

COURT FILE NUMBER 1701-10806
COURT COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE CALGARY
PLAINTIFF ILAN HANDELSMAN
DEFENDANTS



ALI GHANI, ALI GHANI AS LITIGATION REPRESENTATIVE FOR THE ESTATE OF ABDUL GHANI, BROADMOOR COMMERCIAL PLAZA DEVELOPMENT CORP., HORIZON COMMERCIAL DEVELOPMENT CORP., HERITAGE PLAZA DEVELOPMENTS INC., PRISM PLACE DEVELOPMENT LTD., PRISM REAL ESTATE INVESTMENT CORPORATION, SUMMERSIDE DEVELOPMENT TRUST, SUMMERSIDE COMMERCIAL TRUST, PRISM SUMMERSIDE LIMITED PARTNERSHIP, PRISM SUMMERSIDE DEVELOPMENT CORP., JANE DOE, JOHN DOE, and ABC CORP.

DOCUMENT **REPLY TO DEFENCE**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT Matthew J. Epp / Robyn Gurofsky / Jack R. Maslen
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This is the Reply of the Plaintiff to the Statement of Defence filed by Ali Ghani and Ali Ghani as Litigation Representative for the Estate of Abdul Ghani on February 16, 2021.

STATEMENT OF FACTS RELIED ON:

1. The Plaintiff, Ilan Handelsman, denies each and every allegation in the Statement of Defence of the Defendants, Ali Ghani and Ali Ghani as Litigation Representative for the Estate of Abdul Ghani (the “**Defendants**”), filed on February 16, 2021 (the “**Statement of Defence**”), which are abusive, improper and should be struck or have no merit.

2. The Plaintiff repeats and relies on the allegations set out in his Second Amended Statement of Claim filed on October 20, 2020 (the “**Statement of Claim**”). Unless otherwise indicated, all capitalized terms used herein shall have the same meaning given to them in the Statement of Claim.

ANY MATTERS THAT DEFEAT THE DEFENCE OF THE DEFENDANTS:

3. In general response to the Statement of Defence as a whole, the Plaintiff states that the allegations therein largely constitute improper requests for particulars. The Plaintiff further states, and the fact is, that on January 19, 2021, the Plaintiff delivered a Response (the “**Response**”) to the Request for Particulars delivered by the Defendants on January 4, 2021. The Defendants did not raise any concerns or otherwise dispute the sufficiency of the Response in accordance with the Litigation Plan, which has been approved by the Court. The Statement of Defence is, accordingly, an abuse of process, improper and should be struck or dismissed.
4. In further general response to the Statement of Defence as a whole, the Plaintiff states, and the fact is, that the Defendants did not provide sufficient financial information in respect of the Prism Entities, either prior to or following the commencement of the within proceedings. Rather, at all material times, the Defendants have concealed information from the Plaintiff and the Class Members.
5. In specific response to paragraphs 7 and 8 of the Statement of Defence, the sale of the Broadmoor Lands, the Heritage Lands, the Horizon Lands, and the Summerside Land, through insolvency proceedings, foreclosure actions or this Action, as applicable, do not constitute endorsement or approval of the conduct of the Defendants in any way whatsoever.
6. In specific response to paragraph 9 of the Statement of Defence, the Plaintiff denies that he or any of the Class Members received any payments as a result of the sale of the Prism Place Lands. Rather, it is the Defendants, PREIC, or some of them, that extracted the value from the Prism Place Lands for their own improper purposes.
7. In specific response to paragraph 10 of the Statement of Defence, the Plaintiff states that the within proceedings were commenced within the applicable limitation periods. Further, as detailed in the Statement of Claim, the Defendants have intentionally concealed information from the Plaintiff and the Class Members at all relevant times.
8. In specific response to paragraph 14 of the Statement of Defence, the Plaintiff denies that the Statement of Claim is an abuse of process. Rather, the Statement of Defence is an abuse of process, an improper pleading, fatally deficient and should be struck or dismissed.

REMEDY SOUGHT:

9. The Plaintiff requests the relief sought in the Statement of Claim.

NOTE

This reply may only make admissions or respond to matters raised for the first time in the statement of defence (Rules 3.33(2)(b) and 13.10).