

**THE KING'S BENCH
Winnipeg Centre**

BETWEEN:

DONALD R. KNIGHT, K.C.,

applicant,

– and –

BOKHARI DEVELOPMENT INC.,

respondent.

**APPLICATION PURSUANT TO THE BUILDERS' LIENS ACT, C.C.S.M. C.B91 AND
THE COURT OF KING'S BENCH ACT AND RULES, C.C.S.M. C. C280**

**NOTICE OF MOTION
CIVIL UNCONTESTED MOTIONS LIST
HEARING DATE: FRIDAY, JULY 5, 2024 AT 10:00 A.M.**

D'ARCY & DEACON LLP
Barristers and Solicitors
2200 – One Lombard Place
Winnipeg, Manitoba
R3B 0X7

Lawyers for 6332189 Manitoba Ltd.
DEREK M. OLSON / DALE BEYNON
Telephone: 204-942-2271
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File No. 131518-0001

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NOTICE OF MOTION

6332189 MANITOBA LTD. will make a motion before the presiding Judge on Friday, July 5, 2024 at 10:00 a.m., or as soon after that time as the motion can be heard, at the Law Courts, 408 York Avenue, Winnipeg, Manitoba,

THE MOTION IS FOR:

1. an order naming 6332189 Manitoba Ltd. as a respondent in the herein application;
2. in the alternative, an order granting leave to 6332189 Manitoba Ltd. for leave to intervene as an added party for the purpose of determining entitlement to the funds paid into Court pursuant to the application herein;

3. a declaration that 6332189 Manitoba Ltd. is entitled to the Holdback Funds, as defined in the Notice of Application herein;
4. an order for payment out of court to 6332189 Manitoba Ltd. of the amount of the Holdback Funds, paid into court pursuant to the Notice of Application herein;
and,
5. such further or other orders as may be required.

THE GROUNDS FOR THE MOTION ARE:

1. King's Bench Rules 5.02, 5.03, 9.01(4), 13.01, 26.01, 26.02, 73.03;
2. that 6332189 Manitoba Ltd. is a necessary and proper party to the application herein;
3. 6332189 Manitoba Ltd. is the sole beneficiary of the Holdback Funds; and
4. such further and other grounds as counsel may advise and this Honourable Court may allow.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the Hearing of the Motion:

1. the Notice of Application filed June 12, 2024;
2. the Affidavit of Karampaul Sandhu to be affirmed and filed; and
3. such further and other material as counsel may advise and this Honourable Court may allow.

June 28, 2024

D'ARCY & DEACON LLP
Barristers and Solicitors
2200 – One Lombard Place
Winnipeg, MB R3B 0X7
Telephone: 204-942-2271
Facsimile: 204-943-4242

TO: **DONALD R. KNIGHT, K.C.**
202 – 900 Harrow Street E.
Winnipeg, MB R3M 3Y7

AND TO: **BOKHARI DEVELOPMENT INC.**
Knight Law Office
202 – 900 Harrow Street E.
Winnipeg, MB R3M 3Y7
Attention: Wayne P. Forbes

AND TO: the attached Service List

SERVICE LIST

| Party/Counsel | Telephone | Facsimile | Party Represented |
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|---|----------------|--|--|
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