

IN THE COURT OF APPEAL FOR SASKATCHEWAN

Between:

RANDY KOROLUK

**Appellant
(Applicant/Respondent)**

- and -

KPMG INC.

**Respondent
(Respondent/Applicant)**

- and -

PRIMEWEST MORTGAGE INVESTMENT CORPORATION, DAN ANDERSON, TOM ARCHIBALD, FRANCIS BAST, DOUG FRONDALL, MIKE HOUGH, WILSON OLIVE, TOM ROBINSON, IRENE SEIFERLING, ERNST & YOUNG INC.

Respondents (Respondents)

- and -

DIRECTOR OF CORPORATIONS, CANADA REVENUE AGENCY, P.I. FINANCIAL, DONALD ZEALAND, GRANITE ENTERPRISES, DEBBIE GLORIA BURWASH

Non-parties (Non-parties)

AFFIDAVIT OF NICHOLAS CONLON

I, **NICHOLAS CONLON**, of the City of Saskatoon, in the Province of Saskatchewan, MAKE OATH AND SAY THAT:

1. I am one of the lawyers of record for the Respondent (Respondent/Applicant), KPMG Inc., and, as such, I have personal knowledge of the matters and facts herein deposed to except

where expressly stated to be on information and belief and whereso stated I verily believe the same to be true.

2. The Appellant (Applicant/Respondent) served the Notice of Appeal on July 22, 2020 and filed the same, with proof of service, on July 23, 2020.
3. On August 11, 2020, the Registrar of the Court of Appeal for Saskatchewan wrote to counsel for the Appellant (Applicant/Respondent) reminding them of the requirement to perfect their appeal within the time prescribed by *The Court of Appeal Rules*. Counsel for the Respondent (Respondent/Applicant) received a carbon copy of that correspondence. Attached hereto and marked as Exhibit "A" to this, my affidavit, is a copy of the letter from the Registrar to counsel for the Appellant (Applicant/Respondent).
4. To my knowledge, since July 23, 2020 the Appellant (Applicant/Respondent) has not filed or served an appeal book or factum.
5. I make this Affidavit in support of the Respondent's (Respondent/Applicant's) Application, which requests that this Honourable Court order that the Appellant (Applicant/Respondent) perfect their appeal, pursuant to Rule 46(1) of *The Court of Appeal Rules*, by filing a copy of their appeal book and factum within the specified timeframe, and on the basis that the facts deposed to herein are uncontroverted.

SWORN BEFORE ME

at Saskatoon, Saskatchewan,
this 1st day of February, 2021.



Commissioner for Oaths
for Saskatchewan

My Appointment expires: *Nov 30, 2024*

OR – Being a solicitor –



NICHOLAS CONLON

CONTACT INFORMATION AND ADDRESS FOR SERVICE

Name of firm:	W Law LLP
Names of lawyers in charge of file:	Mike Russell and Michelle Tobin
Address of legal firms:	Suite 300, 110 – 21 st Street East Saskatoon, Saskatchewan S7K 0B6
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REGISTRAR MELANIE A. BALDWIN, Q.C.
Phone: 306.787.5382
Fax: 306.787.5815
CARegistrar@sasklawcourts.ca



VICTORIA AVENUE COURT HOUSE
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COURT OF APPEAL
FOR SASKATCHEWAN

August 11, 2020

Merchant Law Group
100 - 2401 Saskatchewan Drive
Regina, Saskatchewan
S4P 4H8

Attention: Mr. Evatt Merchant

This is Exhibit " A " referred to in the
Affidavit of Nicholas Conlon
Sworn before me this 1st day of
February, 2021.

Ashley K. Jones
A Commissioner for Oaths for Saskatchewan
My Commission Expires Nov 30, 2024
- OR - Being a Solicitor

Dear Sir/Madam:


Re: Randy Koroluk v KPMG Inc., PrimeWest Mortgage Investment Corporation, Dan
Anderson, Tom Archibald, Francis Bast, Doug Frondall, Mike Hough, Wilson
Olive, Tom Robinson and Irene Seiferling and Ernst & Young Inc.
Our File No. CACV3678

Your Notice of Appeal was filed effective the 23rd day of July, 2020.

We wish to draw to your attention Rule 46(1) of *The Court of Appeal Rules* which requires the
appellant(s) to diligently prosecute the appeal by perfecting it within the time prescribed by the
Rules. Please review the *Rules* with respect to timelines for perfection. The Court's *Rules* and
Guidebooks can be found at www.sasklawcourts.ca.

In addition, please note that Rule 25 requires the appellant(s) to have the lower court file transmitted
to the Court of Appeal.

Yours truly,


for Melanie A. Baldwin, Q.C.
Registrar

cc The W Law Group LLP
300 110 21st Street East
Saskatoon, Saskatchewan S7K 0B6
Attention: Nicholas Conlon

Ernst & Young LLP
409 3 Avenue S
#000