

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  
(Appointment of *Amicus Curiae*)

TAKE NOTICE THAT:

1. The Proposed Respondent, Hardie & Kelly Inc., in its capacity as Court-appointed Receiver of Harmon International Industries Inc. (the "**Receiver**"), intends to apply to the presiding Judge in a special hearing of the Court in Chambers on **Friday, July 24, 2020 at 1:30 p.m.** for an Order appointing Ian Sutherland of McDougall Gauley LLP as *amicus curiae* for the limited purpose of providing submissions to the Court on the following issue:

**May the appeal of Harmon International Industries Inc. be considered by the Court of Appeal on the basis that leave to appeal is not required as a result of the Court's decision in *MNP Ltd. v Wilkes*, 2020 SKCA 66?**

2. The grounds upon which the Receiver seeks the appointment of the *amicus curiae* are as follows:

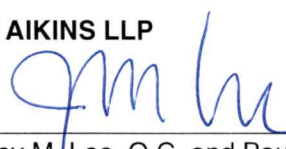
- (a) During the previous hearing of this matter on July 22, 2020, Madam Justice Jackson inquired as to the applicability to this case of *MNP Ltd. v Wilkes*, 2020 SKCA 66.
- (b) Madam Justice Jackson also expressed concern that Mr. Calvin Moneo, who has been purporting to make submissions to the Court on Harmon's behalf, may not be in a position to effectively advocate for the position of Harmon International Industries Inc. ("**Harmon**") in relation to this question.
- (c) The Receiver seeks to carry out its Court-ordered mandate promptly, and does not wish to see this matter delayed any further as a result of Harmon's failure to retain legal counsel.
- (d) The proposed *amicus curiae* is experienced insolvency counsel with the ability to provide submissions to the Court on this question on short notice.
- (e) The Receiver has arranged for the payment of the legal fees and disbursements of the proposed *amicus curiae* in this regard.

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 22, 2020; and
- (b) Draft Order (Appointment of *Amicus Curiae*).

DATED at Saskatoon, Saskatchewan this 23 day of July, 2020.

**MLT AIKINS LLP**

Per:   
Jeffrey M. Lee, Q.C. and Paul Olfert  
Counsel for the Proposed Respondent, Hardie & Kelly Inc, Receiver of Harmon International Industries Inc.

TO: Harmon International Industries Inc.  
Attention: Calvin Moneo  
210 Dore Crescent  
Saskatoon, SK S7K 4X9  
harmon\_intl@yahoo.ca

AND TO: W Law Group LLP  
Attention: Michael Russell and Kevin Hoy  
300, 110 – 21st Street East  
Saskatoon, SK S7K 0B6  
mrussell@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  
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AND TO: The Registrar of the Court of Appeal for Saskatchewan

This document was delivered by:

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