



ONTARIO
SUPERIOR COURT OF JUSTICE

THE HONOURABLE) TUESDAY, THE 27th DAY
)
JUSTICE F. MYERS) OF MAY, 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 and ALBERT JOSEPH FLIS
and RICHARD RUSEK

Defendants

ORDER

THIS TRIAL OF AN ISSUE, directed by the consent Order of the Honourable Mr Justice C. Campbell made February 21, 2012, for various relief as set out in the said Order, a copy of which is attached as Schedule “A”, was heard the 10, 11, 12, 13, 14, 23, 24, 25, 26, 27th days of March, 2014 and the 16th and 17th days of April, 2014 at Toronto.

ON HEARING the evidence presented by the Plaintiff The Polish Alliance of Canada (“PAC”) and by the Defendants 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 John Flis, (collectively referred to as the “Defendants Other Than Rusek”), and upon hearing counsel for the Plaintiff and counsel for the Defendants Other Than Rusek,

1. **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.
2. **THIS COURT ORDERS** that the PAC will accept membership applications for Branch 1-7 of PAC in the ordinary course from anyone who qualifies other than the defendants.
3. **THIS COURT ORDERS** that the shares of Polish Association of Toronto Limited (“PATL”) shown in the names of Branch 1 and Branch 1 members in the minute book of PATL as amended by Exhibit 33 should be held by the PAC, pending reconstitution by the PAC of the executive of Branch 1-7 of the PAC who will then hold and administer the shares on behalf of the PAC and in both cases the shares are held in trust for the members of Branch 1-7 of the PAC.
4. **THIS COURT ORDERS** that the PAC will take steps to reconstitute the executive of Branch 1-7 of PAC in accordance with the constitution of the PAC provided that a meeting of members of the branch for that purpose shall be held as soon as is practicable and need not wait for the next annual general meeting.
5. **THIS COURT ORDERS** that the parties shall agree on a neutral third party who will take control of the assets and undertaking of Branch 1-7 of the PAC pending the election of a new executive. If the parties cannot agree either may

apply, to this Court to the Honourable Justice Myers by way of a motion if brought, for the appointment of an interim receiver and manager for that purpose.

6. **THIS COURT ORDERS** that the defendants, PATL, and all those managing the Lakeshore Property as defined in Schedule “A” herein (“Lakeshore Property”) and 32 Twenty-Fourth St are enjoined and prohibited from making any payments out of the ordinary course of business and from transferring in any manner any of any assets of PATL, any shares of PATL, the assets of Branch 1-7 of the PAC and any and all assets held in trust by any of them for the members of Branch 1-7 of the PAC pending delivery of same to the reconstituted executive of the branch, an interim neutral third party, or an interim receiver and manager as the case may be.
7. **THIS COURT ORDERS** that, other than the shares referred to in the next sentence, the legal owners of the shares of PATL are the people listed in the minute book of the corporation as updated in the shareholders’ list that is Exhibit 33 subject to any amendments that any shareholder may prove by succession or proper transfer. Legal title to the shares shown in Exhibit 33 as being owned by PAC Branch 1, or PAC – Br.1, or PAC - Br 1 – members and any other branch of the PAC is held by the PAC but that management of that title is delegated to the executive of that branch. All of the shares of PATL are held in trust for the members from time to time of Branch 1-7 of the PAC as properly constituted under the constitution of the PAC and in accordance with this Order.
8. **THIS COURT ORDERS** that the legal owners of the Lakeshore Property and 32 Twenty-Fourth Street are, respectively, PATL for the Lakeshore Property and the defendants Agyris, Flis, Miasik, Rusek, and Mr. Stan Rogoz for 32 Twenty-Fourth Street as trustees. The beneficial owners of all of these properties are the members from time to time of Branch 1-7 of the PAC as

properly constituted under the constitution of the PAC and in accordance with this Order.

9. **THIS COURT ORDERS** that PATL is the legal owner of all of its assets and holds them all in trust for the members from time to time of Branch 1-7 of the PAC as properly constituted under the constitution of the PAC and in accordance with this Order.
10. **THIS COURT DECLARES** that Branch 1-7 of the PAC is an independent organization within the constitution structure of the PAC. While not a legal entity, as between the parties it is recognized as distinct, can lend and borrow, manage property interests delegated to it, and exercise the rights of a branch under the PAC constitution.
11. **THIS COURT ORDERS** that none of the defendants, the group under their executive leadership, or Branch 1-7 of the PAC is the Polish Alliance Friendly Society of Canada ("PAFS") or the PAFS Branch 1.
12. **THIS COURT ORDERS** that, if they are not already in the possession of the Head Executive Board of the PAC, the assets, records, documents, reports, correspondence, corporate seal and other material of PAFS shall be returned to the Head Executive Board.
13. **THIS COURT ORDERS** that there be no order as to costs.

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

JUN 20 2014

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

PER / PAR:




THE POLISH ALLIANCE OF CANADA

(Short title of proceeding)

PLAINTIFF and

POLISH ASSOCIATION OF TORONTO LIMITED, ET AL.
DEFENDANTS

Court file no. CV 08-361644

ONTARIO SUPERIOR
COURT OF JUSTICE

Proceeding commenced at Toronto

ORDER – TRIAL OF AN ISSUE

Name, address and telephone number of solicitor or party

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