



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. and DELOITTE & TOUCHE LLP**

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

BLG
Borden Ladner Gervais

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 Centre, 601-5 th Street S.W., Calgary, Alberta |
| Before Whom | The Honourable Justice C. 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 paragraph 38A of the Amended Counterclaim filed by the Respondents on November 8, 2010 (the "Amended Counterclaim");
2. Costs of this application in favour of the Applicant, First Calgary Savings & Credit Union Ltd. (the "Applicant")

Grounds for making this application:

3. Paragraph 38A of the Amended Counterclaim is frivolous, irrelevant, improper and constitutes an abuse of process.

Material or evidence to be relied on:

4. Amended Counterclaim of the Respondents;

Applicable rules:

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

Applicable Acts and regulations:

6. *The Judicature Act*, R.S.A. 2000 c.J-2

Any irregularity complained of or objection relied on:

7. See paragraph 3.

How the application is proposed to be heard or considered:

8. In person with some or 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.