

COURT FILE NUMBER: **Q.B. No. 1401 of 2019**

COURT OF QUEEN'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE **SASKATOON**

APPLICANT **PILLAR CAPITAL CORP.**

RESPONDENT **HARMON INTERNATIONAL INDUSTRIES INC.**

**IN THE MATTER OF THE RECEIVERSHIP OF
HARMON INTERNATIONAL INDUSTRIES INC.**

AFFIDAVIT OF CALVIN MONEO

I, CALVIN MONEO, of Saskatoon, Saskatchewan, MAKE OATH AND SAY:

1. I am a director and majority shareholder of the Respondent, Harmon International Industries Inc., ("Harmon"). I have reviewed the files and records of Harmon in relation to this matter as well as spoken about this matter to other officers and directors of Harmon. As such, I have personal knowledge of the facts and matters deposed to herein, except where stated to be based on information and belief. Where so stated, I verily believe the same to be true.
2. Harmon is in the agricultural machinery manufacturing business. Harmon has been in business and operating in Saskatoon since 1989. I have enclosed as **Exhibit "A"** a copy of a corporate profile report for Harmon. In addition to myself, both my brother, Victor Moneo as well as Denis Bergeron are directors of the company. Each of us, in addition to my wife Judith, are also shareholders.
3. The purpose of this affidavit is not to provide a comprehensive rebuttal of the Affidavit of Steven Dizep (though I certainly take issue with many of the things that he has said), rather, it is to provide the Court with some additional information in relation to Harmon's request for an adjournment.

4. In particular, the first time that anyone from Harmon received notice of these proceedings was when the Originating Application of the Receiver was served, by way of email, on September 30, 2019 at 4:23 p.m. A copy of this service email is enclosed for ease of reference as **Exhibit "B"**.
5. Although I fully acknowledge that I received a copy of this email, I did not actually open up or become aware of the contents of this email until sometime after 5pm on September 30, 2019.
6. Given that I did not become aware of these proceedings until after close of business on September 30, 2019, I was not able to make contact with Harmon's usual solicitors, Stevenson Hood Thornton Beaubier LLP, until approximately 6:00 pm on September 30, 2019. However, this law firm advised me that they would be unable to assist Harmon on account of having a conflict of interest and I was referred to a number of other law firms, which I contacted in the morning of October 1, 2019.
7. Unfortunately, both of the law firms that I had been referred to by Stevenson Hood also indicated that they were unable to act for Harmon due to a conflict of interest. One of these firms then referred me to Robertson Stromberg LLP, however, by the time this occurred it was already the afternoon of October 1, and Robertson Stromberg LLP was unable to clear conflicts and confirm their terms of engagement with Harmon until shortly before noon on October 2, 2019.
8. My understanding is that my current solicitor, Jared Epp of Robertson Stromberg LLP, upon being retained, immediately contacted the Applicant's counsel, Kevin Hoy, to request an adjournment. However, my counsel advises me, and I verily believe it to be true, that this adjournment request was refused.
9. I have a number of concerns with proceeding with this application on October 3, 2019, as currently scheduled. These concerns include:

- (a) I, as well as the other directors of Harmon, have not had enough time to review this case with Harmon's legal counsel. Our legal counsel will have been retained for less than 24 hours before this application is set to be argued;
- (b) I have not had enough time to review Harmon's records that relate to these proceedings. I believe, based on the statements made by Mr. Dizep in his affidavit, that a number of emails and text messages are relevant to the matters in issue. I simply have not had enough time to review my phone and email account, let alone to provide the information that my legal counsel has requested, in time for this application; and
- (c) The Applicant, based upon my understanding of the terms of the proposed receivership order, is asking that the Receiver be granted some form of control over property that is owned by either myself or my brother, Victor. I have spoken about this application with my brother and can advise that we are both still considering our options and trying to decide whether or not we need to hire lawyers in our own personal capacity to respond to this element of the application.

10. Finally, I can advise that:

- (a) Harmon has for a number of years disconnected its utilities between May and September to save on operating costs. I fully expect that access to utilities will be restored in early to mid-October; well in advance of the weather changing.
- (b) In terms of Harmon's account with SaskPower, Harmon is in arrears in the amount of \$24,000, however, SaskPower has also requested a security deposit of \$7,500 (SaskPower has indicated that this security deposit is negotiable) before service is restored. Harmon has the financial capacity to make this payment and fully intends to restore service within the next 10 days or so. In any event, I do not believe, based on my review of the next 14 days of weather that has been forecasted for Saskatoon (I have enclosed as **Exhibit "C"** a print screen, retrieved on October 3, 2019, from the "weather network"

website forecasting the weather in Saskatoon over the next 14 days) that cold weather is imminent. Regardless, the Millar Avenue Building is currently being powered by use of a generator set. Once the SaskPower utility is restored, Harmon will also turn on its connection with SaskEnergy.

(c) In any event, the security that exists within the Millar Avenue Building is currently in the same state as it has been in years past (i.e. there is nothing particularly unusual or new about the current state of the Applicant's security, particularly those items of property that are stored within the building).

11. I therefore make this affidavit in support of an adjournment request to allow Harmon a reasonable amount of time to respond to an application which, if successful, will result in a receiver being appointed over a business which has operated successfully in Saskatoon for more than 30 years.

SWORN BEFORE ME at Saskatoon
Saskatchewan, this 3rd day of
October, 2019.

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)
)



CALVIN MONEO

A COMMISSIONER FOR OATHS
For Saskatchewan.

My commission expires: _____
-or being a solicitor-

This *Affidavit of Calvin Moneo* delivered by:

**ROBERTSON
STROMBERG**

ROBERTSON STROMBERG LLP

Barristers & Solicitors

Suite 600, 105 – 21st Street East

Saskatoon, SK S7K 0B3

Lawyer in Charge of file:	Jared D. Epp
Direct Line:	(306) 933-1326
Facsimile:	(306) 652-2445
E-Mail:	j.epp@rslaw.com

This is Exhibit "A" referred to in the Affidavit of

Calvin Moneo

Sworn before me this 3 day of October, 2019.


A Commissioner for Oaths for Saskatchewan.

My appointment expires: _____

-or being a solicitor-



Profile Report

Page 1 of 3

Entity Number: 308774

Entity Name: HARMON INTERNATIONAL INDUSTRIES INC.

Report Date: 02-Oct-2019

Entity Details

Entity Type	Business Corporation
Entity Subtype	Saskatchewan Corporation
Entity Status	Active
Incorporation Date	05-Jan-1989
Annual Return Due Date	29-Feb-2020
Nature of Business	AGRICULTURAL MACHINERY MFG.

Registered Office/Mailing Address

Physical Address	2401 MILLAR AVENUE, SASKATOON, Saskatchewan, Canada, S7K2Y4
Mailing Address	HARMON INTERNATIONAL INDUSTRIES INC., 2401 MILLAR AVENUE, SASKATOON, Saskatchewan, Canada, S7K2Y4

Directors/Officers

CALVIN M. MONEO (Officer)

Physical Address:	210 DORE CRES., SASKATOON, Saskatchewan, Canada	Office Held:	PRESIDENT
Mailing Address:	210 DORE CRES., SASKATOON, Saskatchewan, Canada	Effective Date:	17-Feb-2000

VICTOR A. MONEO (Officer)

Physical Address:	BOX 1988, ASSINIBOIA, Saskatchewan, Canada	Office Held:	SECRETARY
Mailing Address:	BOX 1988, ASSINIBOIA, Saskatchewan, Canada	Effective Date:	17-Feb-2000

CALVIN M. MONEO (Director)

Physical Address:	210 DORE CRES., SASKATOON, Saskatchewan, Canada	Resident Canadian:	Yes
Mailing Address:	210 DORE CRES., SASKATOON, Saskatchewan, Canada	Effective Date:	10-Sep-1999



Profile Report

Entity Number: 308774

Entity Name: HARMON INTERNATIONAL INDUSTRIES INC.

Report Date: 02-Oct-2019

VICTOR A. MONEO (Director)

Physical Address: BOX 1988, ASSINIBOIA,
Saskatchewan, Canada

Resident Canadian: Yes

Mailing Address: BOX 1988, ASSINIBOIA,
Saskatchewan, Canada

Effective Date: 10-Sep-1999

DENIS G. BERGERON (Director)

Physical Address: BOX 906, ASSINIBOIA,
Saskatchewan, Canada

Resident Canadian: Yes

Mailing Address: BOX 906, ASSINIBOIA,
Saskatchewan, Canada

Effective Date: 10-Sep-1999

Shareholders

Shareholder Name	Mailing Address	Share Class	Shares Held
CALVIN M. MONEO	210 DORE CRES., SASKATOON, SK, CANADA	CL A	35
DENIS G. BERGERON	BOX 906, ASSINIBOIA, SK, CANADA	CL A	10
JUDITH P. MONEO	210 DORE CRES, SASKATOON, SK, CANADA, S7K4X9	CL A	10
VICTOR A. MONEO	BOX 1988, ASSINIBOIA, SK, CANADA	CL A	45

Articles

Minimum Number of Directors: 1 Maximum Number of Directors: 10

Share Structure:

Class Name	Voting Rights	Authorized Number	Number Issued
CL A	Yes	Unlimited	100

Event History

Type	Date
Business Corporation - Annual Return	26-Feb-2019
Business Corporation - Annual Return	13-Feb-2018
Business Corporation - Annual Return	21-Feb-2017
Business Corporation - Annual Return	26-Feb-2016
Business Corporation - Annual Return	23-Jan-2015
Business Corporation - Annual Return	23-Feb-2014



Profile Report

Page 3 of 3

Entity Number: 308774

Entity Name: HARMON INTERNATIONAL INDUSTRIES INC.

Report Date: 02-Oct-2019

Business Corporation - Annual Return	28-Feb-2013
Business Corporation - Annual Return	16-Jan-2012
Business Corporation - Annual Return	25-Feb-2011
Business Corporation - Annual Return	16-Feb-2010
Business Corporation - Annual Return	21-Jan-2009
Business Corporation - Annual Return	07-Feb-2008
Business Corporation - Annual Return	28-Feb-2007
Business Corporation - Annual Return	02-May-2006
Business Corporation - Annual Return	23-Feb-2005
Business Corporation - Annual Return	03-Mar-2004
Business Corporation - Annual Return	07-Mar-2003
Business Corporation - Annual Return	22-Feb-2002
Business Corporation - Annual Return	15-Feb-2001
Business Corporation - Annual Return	17-Feb-2000

This is Exhibit "B" referred to in the Affidavit of

Calvin Moneo

Sworn before me this 3 day of October, 2019.

A Commissioner for Oaths for Saskatchewan.

My appointment expires: _____

-or being a solicitor-

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

----- Forwarded Message -----

From: Hailey Swire <hswire@wlawgroup.com>
To: "kkashuba@torys.com" <kkashuba@torys.com>; "dchurch@farbergroup.com" <dchurch@farbergroup.com>; "harmon_intl@yahoo.ca" <harmon_intl@yahoo.ca>; "mmilani@mcdougallgauley.com" <mmilani@mcdougallgauley.com>; "Alan.Rankine@Saskatoon.ca" <Alan.Rankine@Saskatoon.ca>
Cc: 'Michael Russell' <mrussell@wlawgroup.com>; 'Kevin Hoy' <khoy@wlawgroup.com>; "jmansbridge@wlawgroup.com" <jmansbridge@wlawgroup.com>; 'Michelle Tobin' <mtobin@wlawgroup.com>
Sent: Monday, September 30, 2019, 4:23:39 p.m. CST
Subject: Q.B. No. 1401 of 2019 - IN THE MATTER OF THE RECEIVERSHIP OF HARMON

INTERNATIONAL INDUSTRIES INC. - Electronic Service - Email 1/2

COURT FILE NUMBER

Q.B. No. 1401 of 2019

COURT OF QUEEN'S BENCH FOR SASKATCHEWAN

IN BANKRUPTCY AND INSOLVENCY

JUDICIAL CENTRE

SASKATOON

APPLICANT

PILLAR CAPITAL CORP.

RESPONDENT

HARMON INTERNATIONAL INDUSTRIES INC.

IN THE MATTER OF THE RECEIVERSHIP OF HARMON INTERNATIONAL INDUSTRIES INC.

Electronic Service of Documents pursuant to Rule 12-4 of the Queen's Bench Rules of Court for Saskatchewan

You are hereby served with the Court Documents referenced below by Mike Russell of the W Law Group LLP, legal counsel for Pillar Capital Corp., mrussell@wlawgroup.com.

The following Court Documents for service are attached to this Email:

Name of Document

Order for Abridgment of Service, issued September 30, 2019;

Notice of Originating Application for Appointment of a Receiver, dated September 30, 2019;

Draft Receivership Order; and

Affidavit of Steven Dizep, sworn September 30, 2019;

Sender: Mike Russell

Firm/Company: The W Law Group LLP

Solicitor for: Pillar Capital Corp.

Telephone: 306-244-2242

Facsimile: 306-652-0332

Email Address: mrussell@wlawgroup.com

This email is effecting service of court documents pursuant to the Order of the Court of Queen's Bench made September 30, 2019.

You are receiving this email because you have filed a request for service with Hailey Swire, Service List Keeper. If you do not wish further notice of these proceedings (which includes service of all court documents) you may contact Hailey Swire at hswire@wlawgroup.com and ask to be removed.

We hereby confirm that the original documents have been signed and have been or will be filed with the Court and are available for inspection at the offices of The W Law Group LLP, located at 300-110 21st Street East, Saskatoon, Saskatchewan, S7K 0B6, between the hours of 8:30 a.m. and 4:30 p.m. (CST) Monday through Friday, excluding statutory holidays.

If you are unable to open the attachments or if you have received this transmission in error, please contact the sender at the telephone number provided.

Please note that due to the file size, the exhibits for the Affidavit of Steven Dizep will follow in a second email.

Hailey Swire | Legal Assistant | The W Law Group LLP

Suite 300, 110 – 21st Street East, Saskatoon, SK S7K 0B6

t. 306.244.2242 | d. 306.665.9532 | f. 306.652.0332

hswire@wlawgroup.com | www.wlawgroup.com



This message and any attachments are confidential and may be subject to solicitor-client privilege.

If you have received this message in error, kindly notify us by reply and delete the message.

Thank you.

This is Exhibit "C" referred to in the Affidavit of

Calvin Moneo

Sworn before me this ____ day of October, 2019.


A Commissioner for Oaths for Saskatchewan.

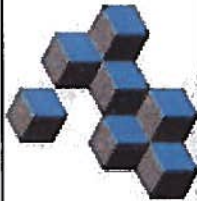
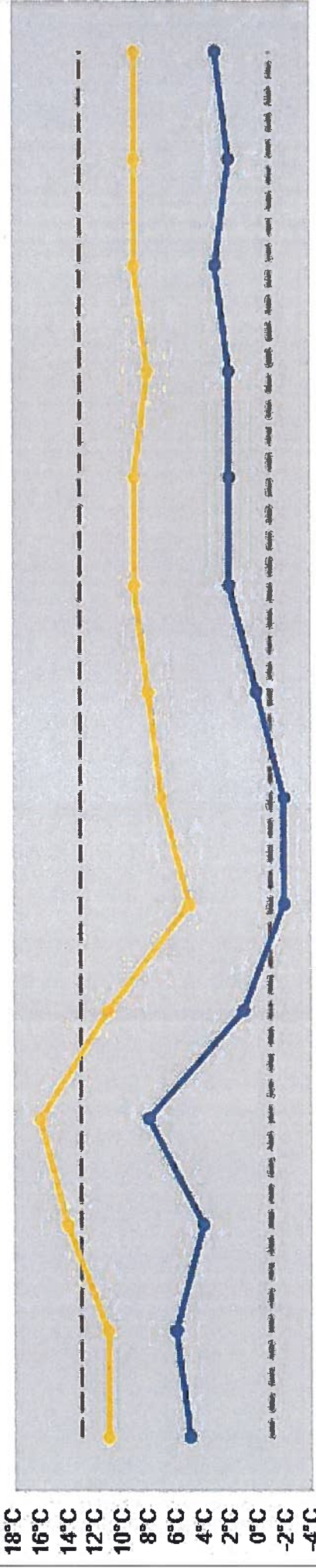
My appointment expires: _____

-or being a solicitor-

Full 14 Days Overview
Oct 4 - Oct 17

X

Day	POP	Fri 10/04	Sat 10/05	Sun 10/06	Mon 10/07	Tue 10/08	Wed 10/09	Thu 10/10	Fri 10/11	Sat 10/12	Sun 10/13	Mon 10/14	Tue 10/15	Wed 10/16	Thu 10/17
		11°	11°	14°	16°	11°	5°	7°	8°	9°	9°	8°	9°	9°	9°
		30 %	30 %	20 %	10 %	40 %	30 %	10 %	10 %	20 %	10 %	10 %	10 %	10 %	20 %
Night		5°	6°	4°	8°	1°	-2°	-2°	0°	2°	2°	2°	3°	2°	3°
POP		30 %	30 %	10 %	10 %	70 %	20 %	10 %	20 %	10 %	10 %	10 %	10 %	10 %	20 %



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