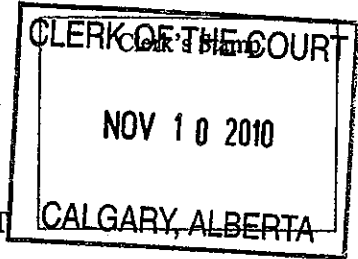


COURT FILE NUMBER 1001-03215  
COURT COURT OF QUEEN'S BENCH OF ALBERTA  
JUDICIAL CENTRE Calgary  
PLAINTIFF **FIRST CALGARY SAVINGS & CREDIT UNION LTD.**



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 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: 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 <sup>th</sup> 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. An Order that the Amended Counterclaim of the Respondents, Don L. Perera and Shiranie M. Perera filed November 8, 2010 against Deloitte & Touch LLP under Action #1001-03215 be struck out.
2. Costs of this Application and of the Action.

**Grounds for making this application:**

3. The Amended Counterclaim discloses no reasonable claim against the Applicant, Deloitte & Touche LLP;
4. The facts relied upon by the Respondents in the Amended Counterclaim cannot support a finding that Deloitte & Touche LLP owed the Respondents any fiduciary obligation;
5. The Respondents claim against Deloitte & Touche LLP as shareholders of Perera Shawnee Ltd. . The Respondents as shareholders have no action recognized in the law for damages allegedly caused to Perera Shawnee Ltd.

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

6. Amended Counterclaim of the Respondents;

**Applicable rules:**

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

**Applicable Acts and regulations:**

8. Alberta *Business Corporations Act*.

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

9. See paragraphs 3-5.

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

10. 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.