

COURT FILE NUMBER 1503-03309
COURT COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE EDMONTON
APPLICANT(S)/APPLICANT(S) CLAUDE COLGAN, ERICKA CLARKE, DARLENE MACKENZIE, KURT LUCHIA and STEPHEN BUDDO
RESPONDENT(S)/RESPONDENT(S) CANADA'S NATIONAL FIREARMS ASSOCIATION, SHELDON CLARE, BLAIR HAGEN, BILL RANTZ and JERROLD LUNDGARD
DOCUMENT **APPLICATION BY APPLICANTS CLAUDE COLGAN, ERICKA CLARKE, DARLENE MACKENZIE, KURT LUCHIA and STEPHEN BUDDO**



ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT Dale Knisely
Knisely Nagase Anderson LLP
830-10020 101A Ave NW
Edmonton AB T5J 3G2
Phone: (780) 451-4232
Fax: (780) 425-1289

NOTICE TO RESPONDENT(S): CANADA'S NATIONAL FIREARMS ASSOCIATION, SHELDON CLARE, BLAIR HAGEN, BILL RANTZ, JERROLD LUNDGARD, DWAYNE GORNIAK, FRANCIS TENTA, CHARLES ZACH, KENNETH G. HEINTZ, VENTURE LAW GROUP LLP, DIRECTOR OF CORPORATIONS CANADA

This application is made against you. You are a respondent. You have the right to state your side of this matter before the master/judge.

To do so, you must be in Court when the application is heard as shown below:

Date: **July 8, 2015**
Time: **10:00 a.m.**
Where: **Edmonton Law Courts**
Before Whom: **Justice in Chambers**

Go to the end of this document to see what else you can do and when you must do it.

Remedy claimed or sought:

1. An order that Kenneth G. Heintz and Venture Law Group LLP cease to act as lawyers of record in this court action and withdraw as counsel for any of the Respondents;
2. An interim order that Sheldon Clare, Blair Hagen and Bill Rantz be restrained from acting as members, directors or officers of Canada's National Firearms Association (the "Association") until such time as judgment is rendered in this action;
3. An interim order that Jerrold Lundgard be restrained from acting as an officer of the Association until such time as judgment is rendered in this action;
4. An interim order determining that the directors of the Association are deemed to be the Applicants, Robert Bracken and Sheldon Clare, Blair Hagen, Bill Rantz, until such time as judgment is rendered in this action, and that the records of the Association and of the Director of Corporations Canada be rectified accordingly;
5. An interim order that the Association process membership applications and renewal applications except where the directors of the Association, by special resolution, have expelled the applicant;
6. An interim order that the directors of the Association manage or supervise the management of the affairs of the Association;
7. An interim order that the Association provide a copy of all of the records referred to in sections 21(1) and 21(3) of the *Canada Not-For-Profit Corporations Act* to the Applicants forthwith;
8. An order appointing Jonathan L. Wescott, barrister and solicitor, as inspector and directing an investigation be made in respect of Canada's National Firearms Association for the following purposes:
 - a. to validate the requisition of the special meeting of the members;
 - b. if valid, ensure the proper calling and conduct of the special meeting; and
 - c. investigate and report on the relevant and material facts in issue in the second amended originating application;
9. An order directing that the Applicants assume control of the Association's position in action number 1501-06621, and authorizing the Applicants to retain and instruct counsel on behalf of the Association;
10. An order that the Applicants be indemnified by the Association for the costs of this action and the costs of action number 1501-0662; and
11. A costs award.

Grounds for making this application:

1. The Association is facing an emergent corporate governance crisis that requires judicial supervision and formal investigation;
2. The evidence in this court action discloses that the conduct of the Respondents is oppressive and unfairly prejudicial to, and unfairly disregards the interests of, the Applicants in their capacities as members and directors of the Association;
3. The Association will suffer irreparable harm if the interim orders are not granted;

4. The balance of convenience favours the Applicants;
5. Kenneth G. Heintz and Venture Law Group LLP are not properly authorized to act as lawyers of record for or legal counsel to Canada's National Firearms Association in respect of this action or action number 1501-0662;
6. Canada's National Firearms Association has not given informed and voluntary consent, or any consent, to Kenneth G. Heintz and Venture Law Group LLP to act on a joint retainer basis together with Sheldon Clare in respect of this action or action number 1501-0662;
7. The interests of Canada's National Firearms Association and the interests of Sheldon Clare sufficiently conflict as to warrant removal of Kenneth G. Heintz and Venture Law Group LLP in respect of this action or action number 1501-0662;
8. Kenneth G. Heintz and Venture Law Group LLP's continued involvement in this matter is contrary to the best interests of Canada's National Firearms Association and contrary the administration of justice.

Material or evidence to be relied on:

9. Affidavit of Ericka Clarke filed March 6, 2015
10. Affidavit of Ericka Clarke filed March 30, 2015
11. Affidavit of Ericka Clarke filed June 29, 2015
12. Transcript of Questioning of Sheldon Clare filed May 18, 2015

Applicable rules:

13. None

Applicable Acts and regulations:

14. *Canada Not-For-Profit Corporations Act*

Any irregularity complained of or objection relied on:

15. None

How the application is proposed to be heard or considered:

16. In person

WARNING

If you do not come to Court either in person or by your lawyer, the Court may give the applicant(s) what they want in your absence. You will be bound by any order that the Court makes. If you want to take part in this application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of the form. If you intend to give evidence in response to the application, you must reply by filing an affidavit or other evidence with the Court and serving a copy of that affidavit or other evidence on the applicant(s) a reasonable time before the application is to be heard or considered.