



COURT FILE NUMBER 1001-03215  
COURT COURT OF QUEEN'S BENCH OF ALBERTA  
JUDICIAL CENTRE Calgary  
PLAINTIFF FIRST CALGARY SAVINGS & CREDIT UNION LTD.

DEFENDANTS PERERA SHAWNEE LTD., PERERA DEVELOPMENT CORPORATION, DON L. PERERA AND SHIRANIE M. PERERA

PLAINTIFFS BY COUNTERCLAIM PERERA SHAWNEE LTD., DON L. PERERA AND SHIRANIE M. PERERA

DEFENDANTS BY COUNTERCLAIM FIRST CALGARY SAVINGS & CREDIT UNION LTD. and DELOITTE & TOUCHE LLP

DOCUMENT APPLICATION BY FIRST CALGARY SAVINGS & CREDIT UNION LTD. DELOITTE & TOUCHE LLP

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT  
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File No. 419391-000003



**NOTICE TO RESPONDENTS: Perera Shawnee Ltd., Don L. Perera and Shiranie M. Perera**

This application is made against you. You are the respondents.

You have the right to state your side of this matter before the Judge.

To do so, you must be in Court when the application is heard as shown below:

Date	December 20, 2010
Time	10:00 a.m.
Where	Calgary Court House, 601-5 <sup>th</sup> Street S.W., Calgary, Alberta
Before Whom	The Honourable Justice A. Kent

Go to the end of this document to see what else you can do and when you must do it.

**Remedy claimed or sought:**

1. Striking out the counterclaims of the corporate Defendant, Perera Shawnee Ltd. ("PSL"); and
2. Costs of this application in favour of the Applicants, First Calgary Savings & Credit Union Ltd. and Deloitte & Touche LLP (the "Applicants")

**Grounds for making this application:**

3. PSL is insolvent;
4. On March 3, 2010, a receiver (the "Receiver") was appointed over, *inter alia*, PSL's property (the "Property"). PSL consented to the Receivership Order;
5. The counterclaims that PSL seeks to advance in this action against the Applicants include and contemplate the Property (as defined in the Order) of PSL;
6. Pursuant to the terms of the Order, the Property vests in the Receiver;
7. Neither the Receiver nor the Court gave consent to PSL, Don L. Perera or Shiranie M. Perera to commence the counterclaims filed by PSL the Applicants; and
8. The claims that the Respondents seek to advance are therefore improper and constitute an abuse of process.

**Material or evidence to be relied on:**

9. The pleadings filed in this action; and
10. Such further and other material as counsel may advise and this Honourable Court may permit.

**Applicable rules:**

11. Rule 3.68 of the Alberta *Rules of Court*.

**Applicable Acts and regulations:**

12. *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3; and
13. *Judicature Act*, R.S.A. 2000, c. J-2.

**Any irregularity complained of or objection relied on:**

14. Neither the Receiver nor the Court gave consent to PSL, Don L. Perera or Shiranie M. Perera to commence the counterclaims filed by PSL against the Applicants.

**How the application is proposed to be heard or considered:**

15. In person with all parties present.

**WARNING**

If you do not come to Court either in person or by your lawyer, the Court may give the applicant(s) what they want in your absence. You will be bound by any order that the Court makes. If you want to take part in this application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of the form. If you intend to rely on an affidavit or other evidence when the application is heard or considered, you must reply by giving reasonable notice of the material to the applicant.