

KPMG Attempting to Muzzle Creditors: Possible Freedom of Speech Violations Claimed

KPMG Inc., has instructed their counsel Mr. Howard Mickelson, a partner at - Gudmundseth Mickelson LLP - to proceed with a Motion in an attempt to muzzle some of the lawful creditors of Erwin Singh Braich (Action No. 193466VA99 - Vancouver Registry – Supreme Court of British Columbia).

Vancouver, British Columbia, March 10, 2009 – The Chief Justice of the Supreme Court of British Columbia – Honourable Donald Brenner - has a Motion before him to proceed on March 11, 2009; despite the fact that written submissions were made by some of the Respondents relating to the lack of proper service according to the Rules of Court in British Columbia.

When contacted for comment, the counsel chosen by KPMG to originally temporarily derail a constitutional and civil rights violations lawsuit filed by Mr. Erwin Singh Braich in Seattle, Washington - Mr. Howard Mickelson (who is admittedly not a Bankruptcy expert, and in fact does not list Bankruptcy and Insolvency work in his CV) - stated that anyone that covers this story does so at their own “peril”.

For more information about the above mentioned litigation please visit:

<http://www.justiceandtruthforall.com/documents.html>

Another Respondent just recently added by KPMG is Mr. Michael McCormack, a resident of Vancouver. He stated that he only learned that he was named as a Respondent from another creditor and has yet to be properly served with any documents that KPMG is using to support the subject Motion and the Notice of Motion itself.

“Prior to the previous hearing on February 23, 2009, I had requested 10 minutes of the Honourable Court’s time to put forward a Motion to cross-examine Mr. Robert Rusko - Senior Vice-President of KPMG, on his unchallenged Affidavits. However since I was deficient in filing supportive material as politely explained to me by the Honourable Chief Justice Brenner this opportunity to cross-examine Mr. Rusko will have to wait”.

McCormack added, “that despite the apparent deficiency in perfecting proper service on me and without enough time for me to properly retain counsel the Honourable Chief Justice has now granted a hastily contrived one hour hearing, at Mr. Mickelson’s request”.

“We find this double standard being applied by the Honourable Court, to be appalling and are deeply concerned that this Motion to be heard on Wednesday, March 11th, 2009, is yet another attempt by KPMG to obstruct our freedom of speech as afforded to individuals by the Canadian Charter of Rights and Freedoms”.

“I wonder to what lengths the alleged culpable parties and/or their counsel are willing to stretch to in the other countries around the globe where their actions are already a well known fact”.

“Vancouver is a city that is again on the world’s stage due to the fact that the upcoming winter Olympics will be held here. In my opinion it is unbecoming when the B.C. Judiciary is unwilling to reel in a lawyer acting irresponsibly and abusing the due process, as I believe is the modus operandi of Mr. Mickelson”.

Mr. McCormack further went on to state that, “in my opinion it is clear for all to see what is really going on here, and when the imminent Racketeer Influenced and Corrupt Organizations Act ('RICO') related lawsuits are commenced, the pattern of activity will be unraveled further. KPMG and alleged co-conspirators and other miscreants have caused in excess of U.S. \$800 million in losses to Mr. Braich and the lawful creditors over the last decade”.

“It is astonishing that KPMG, Mr. Mickelson and/or the B.C. Judiciary would take these steps, all the while ignoring the fundamental rights afforded to us as lawful creditors, under the Bankruptcy and Insolvency Act (“BIA”). It is unbelievable that we are not even allowed to view, let alone photocopy, the file which we are entitled to, as mandated by the BIA” added McCormack.

When contacted for his comments; Mr. Satinder Dhillon, a businessman who is owed in excess of \$3 million, as learned by Quantum Media, stated: “Notwithstanding the advice given to me by experts that section 2B entitled Fundamental Freedoms of the Canadian Charter of Rights and Freedoms has been violated by the Honourable Court when it pronounced the previous interim Order on February 23, 2009 - it is best that I make no further comment at this time”.

For more information about the Canadian Charter of Rights and Freedoms please visit:

<http://laws.justice.gc.ca/en/charter/>

Another lawful creditor, Mr. Richard Rempel, a resident of Mission, British Columbia stated: “KPMG’s counsel is dreaming or are in some fantasy land if they truly believe that the issue at bar can be fully argued by some half dozen parties within one hour. Even an elementary school student can calculate that if this exact time allotment is adhered to, it would leave each participant, including any rebuttal period, approximately seven minutes to present evidence and argue the merits of same”.

“This pattern of behavior by our administrators of justice is disheartening, especially when viewed as a continuation of poor judgment, such as that reflected in the findings of the Honourable Madam Justice Dickson involving the Mission Waterfront property transfer litigation”.

Rempel went on to state that, “several years ago I was one of the numerous individuals that filed a caveat on the well known Sandy Hill development property, which is located in Abbotsford B.C. This asset was listed by KPMG’s staff on the original Statement of Affairs in 1999”.

“Sandy Hill has been already talked about by many other creditors in a variety of Affidavits and/or Declarations. I am still shocked that KPMG and their counsel would not abide by the clear directions ordered by Honourable Madame Justice Loo, which I heard as I was present, during her pronouncement”.

“In my opinion, just this one malicious and/or negligent act, caused the lawful creditors and Erwin approximately CDN \$75 million”.

“It is my understanding a previous attempt was made by KPMG’s counsel to have a Motion heard in an allotted two hours but it eventually took almost two full days”.

“I’ve known Erwin for over 30 years and have been involved with very many interesting and positive events in his life; clearly this has been a troubling episode for him. Being that Erwin is a very pragmatic individual I am not surprised to have learned recently that a succession plan for the upcoming litigation is already in place, should something happen to him” added Rempel.

When contacted in Vancouver, Mr. Robert Shaw stated, “It is quite unfortunate that this matter keeps dragging on. The reams of irrefutable evidence, speak volumes as to what has transpired over the past decade. For Mr. Robert Rusko to run from cross-examination begs a litany of questions”.

“At the rate KPMG Inc. is going the next Motion could very well seek that widely circulated print media such as Time, Fortune, or Forbes be silenced as well”, mused Shaw.

“I strongly believe what interested parties are merely stating is the unvarnished truth, and in Canada the truth cannot be muzzled. Entire wars have been fought and civilizations have clashed for the sacred freedoms that we enjoy in our great nation”.

“The spectacular upheaval in the white collar crime landscape, which has recently surfaced, clearly indicates that government agencies have either ignored or abdicated their fiduciary responsibilities. In my view this entire lack of proper administration in the file relating to my good friend – Mr. Braich – is another example of the consequences of poor judgment. Perhaps malicious behavior on the part of some will be proven in due course”.

“In a time when it is painfully apparent the damage white collar crime can have on the average citizen, what type of message is the Court sending by allowing these types of Motions to proceed, and all this without the proper procedures being followed”.

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The Bankruptcy and Insolvency Act is designed to protect the creditors not to assist in white collar fraud and cover-ups.

Mr. Robert Shaw went on to further state that:” it is extremely interesting to note that it appears no lawyer at this firm has any experience in bankruptcy matters. A summary of their individual areas of practice is available at <http://www.lawgm.com/lawyers.html>”.

When contacted for comment Dr. Alex Penner stated that he had yet to be properly served with any documents. This was also the case for Yashminder Sidhu and Dr. William Russell.

When asked for his comments, Mr. Braich reiterated that pursuant to an interim Order placed on him previously by the Honourable Chief Justice he was unable to comment.

Braich did however say, on a completely different topic, “I believe the economy of the western world is going through a necessary shift, and that we will emerge stronger and more efficient, and the extravagances of the past will be replaced with the joy of efficiency, which - I believe - will in turn lead to a happier and more productive planet”.

“However in my opinion I think it will take at least three years or longer for things to turn. In other words it will be at the very end of President Obama’s first term at the earliest”.

For more information about this case please visit:

www.justiceandtruthforall.com

and

<http://www.ibtimes.com/prnews/20090221/quantum-media-reports-kpmg-senior-vice-president-refusing-to-be-cross-examined-in-canada.htm>

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