

IN THE COURT OF APPEAL FOR SASKATCHEWAN

ON APPEAL FROM THE COURT OF QUEEN'S BENCH, JUDICIAL CENTRE OF SASKATOON  
Q.B. No. 1401 of 2019

BETWEEN:

HARMON INTERNATIONAL INDUSTRIES INC.

PROPOSED APPELLANT  
*(Respondent)*

AND:

HARDIE & KELLY INC., Receiver of Harmon International Industries Inc.

PROPOSED RESPONDENT  
*(Applicant)*

AND:

PILLAR CAPITAL CORP.

INTERESTED PARTY  
*(Initial Applicant)*

NOTICE OF MOTION

(Leave to Adduce Fresh Evidence)

TAKE NOTICE THAT:

1. The Proposed Appellant, Harmon International Industries Inc. ("Harmon"), intends to apply to the presiding Judge in a hearing of the Court in Chambers on Thursday, July 30, 2020, at 10:00 a.m. for an Order granting the Proposed Appellant leave to adduce fresh evidence in this matter, being the Affidavit of William R.I. Bunsdon sworn July 28, 2020.
2. The grounds upon which the Proposed Appellant seeks leave to adduce fresh evidence are as follows:

- (a) During the last hearing of this matter on July 24, 2020, Madam Justice Jackson directed that if our office would be retained by Harmon, we would be required to make an application for leave to adduce fresh evidence at the next hearing.
- (b) This Court has jurisdiction to grant leave to adduce fresh evidence pursuant to the *Court of Appeal Rules*, Rule 59.
- (c) The fresh evidence to be adduced consists of evidence of value with respect to Harmon's real property that could not be obtained in reply to the Receiver's Notice of Application for the Sale Process Order, which was heard on June 5, 2020.
- (d) Further and more particular grounds, as set out in Harmon's Brief of Law.

3. The following material will be filed in support of this application :

- (a) This notice of motion with proof of service upon the parties present in Court on July 24, 2020.
- (b) Affidavit of Calvin Moneo.
- (c) Affidavit of William R.I. Brunsdon.
- (d) Draft Order.
- (e) Brief of Law.

DATED at Saskatoon, Saskatchewan this 29<sup>th</sup> day of July, 2020.

LELAND KIMPINSKI LLP

Per:  \_\_\_\_\_

Ryan A. Pederson, Counsel for the Proposed  
Appellant Harmon International Industries Inc.

TO: MLT Aikins LLP Attention: Jeffrey M. Lee, Q.C. and Paul Olfert  
1500, 410 22<sup>nd</sup> Street E, Saskatoon SK S7K 5T6  
Name of firm:  
ML T Aikins LLP  
JMLee@mltaikins.com / POlfert@mltaikins.com

AND TO: W Law Group LLP Attention: Michael Russell and Kevin Hoy 300, 110 -21 st Street East  
Saskatoon, SK S7K 0R6 m russell@wlawgroup.com / khoy@wlawgroup.com

AND TO: City of Saskatoon -City Solicitor's Office Attention: Alan Rankine 222 3rd Avenue N  
Saskatoon, SK S7K 0J5 Alan Rankine@Saskatoon.ca

AND TO: The Registrar of the Court of Appeal for Saskatchewan

This document was delivered by:

Name of firm: Leland Kimpinski LLP  
Address for Service: 336 6<sup>th</sup> Avenue North  
Saskatoon, SK S7K 2S5  
Telephone number: 306-653-6474  
Fax number: 306-653-7008  
Email address: rpederson@lelandlaw.ca