this was prudent, neutral, and perfectly consistent with the Court's direction that the Receiver to do as little as possible to incur costs or to interfere with the community events at the site. For the PAC to characterize this type of activity as one-sided, tortious or giving "squatters" rights belies a misunderstanding of how receiverships are intended to operate. Moreover, whether there is ever a rapprochement with the defendants, it is undeniable that they have spent their lives building the Branch and have relationships with the members of the Branch. The PAC's notion that the defendants should be barred from the Branch's properties highlights the PAC's inability to rise above the litigation to try to reconcile with members.

[19] The Receiver should continue to maintain the *status quo* in respect of documents and site access utilizing its best judgment on both accounts going forward and reporting to the Court if, in the Receiver's judgment, it becomes necessary or desirable to do so.

ii. Mr. Miasik's Personal Property

[20] The PAC also complains that the Receiver allowed Mr. Miasik to remove some of his personal belongings from the clubhouse. The PAC offered no legal basis for the Receiver to seize Mr. Miasik's property or to deny Mr. Miasik his property as some form of leverage over him in litigation or otherwise. This is an excellent example of why a Receiver is appointed when parties are already litigating. The Receiver brings dispassionate judgment to resolve simple matters rather than trying to find more ways to seek leverage or further litigation. The Receiver's judgment that Mr. Miasik was entitled to retrieve his property was not challenged on the merits by the PAC. Rather, the PAC does not like the fact that the Receiver is not helping it in its war on the defendants. That is not the Receiver's role. This aspect of the Receiver's conduct is approved.

iii. Who Bears the Receiver's Fees?

[21] In paragraph 18 of the Appointment Order, the PAC was required to provide a retainer to the Receiver of \$25,000. The order provides that the retainer is to be held by the Receiver to be applied against its final account. In the interim, the Receiver is to deliver accounts and, if it believes that its aggregate fees and disbursements will exceed \$25,000, it may apply for its discharge. The Receiver's billed fees and disbursements already exceed \$25,000. It would like to have access to the retainer. It is not asking for a discharge at this time as it has a Court-ordered first charge against the assets under its control. There is a stand-alone property that could be sold, if needed, to pay the Receiver's fees and disbursements without having to sell the valuable clubhouse waterfront property. Paragraph 10 of the endorsement of June 20, 2014 is consistent with this reading of the Appointment Order and does not alter the Receiver's entitlement. The Receiver will be paid from the properties under its control if no one else steps

up to pay. The Receiver will have access to the \$25,000 retainer to help pay its final bill. 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. The Court appreciates the Receiver's continued willingness to serve despite the cash flow deferral that it is currently incurring.

[22] The PAC will have an opportunity to comment on the Receiver's fees and disbursements at the return of the Receiver's fee approval motion. A party to the Appointment Order need not sue the Receiver in order to have standing at a fee approval hearing required by the Appointment Order.

iv. Branch Membership and Executive Election

[23] The Receiver discovered a membership ledger of the Branch that was not disclosed by the defendants at the trial of the issues. It provided the ledger to the parties and to the Court. The PAC criticized the Receiver for continuing to communicate with the defendants who are no longer members of the PAC. The Receiver is aware however that both sides have appealed from the outcome of the trial of the issues. It is quite properly seeking input from the defendants whose rights are certainly implicated if they succeed in their appeal. Moreover, the defendants have decades of firsthand knowledge concerning the membership and management of the Branch. The Receiver is not being directed by the defendants any more than it is being directed by the PAC. It cannot be faulted for keeping both sides fully informed and listening to the comments received back from each.

[24] The Receiver reviewed the members' ledger and developed a chart of possible members as of August 26, 2006. Members who were members of the Branch in 2006 and remained members of the defendants' break-away branch are the current beneficial owners of the Branch's property whom the PAC committed and has been ordered to recognize as long as they did not know that their dues were not being passed on to the PAC by the defendants. The Receiver took comments from the parties on the draft lists and, at Appendix "M" to its 1st Report, listed its own comments and Mr. Waldmann's comments. From that Appendix, the Receiver drew 39 names - all of whom appeared to qualify as members of the Branch at August 26, 2006. Of those 39, 19 appear to have not kept up their dues to the end of 2013 and hence their membership would have lapsed. The remaining 20 people, listed at Appendix "N" to the Receiver's 1st Report, appear to qualify as remaining members of the Branch. The PAC complains that some of those are family members of the defendants and hence they must have known that the defendants were not passing on their dues to the PAC. Assuming that family members may have known that their parents or in-laws thought they had left the PAC in 2006, this is not the correct inquiry. As found in the May 27, 2014 Reason for Decision, the PAC allowed the post-2006 break-away body to continue to function and hold itself out as if it was a branch of the PAC. Moreover, the PAC did not apply its automatic expulsion rules to the Branch both before and after August 26, 2006. It is not self-evident that just because someone knew the defendants tried to take the Branch out of the PAC in 2006, that what went on afterward was not part and parcel of the PAC. The inquiry proposed by the PAC and ordered by the Court is whether members at August 26, 2006 who stayed on with the defendants knew that their dues were not being passed on to the PAC. How is that to be determined?

[25] The PAC says that all pre-August 26, 2006 members were automatically expelled under its constitution so that there are no remaining members. The PAC agreed and the Court also ordered the PAC to accept membership application for the Branch going forward. The PAC says it has admitted 18 members just last week who are now the members of the Branch for the purposes of electing an executive. For anyone else to be acknowledged as a member of the Branch, the PAC argues, such person must first apply to the PAC. In light of the PAC's commitment to the Court in para. 90(A) and para. 1 of the Court's order dated May 27, 2014, it is not open to the PAC to now deny that there are any members remaining from August 26, 2006. The change of position is not appropriate or allowable. Moreover, branch members are not appointed by the PAC under its constitution. Rather, members are appointed by each branch and then their names are submitted to the PAC for approval (usually rubber-stamping). The PAC has no authority to unilaterally appoint members of the Branch. The PAC has essentially tried to round up a few members to take control of the election just as the defendants tried to do leading up to the appointment of the Receiver on June 20, 2014.

[26] The Court noted, in the endorsement dated June 20, 2014, that loyalty oaths and inquisitions of applicants were not consistent with membership admission practices of the PAC of which testimony was given at trial. The Court accepts the Receiver's recommendation that the 19 members identified by the Receiver be recognized as the members for the purposes of electing an executive of the Branch. Prior to being allowed to vote, each member must sign a statement that he or she did not know that his or her dues were not being paid to the PAC from August 27, 2006 to May 27, 2014 if he or she is able to do so. If a member cannot or will not so confirm, then he or she will not be recognized as a member of the Branch at this time. Following the PAC constitution *mutatis mutandis*, the Receiver is to canvass the voting members to determine a slate to stand for election to the executive from among their numbers.¹ The Receiver shall hold an election as quickly as is practicable. If a meeting is called for that purpose, notice should be given to voters individually. There is no reason to advertise to the public. The Receiver will appoint a neutral chair for the meeting who should be Polish speaking if practicable.

[27] The PAC says that Canada is a democracy and the corporate entities involved should be controlled by their shareholders' duly elected representatives. The Court agrees. In the Court's view, a democratic process is one in which the duly qualified voters exercise self-determination. The PAC dictating outcomes to beneficial title holders concerning their property is not the Court's view of a democratic outcome. Neither is it appropriate, just, convenient or reasonable to unleash the PAC's lawyers on Branch members to test their loyalty and knowledge. Nothing helpful can come from that process other than more litigation not to mention hard feelings and distrust. The Court would expect anyone participating in the election being held pursuant to the Court's orders to have the protection of section 142 of the *Courts of Justice Act* in any event.

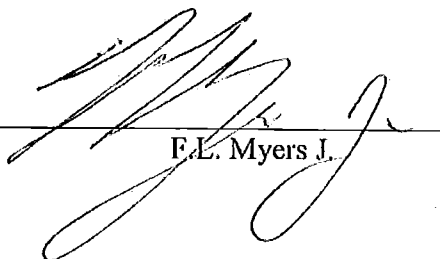
¹ This is analogous to the PAC constitution in that the Receiver is already carrying out the current authority of the executive of the Branch. It is also similar to how a trustee in bankruptcy approaches creditors seeking nominations for the inspectors of a bankrupt estate and falls squarely within the kinds of duties a Court would expect its receiver to be readily able to perform.

Possible Stay Pending Appeal

[28] The election of a new executive must necessarily precede the admission of new Branch members as there must be an executive in place in order to admit new members as noted above. In the Court's view, too much time has elapsed already being consumed in unnecessarily nasty communication and unhelpful posturing. This has resulted in increased fees and disbursements by all professionals including the Receiver and its counsel. Moreover, it has delayed any notion of healing among the PAC, the Branch, and its members so that the properties of the members can be managed in the members' interests and in furtherance of the beneficent goals of the PAC.

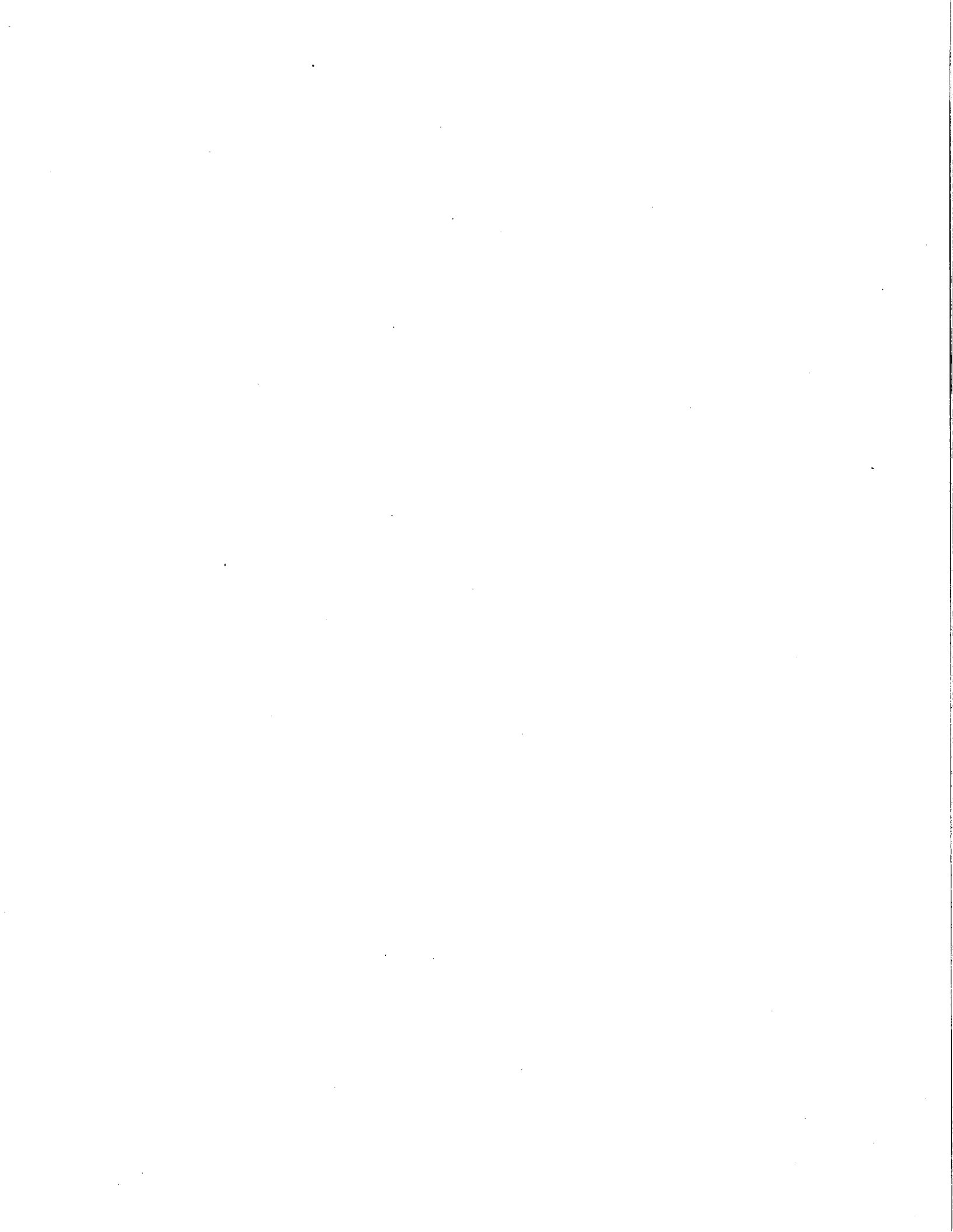
[29] I am advised that a stay of the May 27, 2014 order is being sought by the defendants in the Court of Appeal, but that the date currently picked by the defendants' counsel for that motion is not available for Mr Waldmann. Moreover, Mr. Waldmann advises that it is the PAC's position that the May 27, 2014 order was interlocutory since it resolved only a trial of the issues. As such, it is the PAC's position that an appeal lies only to the Divisional Court with leave of the Court being necessary and the defendants are too late to use that route. It is, therefore, not at all clear when a stay motion will be heard on the merits before the correct appellate court. It seems to me that unless or until stayed, this Court should continue to enforce its orders in the best interests of the parties and the members of the Branch. The sooner that an executive is elected, the sooner the accrual of Receiver's fees can be ended, and the sooner that the Branch's properties can be tended by their beneficial owners. Although the defendants are the ones seeking a stay, they do not object to an election on the basis set out in this Endorsement despite the fact that the defendants are being deprived of the right to vote pending a successful appeal. Accordingly, the Court will proceed with the ongoing supervision of the receivership and the enforcement of the May 27, 2014 unless or until an appellate court rules otherwise.

[30] The Court will advise the parties shortly concerning dates for the hearing of the matters adjourned herein; the date for the hearing of the PAC's motion for leave to sue the Receiver if pressed; and the possible appointment of a new Case Management Judge consequent on the retirement of the former Case Management Judge. Order to go in terms of the directions provided herein. The Receiver should prepare a draft order for review and comment by Mr. Waldmann and Mr. Romano. If the parties do not agree to language within a week, then the then-current draft order and a blackline showing other parties' positions may be sent to me by email to be settled.



F.L. Myers J.

Date: September 3, 2014



CITATION: The Polish Alliance of Canada v. Polish Association of Toronto Limited, 2014

ONSC

COURT FILE NO.: CV-08-361644

DATE: 20140917

SUPERIOR COURT OF JUSTICE - ONTARIO

BETWEEN:

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 aka JOHN ARGYRIS, WLADYSLAW JASLAN aka WLADYSLAW JULIAN JASLAN, HELENA JASLAN, EUGENIUSZ SKIBICKI, CZESLAWA ERICKSEN, STANISLAW ROGOZ aka STAN ROGOZ, ALBERT JOSEPH FLIS and RICHARD RUSEK

Defendants

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, and ALBERT JOSEPH FLIS

Plaintiffs by Counterclaim

AND:

THE POLISH ALLIANCE OF CANADA, ROBERT ZAWIERUCHA, TADEUSZ MAZIARZ, ELIZABETH BETOWSKI, DANUTA ZAWIERUCHA, TERESA SZRAMEK, ANDRZEJ SZUBA, ADAM SIKORA, ELZBIETA GAZDA, STANISLAW GIDZINSKI, STANISLAW IWANICKI and TADEUSZ SMIETANA

Defendants by Counterclaim

BEFORE: F.L. Myers J.

COUNSEL: E. Patrick Shea, for Collins Barrow Toronto Limited, Receiver and Manager
B.A. Kaminski, for the Plaintiff
Bernie Romano, for the Defendants/Respondents, except for Richard Rusek

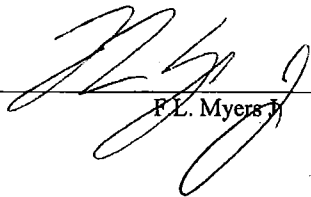
HEARD: September 17, 2014

F.L. Myers J.

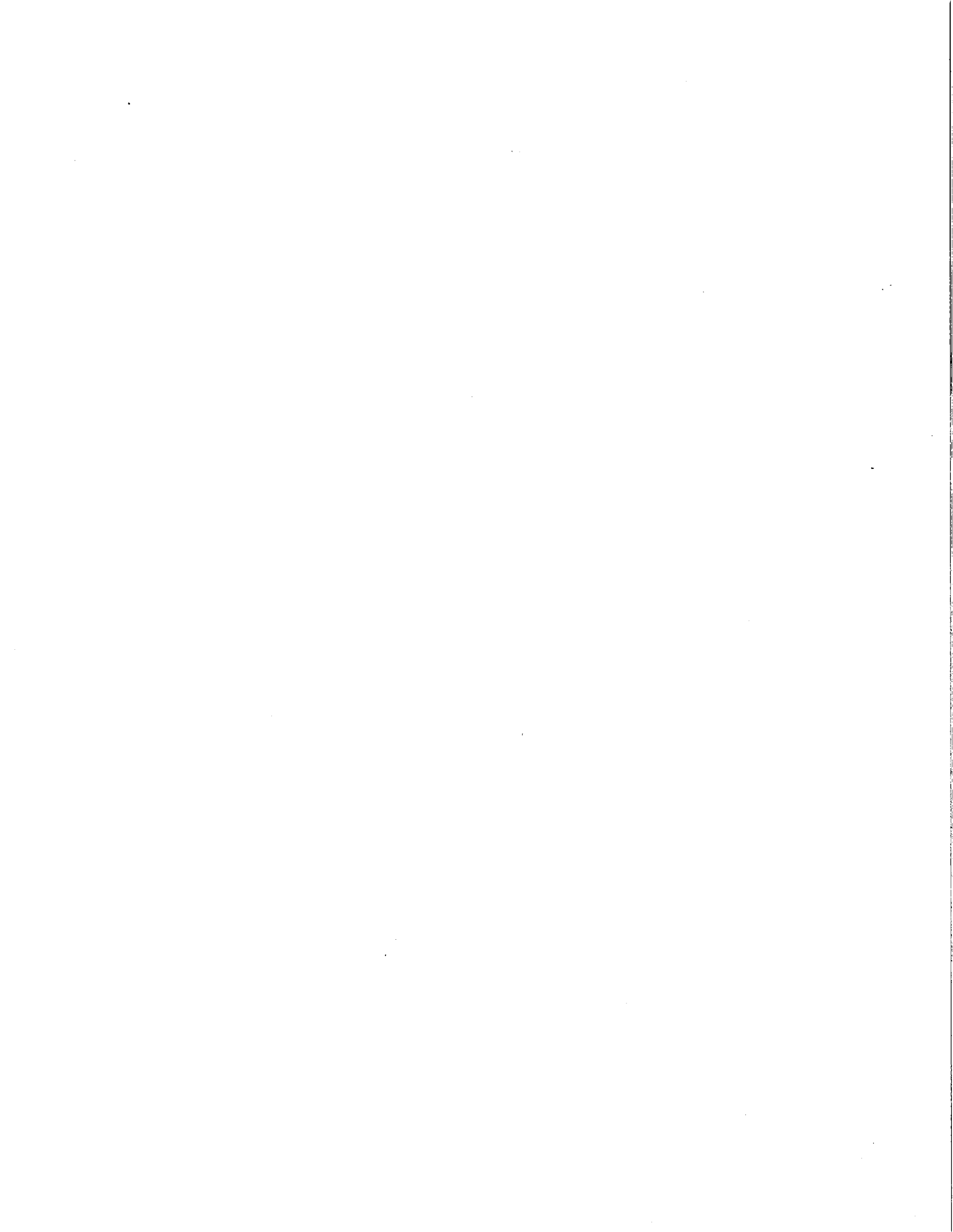
ENDORSEMENT

[1] Last week, the Senior Regional Judge's Designate appointed me as Case Management Judge in this matter to replace Mr. Justice C. Campbell who has retired. During a Case Conference held to discuss the status of the action, counsel advised me of an inconsistency in my Endorsement dated September 3, 2014. In paragraph 24, I excluded from voting (in the upcoming election to reconstitute the executive of Branch 1-7) 19 people who had let their dues lapse since August 26, 2006. In paragraph 26, I wrote that I accepted the Receiver's recommendation that the 19 members be allowed to vote. This was a typo. I intended to say that of the 39 possible voters, excluding the 19 who had let their dues lapse, I agreed with the Receiver that the remaining 20 should be recognized as the members eligible to vote. Mr. Romano suggested that all 39 should vote because the PAC agreed and I ordered in para. 1 of the May 27, 2014 order that members be recognized without a requirement to pay arrears. However that was a reference to arrears that pre-dated August 26, 2006. I never expected people who have not kept their memberships current with the defendants to be able to claim that they remain members of Branch 1-7 of the PAC.

[2] The vote should proceed so that a working executive can take formal possession of the property and re-start the work of carrying out the beneficent goals of the PAC. This should increase revenue and greatly decrease receivership costs going forward. I leave to a subsequent motion the issue of whether the Receiver should have a role after the election whether in overseeing the property, overseeing the reconstitution of the branch members by the new executive and the Head Executive Board of the PAC, or controlling conveyances, encumbrances etc. so as to protect the *status quo* pending appeal or otherwise.


F.L. Myers J.

Date: September 17, 2014



Court File No.: CV-08-361644

**ONTARIO
SUPERIOR COURT OF JUSTICE**

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

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.

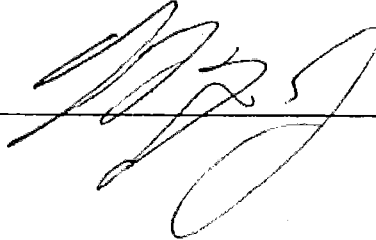
2. **THIS COURT ORDERS** that the members of the Branch are the 20 individuals identified on the attached Schedule "A" (the "Branch Members").
3. **THIS COURT ORDERS** that, to the extent practical, following and in accordance with the constating documents and by-laws of The Polish Alliance of Canada (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 2016

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

<p>BETWEEN:</p> <p>THE POLISH ALLIANCE OF CANADA -Plaintiff-</p> <p>v.</p> <p>POLISH ASSOCIATION OF TORONTO LIMITED, et al -Defendants-</p>	<p>Court File No.: CV-08-361644</p>
<p>ONTARIO</p> <p>SUPERIOR COURT OF JUSTICE</p> <p>(PROCEEDING COMMENCED AT TORONTO)</p> <p>ORDER</p> <p>GOWLING LAFLEUR HENDERSON LLP Barristers and Solicitors 1 First Canadian Place 100 King Street West, Suite 1600 Toronto, ON M5X 1G5</p> <p>E. Patrick Shea (LSUC No. 39655K) Tel: (416) 369-7399 Fax: (416) 862-7661</p> <p>Solicitors for Collins Barrow Toronto Limited, Court Appointed Receiver and Manager</p>	

SCHEDULE “B”

(D.L. Corbett J.)

Mr Kaminski - PAC
Mr Shea - Receiver,
Mr Rowan - PAC's

PAC seeks leave to appeal the order of Judges J. determining the members of PATL entitled to vote at an election of the executive of PATL, and directing the Receiver to conduct the election forthwith.

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

The parties were unable to agree on a process for holding elections so that a proper executive could be put in place. The A's claimed there were no members to vote at an election. The A's claimed there were 39 members. A receiver was appointed - A understood this was one appointed back to Algeria J., acting in receivership. The principles applied by the Receiver were directed by Algeria J. in the Trial Judgment, at the request of PAC. The primary objection to the Receiver's proposed list of names was whether some of the list may now be excluded from membership on the basis of s. 109(1) of the Companies Act, a meeting during which Branch 1-7

ONTARIO
SUPERIOR COURT OF JUSTICE

DIVISIONAL COURT

Proceeding commenced at TOKONTO

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

Bogdan A. Kaminski B. Eng., LL.B.
Michal Antonik B. COM., LL.M.
in Association
Barristers and Solicitors
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Mississauga, ON L5L 3R8

Bogdan A. Kaminski
LSUC #: 35926T

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Fax: (905) 803-9360
Email: bkaminski@kaminskilaw.ca
Lawyers for the Plaintiff

and Defendant by Counterclaim,
The Polish Alliance of Canada et al.

reported to witnesses from PTC. August J. directed a parent to address this issue (regarding
in the confirmation from the members), and suggested PTC's request for a long, constructive,
and adversarial process on this issue.

The issue of excluding members decided in the First Judgment is a final order,
and may not be appealed to this court. The substance of evidence to determine
memberships is likewise a final order in the First Judgment. I consider that the
direction to the Receiver to hold an election, and the decision to use the
process followed to decide parents eligible to vote in the forthcoming meeting is a
interim decision. However, I am not persuaded that there is reason to grant the
correctness of these decisions, and especially they do not constitute matters of
importance as that phrase is understood in the context of a motion for leave to
appeal.

August J. considers it best that matters proceed as are. I agree with the
him. The Receiver will meet in place, and the new Executive Committee on
cannot take steps that would change circumstances irreversibly while the
appeal to the Court of Appeal is outstanding without risking intervention from the Receiver of
Firstly, I regard the process-based arguments on behalf of PTC. The
notions Judge gave practical directions firmly anchored in the record before
him after both sides had a full opportunity to address the
memberships issue. As argued, costs to each of
the responding parties fixed at \$2500 inclusive, payable w/i 30 days.

Direct F.

SCHEDULE "C"



montréal • ottawa • toronto • hamilton • waterloo region • calgary • vancouver • beijing • moscow • london

18 November, 2014

VIA COURIER

Members of Branch 1-7 of The Polish Alliance of Canada

E. Patrick Shea
Direct 416-369-7399
patrick.shea@gowlings.com
File No. T998294

Dear Sirs/Madams:

Re: Special Meeting of the Members of Branch 1-7 of The Polish Alliance of Canada

In accordance with the Order of the Ontario Superior Court of Justice dated 3 September 2014, there will be a Special Meeting of the members of Branch 1-7 of The Polish Alliance of Canada (the “**Branch**”) at 1900 on 25 November 2014. The purpose of this Special Meeting will be to elect an Executive for the Branch.

Enclosed please find:

1. A Notice of Meeting dated 17 November 2014.
2. A blank form of Statutory Declaration.
3. A blank Proxy.
4. A copy of the Order dated 3 September 2014.

Please note that in accordance with the Order dated 3 September 2014, all members must swear a Statutory Declaration in the form attached in order to be eligible to vote, either in person or by proxy, at the Special Meeting.

Sincerely,

GOWLING LAFLEUR HENDERSON LLP

E. Patrick Shea
EPS:fs
Encl.

TOR_LAW\ 8569343\1

List of Members of Branch 1-7

Date: August 13, 2014

In accordance with the Decisions of Myers J. of May 27, 2014 and June 20, 2014.

Number	Name	Address
1	Cebej, Marian	294 Armadale Avenue Toronto, Ontario M6S 3X4 Tel: 416-763-6438
2	Cebej, Helen	294 Armadale Avenue Toronto, Ontario M6S 3X4 Tel: 416-763-6438
3	Dreher, Maria	c/o Ed Dreher phone 416 996 2463
4	Flis, Emily	33 – 37 th Street Toronto, Ontario M8W 3L5 Tel: 416-259-6467
5	Grabowski, Helena	1400 Dixie Road Apt. 608 Mississauga, Ontario L5E 3E2 Tel: 905-278-4825
6	Kowalska, Krystyna	812 Burnhamthorpe Road, Apt. 1401 Etobicoke, Ontario M9L 1W1 Tel: 416-621-1361
7	Kucharska, Wladyslawa	1173 Dreamcrest Road Mississauga, Ontario L5V 1N6 Tel: 905-567-8661

Number	Name	Address
8	Miasik, Adam	601 Windermere Avenue Toronto, Ontario M6S 3L9 Tel: 416-769-6697
9	Miasik, Andrzej	192 Markland Road Etobicoke, Ontario M9C 1P7 Te: 416-252-4011
10	Miasik, Piotr	1320 Avon Crescent Oakville, Ontario L6J 2T7 Tel: 905-338-5963
11	Miasik, Renata	192 Markland Road Etobicoke, Ontario M9C 1P7 Tel: 416-252-4011
12	Neuff, Eugeniusz	73 Botfield Avenue Etobicoke, Ontario M9B 4E3 Tel: 416-239-8618
13	Neuff, Ksawera	73 Botfield Avenue Etobicoke, Ontario M9B 4E3 Tel: 416-239-8618
14	Piltz, Juno	18 Chestnut Hills Pkwy. Etobicoke, Ontario M9A 3P6 Tel: 416-231-4921

Number	Name	Address
15	Pomorska, Janina	1765 Weston Road , Apt. 2009 Toronto, Ontario M9N 3P7 Tel: 416-241-3904
16	Pomorski, Lucjan	1765 Weston Road, Apt. 2009 Toronto, Ontario M9N 3P7 Tel: 416-241-3904
17	Ross, Virginia	3338 Grassfire Crescent Mississauga, Ontario L4Y 3K1 Tel: 905-625-1347
18	Skibicki, Teresa	14 Daniels Street Etobicoke, Ontario M8Y 1L7 Tel: 416-259-9356
19	Zboch, Constance	121 Ling Road, Apt 904 Scarborough, Ontario 905 455 0149 Work 905 453 2121 ex 4216 416 286 9017
20	Zwara, Cecylia	200 Broadway Avenue, Suite 607 Orangeville, Ontario L9W 5G3

BRANCH 1-7 OF THE POLISH ALLIANCE OF CANADA**NOTICE OF MEETING OF MEMBERS****TAKE NOTICE THAT**

1. A Special Meeting of the members of Branch 1-7 of The Polish Alliance of Canada (the "Branch") will be held on the 25th day of November 2014 at 7:00 pm at:

**Polish Alliance of Canada Branch 1-7 Hall
2282 Lake Shore Blvd
Toronto**

2. The only business to be dealt with at the Special Meeting is the appointment of a new Executive for the Branch.

TAKE FURTHER NOTICE THAT pursuant to an Order dated 3 September 2014, only those members that sign a Statutory Declaration in the form attached will be entitled to vote at the Special Meeting.

DATED this 17th day of November 2014

COLLINS & BARROW TORONTO LIMITED



Name: Daniel Weisz

Title: Senior Vice President

STATUTORY DECLARATION

CANADA)	IN THE MATTER OF
)	BRANCH 1-7 OF THE
PROVINCE OF ONTARIO)	POLISH ALLIANCE OF CANADA

I, _____ of the City of Toronto, in the Province of Ontario, **DO SOLEMNLY DECLARE THAT** I did not have personal knowledge, and did not know, that the dues that I was paying to Branch 1-7 of The Polish Alliance of Canada were not being forwarded on by Branch 1-7 to The Polish Alliance of Canada.

AND I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED BEFORE ME at the _____)
 _____, in the _____)
 Province of Ontario, this _____ day of _____)
 November 2014. _____)
 _____)
 _____)
 _____)
 _____)

**BRANCH 1-7 OF THE POLISH ALLIANCE OF CANADA
PROXY**

THE UNDERSIGNED member of Branch 1-7 of The Polish Alliance of Canada (the “**Branch**”) hereby appoints _____ as proxy-holder for the undersigned, with full power of substitution, to attend, to vote and to act for and on behalf of the undersigned at the Special Meeting of the members of the Branch to be held on 25th day of November 2014 and at all adjournments thereof.

DATED this _____ day of November 2014

Name:

Please print name

Signature

Court File No.: CV-08-361644

**ONTARIO
SUPERIOR COURT OF JUSTICE**

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

BETWEEN:

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.

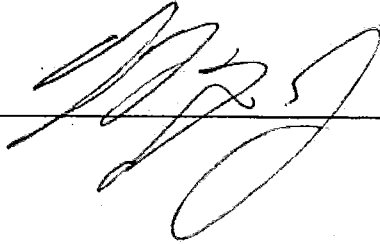
2. **THIS COURT ORDERS** that the members of the Branch are the 20 individuals identified on the attached **Schedule "A"** (the "**Branch Members**").
3. **THIS COURT ORDERS** that, to the extent practical, following and in accordance with the constating documents and by-laws of The Polish Alliance of 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. Trinchera*



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

Court File No.: CV-08-361644

BETWEEN:

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
1 First Canadian Place
100 King Street West, Suite 1600
Toronto, ON M5X 1G5

E. Patrick Shea (LSUC No. 39655K)

Tel: (416) 369-7399

Fax: (416) 862-7661

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

SCHEDULE "D"

BRANCH 1-7 OF THE POLISH ALLIANCE OF CANADA

SPECIAL MEETING OF MEMBERS




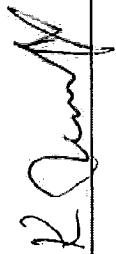
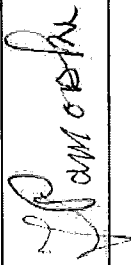

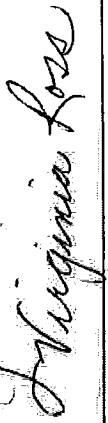
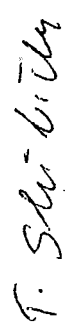

25th day of November 2014 at 7:00 pm

ATTENDANCE LIST

Name	Address	Sign	Stat Dec	Present	Proxy
Cebej, Marian	294 Armadale Avenue Toronto, Ontario M6S 3X4	<i>M. Cebej</i>	Y	Y	
Cebej, Helen	294 Armadale Avenue Toronto, Ontario M6S 3X4	<i>H. Cebej</i>	Y	Y	
Dreher, Maria			Yes	No	Yes
Flis, Emily	33 - 37 th Street Toronto, Ontario M8W 3L5	<i>Emily Flis</i>	Y	Y	
Grabowski, Helena	1400 Dixie Road Apt. 608 Mississauga, Ontario L5E 3E2	<i>Helena Grabowski</i>	Y	Y	
Kowalska, Krystyna	812 Burnhamthorpe Road, Apt. 1401 Etobicoke, Ontario M9L 1W1	<i>Christine Kowalski</i>	Y	Y	
Kucharska, Wladyslawa	1173 Dreamcrest Road Mississauga, Ontario L5V 1N6				YNIA
Miasik, Adam	601 Windermere Avenue Toronto, Ontario M6S 3L9	<i>Adam Miasik</i>	Y	Y	
Miasik, Andrzej	192 Markland Road Etobicoke, Ontario M9C 1P7	<i>Andrzej Miasik</i>	Y	Y	

6444

-2-

Name	Address	Sign	Stat Dec	Present	Proxy
Miasik, Piotr	1320 Avon Crescent Oakville, Ontario L6J 2T7		Y	Y	
Miasik, Renata	192 Markland Road Etobicoke, Ontario M9C 1P7		Y	Y	
Neuff, Eugeniusz	73 Botfield Avenue Etobicoke, Ontario M9B 4E3		Y	Y	
Neuff, Ksawera	73 Botfield Avenue Etobicoke, Ontario M9B 4E3		Y	Y	
Piltz, Juno	18 Chestnut Hills Pkwy. Etobicoke, Ontario M9A 3P6				
Pomorska, Janina	2009 - 1765 Weston Road Toronto, Ontario M9N 3P7		Y	Y	
Pomorski, Lucjan	1765 Weston Road, Apt. 2009 Toronto, Ontario M9N 3P7		Y	Y	
Ross, Virginia	3338 Grassfire Crescent Mississauga, Ontario L4Y 3K1		Y	Y	
Skibicki, Teresa	14 Daniels Street Etobicoke, Ontario M8Y 1L7		Y	Y	
Zboch, Constance	121 Ling Road, Apt. 904 Scarborough, Ontario		Y	Y	
Zwara, Cecylia	607 - 200 Broadway Avenue Orangeville, Ontario L9W 5G3				N/A

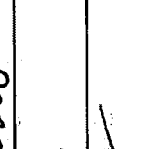


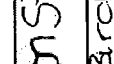


BRANCH 1-7 OF THE POLISH ALLIANCE OF CANADA

SPECIAL MEETING OF MEMBERS

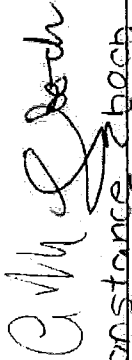
25th day of November 2014 at 7:00 pm

ATTENDANCE LIST

Name	Address	Sign	Stat Dec	Present	Proxy
Bernie Romano	TORONTO mississauga 27 Woodmark Pl. Ste 11	B Romano	-	-	-
PARICE SHERA	25 WASCANA TORONTO		-	-	-
John Terjiga	2220 Midland Toronto		-	-	-
Danika Zrebiec	35 Hayden St. 814 Toronto		-	-	-
Brenda Wong	52 White Birch Scarborough	B Wong	-	-	-
C Wojcylko	162 Dunblaine Cir St. King Street West Suite 700 Toronto, Ont.	C Wojcylko	(acting chauffeur)	-	-
DANKA WELISZ			-	-	-

-3-

Proxies

Name (Print)	Address	Sign	Proxy For	Stat Dec
Constance Zboch			Maria Dreher	Yes
Mr. Dreher		 Constance Zboch		

→

SCHEDULE “E”

Polish Alliance Meeting:**Oddział 1-7 - Związek Polaków w Kanadzie
Nadzwyczajne spotkanie członków
25 listopada 2014 o 7:00****PROGRAM**

- 1) Rozpoczęcie spotkania
- 2) Zatwierdzenie nadzwyczajnego spotkania
- 3) Zatwierdzenie programu
- 4) Wybór kandydatów (dołączone do dokumentu)
- 5) Inne sprawy
- 6) Zakończenie

Spis Kandydatów

Prezydent – Connie Zboch

Wiceprezes – Adam Miasik

Sekretarz Spotkania – Władysława Kucharska

Sekretarz Finansowy – Krystyna Kowalski

Skarbnik – Virginia Ross

Organizator – Teresa Skibicki

Oddział 1-7 - Związek Polaków w Kanadzie
Nadzwyczajne spotkanie członków
25 listopada 2014 o 7:00

Protokół:

Obecni:

Członkowie: (dołączone do dokumentu)

Nie członkowie:

E. Patrick Shea, Gowling Lafleur Henderson LLP
Danny Weisz, Collins Barrow Toronto Limited
Brenda Wong, Collins Barrow Toronto Limited
Danika Zrebiec, Collins Barrow Toronto Limited (prowadząca spotkania)

Zgodnie z nakazem w dniu 3 września 2014, Danika Zrebiec z Collins Barrow działa jako prowadząca nadzwyczajne spotkanie członków związku polaków w Kanadzie, oddział 1-7. Przedstawiciele odbiorcy potwierdzają że każda osoba która została umieszczona w spisie członków i załączona do wykazu w dniu 3 września 2014, jest w spotkaniu osobiście albo przez pełnomocnika.

1) Rozpoczęcie spotkania

Nadzwyczajne spotkanie członków Oddział 1-7 - Związek Polaków w Kanadzie zgodnie z wykazem od Ontario Superior Court of Justice w dniu 3 września 2014 jest przywołane do rozpoczęcia o godzinie 7:15pm.

2) Zatwierdzenie nadzwyczajnego spotkania

ZATWIERDZONE że sposób powołania nadzwyczajnego spotkania członków z oddziału 1-7 - Związku Polaków w Kanadzie zostało zatwierdzone.

Pierwsze poparcie: Adam Miasik

Drógie poparcie: Andrzej Miasik

Kto jest za: 17

Kto jest przeciw: 0

Przechodzi

3) Zatwierdzenie programu

Prowadzonca wezwała do zatwierdzenia przedstawionego programu.

ZATWIERDZONE że program jest zaakceptowany.

Pierwsze poparcie: Ksawera Neuff

Drógie poparcie: Janina Pomorska

Kto jest za: 17

Kto jest przeciw: 0

Przechodzi

4) Wybór kandydatów (dołączone do dokumentu)

ZATWIERDZONE że spis kandydatów jest zaakceptowany i osoby które są powołane na urząd znajdują się w wykazie z ich stanowiskami.

Pierwsze poparcie: Helen Cebej

Drógie poparcie: Marian Cebej

Kto jest za: 17

Kto jest przeciw: 0

Przechodzi

5) Inne sprawy

6) Zakończenie

Jeżeli nie ma innych spraw, przewodzonca oznajmia zakończenie nadzwyczajnego spotkania.

ZATWIERDZONE że nadzwyczajne spotkanie członków Oddziału 1-7 - Związek Polaków w Kanadzie jest zakończone.

Pierwsze poparcie: Virginia Ross

Drógie poparcie: Helena Grabowski

Kto jest za: 17

Kto jest przeciw: 0

Przechodzi

Nadzwyczajne spotkanie zakończyło się o godzinie 7:25pm.

SCHEDULE “F”

BRANCH 1-7 OF THE POLISH ALLIANCE OF CANADA**SPECIAL MEETING OF MEMBERS**

25th day of November 2014 at 7:00 pm

AGENDA

1. Call to Order
2. Ratification of Calling of Special Meeting
3. Confirmation of Agenda
4. Election of Slate (see attached)
5. Other Business
6. Adjournment

EXECUTIVE SLATE

President – Connie Zboch
Vice- President – Adam Miasik
Recording Secretary – Wladyslawa Kucharska
Financial Secretary – Krystyna Kowalski
Treasurer – Virginia Ross
Organizer – Teresa Skibicki

BRANCH 1-7 OF THE POLISH ALLIANCE OF CANADA (the "Branch")**SPECIAL MEETING OF MEMBERS**

25th day of November 2014 at 7:00 pm

MINUTES**Attendance:****Members:**

See attached

Other:

E. Patrick Shea, Gowling Lafleur Henderson LLP

Danny Weisz, Collins Barrow Toronto Limited

Brenda Wong, Collins Barrow Toronto Limited

Danika Zrebiec, Collins Barrow Toronto Limited (Chair)

Pursuant to the Order dated 3 September 2014, Danika Zrebiec of Collins Barrow acted as Chair of the Special Meeting of Branch. Representatives of the Receiver have confirmed that each of the persons in attendance, in person or by proxy, was named on the list of members attached to the Order dated 3 September 2014 and has signed a Statutory Declaration as required by the Order dated 3 September 2014.

1. Call to Order

The Special Meeting of the Branch called pursuant to the Order of the Ontario Superior Court of Justice dated 3 September 2014 was called to order at 7:15pm.

2. Ratification of Calling of Special Meeting

MOVED that the method of calling this Special Meeting of the members of Branch 1-7 of The Polish Alliance of Canada be and is hereby ratified.

Moved: Adam Miasik

Seconded: Andrzej Miasik

In Favour: 17

Against: 0

Passed

3. Confirmation of Agenda

The Chair called for a Motion approving the Agenda as presented.

MOVED that the Agenda be approved as presented:

Moved: Ksawera Neuff

Seconded: Janina Pomorska

In Favour: 17

Against: 0

Passed

4. Election of Slate (see attached)

MOVED that the slate of Executive Officers attached be approved and that the individuals be appointed to the office appearing opposite to their name.

Moved: Helen Cebej

Seconded: Marian Cebej

In Favour: 17

Against: 0

Passed

5. Other Business

6. Adjournment

There being no other business, the Chair called for a motion to adjourn the Special Meeting.

MOVED that the Special Meeting of Branch 1-7 of The Polish Alliance of Canada be adjourned.

Moved: Virginia Ross

Seconded: Helena Grabowski

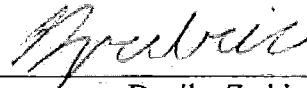
In Favour: 17

Against: 0

Passed

The Special Meeting was adjourned at 7:25pm.

I confirm that these minutes accurately reflect the minutes of the meeting attached hereto that were recorded in the Polish language.



Chair of the Special Meeting of Members
held on November 25, 2014

Danika Zrebiec

EXECUTIVE SLATE

President – Connie Zboch

Vice- President – Adam Miasik

Recording Secretary – Wladyslawa Kucharska

Financial Secretary – Krystyna Kowalski

Treasurer – Virginia Ross

Organizer – Teresa Skibicki

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)

**SECOND REPORT OF THE RECEIVER
(dated 26 November 2014)**

GOWLING LAFLEUR HENDERSON LLP

Barristers and Solicitors

1 First Canadian Place

100 King Street West, Suite 1600

Toronto, ON M5X 1G5

E. Patrick Shea (LSUC No. 39655K)

Tel: (416) 369-7399

Fax: (416) 862-7661

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

Court File No.: CV-08-361644

BETWEEN:

**THE POLISH ALLIANCE OF CANADA
-Plaintiff-**

v.

**POLISH ASSOCIATION OF TORONTO LIMITED, et al
-Defendants-**

ONTARIO

SUPERIOR COURT OF JUSTICE

(PROCEEDING COMMENCED AT TORONTO)

**MOTION RECORD
(RETURNABLE 28 NOVEMBER, 2014)**

GOWLING LAFLEUR HENDERSON LLP

Barristers and Solicitors

1 First Canadian Place

100 King Street West, Suite 1600

Toronto, ON M5X 1G5

E. Patrick Shea (LSUC No. 39655K)

Tel: (416) 369-7399

Fax: (416) 862-7661

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