

**Form 49**  
[Rule 13.19]

Clerk's Stamp:

COURT FILE NUMBER	0501-17830
COURT	COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE	CALGARY
PLAINTIFF	KINGSGATE RESOURCES INC.
DEFENDANTS	JOSEPH KINGSLEY ANNAN, AMIR HIRANI, SHIVJIT KENNY SINGH BRAICH, ZAIN EBRAHIM, FRANCIS ACQUAH, KINGSGATE RESOURCES INC., AVO MINING COMPANY LIMITED, ANNAN RESOURCES LIMITED, GOLD COAST RESOURCES, INC., KINGSGATE ENERGY CORPORATION, ROBERT S. MANNOH, BRYANT E. BEHRMANN, PATRICK HANNON, MINETECH INTERNATIONAL LIMITED, TERRY KNIGHT, KEN PHILLIPS, GOWLINGS LAFLEUR HENDERSON LLP and BALLEM MACINNES LLP
DOCUMENT	<b><u>AFFIDAVIT</u></b>
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	<b>ERWIN SINGH BRAICH</b> 33474 Kingsley Terrace Abbotsford, B.C. V2S 6J6 Telephone: (778) 788-3157 E-mail: erwinbraich@hotmail.com

**AFFIDAVIT OF ERWIN SINGH BRAICH**

**Sworn on October 5th, 2012**

I, Erwin Singh Braich, of the City of Abbotsford, in the Province British Columbia, SWEAR AND SAY THAT:

1. I am the Trustee of the Peregrine Trust and as such have personal knowledge of the matters and facts hereinafter deposed to, except where stated to be based upon information and belief, and where so stated I verily believe same to be true.
2. It is with significant care and diligence that I undertook and participated in a variety of actions and deeds whereby a vast amount of evidence was obtained in the past few years. All of which relates to the herein litigation.

3. Detailed notes, many documents including international bank wire receipts, much correspondence, and other material relating to the above referred actions and deeds are situated in a storage space in the state of Arizona.
4. Attached hereto as **Exhibit "A"** is the relevant material, which I believe has restricted my ability to enter the United States of America to retrieve all items as set out in paragraph 3.
5. By not having access to the subject material, I am limited and from my memory alone and can only to a certain degree accurately detail the results and findings of investigations that have been ongoing since 2007. I will be able to rely on the internet and certain websites however.
6. In 2007, I recall commencing discussions with a great number of officers and agents from various American law enforcement agencies. These include, but are not limited to, the Securities and Exchange Commission, Federal Bureau of Investigations, Internal Revenue Service Criminal Investigation Division, the U.S. Department of Justice, several Securities Divisions from multiple states, the Department of Commerce and Regulation, and personnel from the court appointed receiver by the name of The Grassmueck Group.
7. Relying on my memory alone and without the benefit of my detailed notes, I remember the states of North Dakota, Pennsylvania, Illinois, and Idaho. There may well have been other regulatory authorities from other states with which I had discussions.
8. Generally speaking, the investigation stemmed from complaints made by investors relating to the sales of unregistered securities by Mr. Bryant E. Behrmann ("Behrmann"), Larry E. Hunter ("Hunter") and Global Online Direct, Inc. ("Global").
9. The United States District Court for the Northern District of Georgia Atlanta Division, in a civil action, ordered injunctive and other relief against defendants Behrmann, Hunter and Global. From reviewing the website for The Grassmueck Group, I recall that approximately \$45 million U.S. funds was fraudulently taken from more than 10,000 investors in a scheme to generate huge returns. This action was filed in the clerk's office in Atlanta on April 5, 2007.
10. From my recollection, Behrmann and others closely related to him were the directors, officers, and promoters of Gold Coast Resources, Inc., which was formerly known as a Nevada corporation by the name of Aggregate, Inc.

11. As set out in this litigation, the assets which belonged to Kingsgate Resources Inc. were to be vended into publicly Gold Coast Resources, Inc., at a formula as set out in an agreement between the two companies.
12. It is in this transaction wherein the Peregrine Trust was cheated and defrauded by not receiving an appropriate allotment of pro rata capital stock in this public company.
13. In my discussions, it was learned from various investigators, from the agencies previously mentioned, that much of the proceeds from this \$45 million U.S. funds was wired to the companies as set out in this Kingsgate litigation. I refer to those companies, which are registered in Bermuda: and have their home office address as that of the LOM Group
14. The ongoing investigation of the fraudulent scheme has already resulted in Defendants Behrmann and Hunter pleading guilty to criminal activity and accepting six year prison sentences each. This was approved and sanctioned by U.S. District Judge Anna J. Brown.
15. It was clearly made known to me that I should not alert any of the co-defendants in the Kingsgate action while the American agencies and officials were conducting their investigation.
16. My assistance to the American authorities in tracing the funds were very definite steps deliberately taken to advance this litigation before this Honourable Court. Attached as **Exhibit "B"** are some of the relevant documents.
17. Furthermore, my detailed notes and data, which I am not able to travel to Arizona to retrieve, also have a separate and distinct Action Plan, which was deployed by us involving a resident of Coaldale, Alberta. This gentleman is Mr. Daryl Lloyd. In his many meetings, telephone discussions and other due diligence, Mr. Lloyd was able to collect a great deal of information from Patrick Hannon, Joseph Kingsley Annan, R. Derrick Colling, and others.
18. Under the newly formed Luxor Group of Companies, Inc. with the address of 28 Strathridge Gardens SW, Calgary, Alberta, are four member companies. One of these is Kingsgate Forest Products, Inc. Another member company is Luxor Minerals, Inc. In the meetings and correspondence, and from the collection of several thousand pages of maps, projections, and data, Mr. Lloyd and I were able to piece together and reassemble many

of the original mining concessions in Ghana, which originally were the lawful property of Kingsgate Resources, Inc.

**Collateral Damage From The Involuntary Bankruptcy Proceedings of Erwin Singh Braich**

19. Ample evidence has previously been filed by others, which support the intertwined nature of my very contentious personal involuntary bankruptcy proceedings in British Columbia, and various involved individuals with parties involved in this Kingsgate/Peregrine litigation. One of these parties is the former Trustee in Bankruptcy, KPMG: who was given a discharge from their duties by the Supreme Court of British Columbia.
20. The intertwined nature and the horrific hostility between the parties involved in both provinces is amplified by what appears to be a sordid conflict of interest between members of the Vancouver office of Fraser Milner Casgrain LLP, due to their role and close affiliation with KPMG. Partners in this firm's Vancouver office have repeatedly given only adverse expert legal opinions to my position, and that of my lawful creditors. The obvious conclusion that leaps out at me is that Mr. Gerald Scott must have had pressure mounted on him by his colleagues in Vancouver. A reasonable person could think no different.
21. This hostility is so great that the Chief Executive Officer and President of Kingsgate Resources Inc., Satinder Paul Singh Dhillon ("Dhillon") was arrested from his residence located in Abbotsford, British Columbia, on Friday, July 2<sup>nd</sup>, 2010. Approximately 9 police officers showed up with a battering ram at 10:30 am, while Dhillon was asleep. He was awoken by the officers, handcuffed without having been given the chance to change out of his pajamas, brush his teeth, nor eat or drink anything. He was then driven in handcuffs approximately 45 minutes away from where he lived, to the Royal Canadian Mounted Police, (RCMP), detachment in Surrey, British Columbia.
22. After arriving at the detachment, Dhillon was finger printed, asked to remove his shoes, and given grey disposable shoe covers to wear on his feet instead. Dhillon was then left in a cell for over 4 hours, and taken in for an interrogation that lasted over one and a half

hours. The whole time since his arrest earlier that morning Dhillon had not eaten or drank anything, and towards the end of his interrogation Dhillon felt as if he was going to fall off his chair because he was so light headed.

23. Upon conclusion of the interrogation, Dhillon was told by the arresting RCMP officer that he was “just doing his job.” Dhillon was then given a local bus pass, (despite the fact that he lived in Abbotsford, and there is no transit service that went from Surrey to Abbotsford), and released from custody at approximately 5:30 p.m. The RCMP officer also gave Dhillon his wallet, cell phone, jeans and a jacket, which were retrieved at Dhillon’s request from his home during the arrest.
24. During his interrogation, Dhillon, told RCMP officers that he is owed \$3 million, and is the largest creditor in my involuntary bankruptcy proceedings dating back to 1999. Dhillon believes, as a creditor, KPMG, the world’s fourth largest accounting firm, should have been protecting his rights, and that of all the creditors as prescribed by the Bankruptcy and Insolvency Act in Canada.
25. Also, during the interrogation an RCMP officer stated to Dhillon that he was “served on a platter” by KPMG, and the officer went on to state to Dhillon, “you got a target on your back.”
26. The interrogation also revealed that according to one of the two RCMP officers that interrogated Dhillon, KPMG is on a mission to “silence” anyone who speaks about this case, and that KPMG has a “serious amount of resources.” The officer also stated to Dhillon that “it’s quite obvious they’re after you.” Dhillon responded to being arrested, and learning what the officers were telling him by stating, “next they will put a bullet in my head, because there’s \$800 million dollars involved.”
27. A transcribed copy of the interrogation is attached hereto as **Exhibit “C”** and also shows that the RCMP acknowledges that, at the time the officers arrested Mr. Dhillon, they were not aware that Dhillon was the largest creditor in my involuntary bankruptcy proceedings. Even though KPMG filed the complaint with the RCMP, and put considerable time and resources to “serve” up Dhillon, KPMG had neglected to inform the RCMP of Dhillon’s status as a creditor, and instead referred to him as “evil,” an

“annoyance” and a “loser” who “can’t get his money” and that KPMG just wanted him to “go away.”

28. The officer continued on during the interrogation and said to Dhillon that KPMG “just wants to shut you up” and that KPMG “don’t give a shit about you.” Dhillon responded at one point during the interrogation, by asking how come “nobody did anything when the creditors called the RCMP?”
29. At one point the interrogation took a turn for a brief moment, and the officer stated, while referring to KPMG, “lets be honest right, they are accountable, they should be held accountable.” But then soon thereafter says, “they’re gonna laugh at you, you’re gonna go off to jail, and they’re gonna laugh at you, and hey that’s, you know what, the fact.” He also further berates Dhillon, saying, “Don’t go all Malcolm X on me, okay... Don’t get all Ghandi on me.” One of the officers states that he is trying to get both sides of the story, and that KPMG is advocating that Dhillon is evil, and has done something “Horrible and horrendous” and that he “should be thrown away” and get the maximum penalty.” Dhillon finished off the interrogation by stating, “who’d thought that, the accountants in the world could do something like this.”
30. In this particular case, for some odd reason, the Ministry of the Attorney General in B.C. has chosen to prosecute this allegation of posting a blog, and contempt of court against Dhillon under the last exception left under common law in Canada. According to this archaic, and draconian law, Dhillon is to be tried by Judge alone, at taxpayer’s expense, and he does not have the option to have a jury of his peers, despite potentially facing time in prison, and technically the death penalty could be applied.
31. Further to this, the trial Judge in this matter will also be the sentencing Judge, and reserves, solely, the right to stay the charges. The Ministry of the Attorney General is not able to stay the proceedings, as is usually the case.
32. This last remaining common law exception is so old that the death penalty still technically applies, even though Canada abolished the death penalty in 1976, the year before Dhillon was born.
33. Court transcripts also reveal that Mr. Howard Mickelson, of the law firm Gudmundseth Mickelson LLP, a lawyer hired by KPMG, appeared on the accounting firm’s behalf, at a

hearing where Dhillon, through an attorney, approximately 3 months after his arrest, had requested to get back the documents, and computer equipment that the RCMP had seized during the raid on his house.

- 34. This appearance by KPMG’s lawyer is noteworthy due to the fact during a criminal proceeding, a civil lawyer has no standing before the court, and the fact that Mr. Mickelson states in his biography, that he “represents an international chartered accountancy firm defending professional negligence claims involving issues of tax and bankruptcy practice.” Attached as **Exhibit “D”** are documents relating to Mr. Dhillon’s criminal trial. And to date he still has not been returned the materials that were seized during the raid on his house.
- 35. I make this Affidavit to oppose the Applicant’s Application for an Order to dismiss the within Action against the Defendants, Ken Phillips, Terry Knight, Gowling Lafleur Henderson LLP, and Ballem MacInnes LLP for long delay and for no other or improper purpose.

SWORN BEFORE ME at \_\_\_\_\_, )  
 \_\_\_\_\_, this \_\_\_\_ day of October, )  
 2012 )

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 A Notary Public for the Province of )  
 British Columbia )

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**ERWIN SINGH BRAICH**