No. S-243325
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

TRIAL LAWYERS ASSOCIATION OF BRITISH COLUMBIA
and KEVIN WESTELL

PLAINTIFFS

AND:

HIS MAJESTY THE KING IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA and the ATTORNEY GENERAL OF BRITISH COLUMBIA

DEFENDANTS

NOTICE OF APPLICATION

Name of Applicants: The Plaintiffs, Trial Lawyers Association of British Columbia and Kevin Westell

To: The Defendants, His Majesty the King in Right of the Province of British Columbia and the Attorney General of British Columbia

The Applicant estimates that the application will take 3 days

☐ This matter is within the jurisdiction of an Associate Judge.

☒ This matter is not within the jurisdiction of an Associate Judge.

TAKE NOTICE that an application will be made by the Applicants to the presiding judge at the Courthouse at 800 Smithe Street, in the City of Vancouver, in the Province of British Columbia on **[day], at 10:00 a.m.** for the orders set out in Part 1 below.

Part 1: ORDERS SOUGHT

1. The Trial Lawyers Association of British Columbia and Kevin Westell (the "**Applicants**") seek the following orders:

(a) The operation of ss. 215 and 223-229 of *Bill 21 – 2024, Legal Professions Act*, S.B.C. 2024, c. 26 ("**Bill 21"**), is suspended until the determination by this Court of the claims in the Notice of Civil Claim filed by the Law Society of British Columbia on May 17, 2024 and the Notice of Civil Claim filed by the Applicants on May 21, 2024 (the "**Actions**");

(b) The Lieutenant Governor in Council ("**LGIC"**) is enjoined from bringing ss. 1-214, 216-222, 230-310, and 315-316 of Bill 21 into force until the determination by this Court of the claims in the Actions;

(c) Alternatively, orders enjoining the Transitional Board, the Transitional Indigenous Council, and the advisory committee, as those terms are defined in Bill 21, from exercising any power or performing any duty conferred under ss. 223-229 of Bill 21 until the determination by this Court of the claims in the Actions, together with an order enjoining the Attorney General from appointing members to the Transitional Board, the Transitional Indigenous Council or the advisory committee under ss. 223-229 of Bill 21, until further order of this Court; and

(d) an order waiving the requirement for the Applicants to give an undertaking as to damages.

Part 2: FACTUAL BASIS

Overview

1. This is an application for an injunction to restrain the government from implementing legislation that would sweep away lawyer self-regulation and irreparably damage the independence of the bar and judiciary in British Columbia.

2. This is the result of the government's decision to enact Bill 21 on May 16, 2024. In summary, Bill 21:

    a. results in the termination of the Law Society of British Columbia (the "**Law Society**") as the entity that regulates lawyers in British Columbia. In its place, Bill 21 purports to create a single regulator governing lawyers, notaries, paralegals, and entirely new classes of legal professionals in the province created by the government;

    b. limits the scope of the new Legal Professions British Columbia's duty to regulate the combined legal professions in the public interest;

    c. imposes a co-governance model on lawyers which makes them subject to regulation by a functional majority of non-lawyers, government appointees, and other

governments, each of whom have pecuniary and other interests engaged in shaping the manner in which lawyers can, and cannot, act against them;

d. allows the government to make new legal professions in parallel to lawyers on the government's own assessment, scope of practice, and rules;

e. allows the government to exercise direct control over the regulation of the practice of law, competence, and professional discipline of lawyers in British Columbia; and

f. compromises the independence of the judiciary, whose members must be selected from an independent and impartial bar.

3. Bill 21 is a direct challenge to the constitutional principles of an independent bar and judiciary. It is beyond the power of the legislature to erode the independence of institutions that are fundamental to Canadian democracy and essential to the maintenance of the rule of law in Canada.

4. Bill 21 also violates individual rights. By undermining the independence of the bar, Bill 21 violates individuals' rights to the effective assistance of counsel in the face of state action interfering with personal autonomy and psychological integrity, to a fair trial absent abuse of process, to retain counsel, and to a fair hearing before an independent judge. It violates lawyers' freedom of association under s. 2(d) of the *Charter*. Sections of Bill 21 also violate lawyers' individual rights under ss. 7 and 8 of the *Charter*.

5. The Law Society of British Columbia has challenged the constitutionality of Bill 21 in an action filed May 17, 2024. The Applicants filed their own action on May 21, 2024.

6. The Law Society has brought an application to enjoin the implementation of Bill 21. The Applicants support and adopt the Law Society's application in whole and seek materially the same relief in this Application.

7. Fundamentally, the Actions cannot be properly adjudicated if the government is permitted to implement Bill 21 on the schedule provided for under the legislation, the effect of which would be to achieve its legislative aim and destroy the Law Society as an independent regulator while implementing a new regulatory model that would impair the independence of the bar. Eliminating the Law Society and ending self-regulation of the bar would have an effect on lawyers and individuals who rely on lawyers in Canadian society that could not be undone or repaired. With the Law Society eliminated as an entity, and the legislation implemented, there would be no way to unscramble the constitutional egg.

8. The test for an injunction is met. There are serious constitutional questions at issue. Indeed, this question strikes at the core of the constitutional fabric of Canada because it puts in

issue how lawyers, who, on a day to day basis effectuate the rule of law in Canada, are to be regulated and what is the proper role for government in that regulation. Implementing Bill 21 results in irreparable harm to the Applicants, the Law Society, and the public. The balance of convenience strongly favours stopping the government from enabling Bill 21 while this Court can finally decide these important constitutional questions.

Bill 21 ends the Law Society and Self-Regulation in British Columbia

9. The Applicants agree with and adopt the factual basis set out in paras. 1 to 25 of the Law Society's Notice of Application, dated May 24, 2024. In short:

    a. The Law Society regulates the legal profession in furtherance of the administration of justice, the rule of law, and the public interest.

    b. The Law Society has an obligation to protect lawyers' independence and protect the rights of all persons.

    c. The Law Society is the instrument of self-regulation and the constitutional principle of the independence of the bar. The Law Society, through its benchers, elected by lawyers, make rules governing the practice of law, discipline, competence and ethics. The profession does this; not the government of British Columbia, other governments in British Columbia, or persons appointed by governments or non-lawyers.

    d. The Law Society is a democratic institution and association for lawyers. Benchers are elected. They are accountable to lawyers and the public. Lawyers associate together as a group as members of the Law Society for the purpose of self-government and self-regulation.

    e. The Law Society is financially independent. It receives no government money.

10. The Applicants agree with the Law Society that Bill 21 has a transition plan that will, if fully executed, end the Law Society as an institution for self-regulation and the independence of the bar. The upshot of this process is that the benchers of the Law Society will be replaced first by a transition board and a transitional Indigenous Council, the majority of whom do not have to be lawyers, which will be in turn replaced by a board who will have a functional majority of non-lawyers and government appointees.

11. The Applicants also agree with the Law Society that the transition provisions will end self-regulation in the Province because they require a new set of rules to be made for Legal Professions British Columbia but only with the approval of the first transitional Indigenous Council. This means that the new rules governing the practice of law and the regulation of lawyers will be made and approved of by bodies that are not made up of a majority of

lawyers, and indeed are themselves litigants with their own pecuniary and other interests engaged in how lawyers may be constrained in acting adverse to them for the rest of the public.

Bill 21 infringes constitutional rights of individuals by eliminating self-regulation and the independence of the bar

12. The Law Society and the Applicants both plead that Bill 21 necessarily infringes the *Charter* rights of individuals. The *Charter* grants persons rights to the effective assistance of counsel in the face of state action interfering with personal autonomy or psychological integrity, to a fair trial absent abuse of process, to retain and instruct counsel, and to a fair and open hearing before an independent and impartial judge under ss. 7, 10(b) and 11(d), respectively. An independent bar with independent lawyers regulated by an institutionally independent and self-regulating Law Society is a necessary part of each of these *Charter* rights. If such an institutional check is removed by government, the rights granted by the *Charter* cannot be guaranteed to be effective.

Bill 21 substantially infringes lawyers' right to associate under s. 2(d) of the *Charter*

13. The Applicants plead that Mr. Westell and all lawyers in British Columbia have constitutional association rights under s. 2(d) of the *Charter* that will be extinguished if the Law Society and self-regulation are terminated.

14. The Law Society, as a grouping of lawyers created for the self-regulation and independence of lawyers, predates the existence British Columbia. The activities of the Law Society fall within protected activities under the *Charter* because it is a professional regulator and an association of lawyers established for the purposes of self-regulation and independence from the government. The Law Society is the institution that supports and upholds lawyers' collective objectives and right to self-regulate and self-govern, free from government influence: see *e.g.*, Affidavit #1 of Kevin Gourlay, affirmed on May 27, 2024 ("**Gourlay Affidavit**"), at paras. 22-25. The Law Society expresses and effects lawyers' associative interest by making rules governing the practice of law, professional competence, and ethics for lawyers and by lawyers. It also effects lawyers' association interest as a practical matter through its organizational, financial, and physical infrastructure.

15. The Law Society facilitates the rights of individual lawyers to act collectively and pursue other constitutional rights and to join together to meet the power of government on more equal terms, including and in particular where governments threaten the independence of lawyers, the judiciary, and the rule of law.

16. The Applicants plead that Bill 21 nullifies this association right. Lawyers will no longer have the Law Society. Self-regulation will be at an end. There will no longer be a set of rules governing the profession made by lawyers.

Bill 21 infringes individual rights under ss. 7 and 8 of the *Charter*

17. Sections of Bill 21 also violate ss. 7 and 8 of the *Charter*. The Applicants plead that s. 78 of Bill 21 allows a sweeping and warrantless search and seizure by Legal Professions British Columbia. This power authorizes unreasonable searches. This infringes s. 8 and is not saved by s. 1.

18. Bill 21 also runs afoul of lawyers' interests in liberty and security of the person under s. 7 of the *Charter*. It does this by adopting a regressive model of competence that threatens to punish lawyers for having mental health issues that may impact their competence, which is expressly defined to include consideration of health conditions. In contrast to the previous scheme administered by the Law Society, which did not define competency with reference to health conditions, Bill 21 now authorizes Legal Professions British Columbia to determine that a person is incompetent to practice law on the basis of their mental health state, which is now part of the definition of competence under s. 68. In other words, rather than assess a lawyer's conduct, Bill 21 starts from the position of assessing whether a person suffers from mental health issue and proceeds to make assumptions. And rather than enforce competence by suspension of a person's licence or by other less drastic means, Bill 21 empowers the regulator to compel a lawyer to obtain treatment: s. 88. This compulsion can be backed up by prosecution and potentially imprisonment: ss. 198, 202. The Law Society previously determined in revising its admissions criteria that associating conditions with competency was discriminatory and unwarranted, and instead determined that a consideration only of conduct was appropriate and sufficient to protect the public interest: Affidavit #1 of Brook Greenberg, K.C., made May 24, 2024 (Law Society Action) ("**Greenberg Affidavit**") at paras. 113-115; Affidavit #1 of Gregory Berry, made May 27, 2024 ("**Berry Affidavit**"), at pp. 70-81, 96-98, and 208-277.

19. Mental health and substance issues disproportionately affect legal professionals in Canada. Moreover, there are elevated rates experienced by racialized, Indigenous, and 2SLBGTQ+ legal professionals and professionals living with a disability: Greenberg Affidavit at paras. 113-115. Bill 21 now seeks to impose a regulatory model that subjects such professionals to direct regulation based on these conditions and threatens them with compelled medical treatment, the refusal of which could imperil their professional lives, dissuade them from seeking voluntary supports, or even subject them to criminal prosecution and sanction. Such a regulatory scheme violates lawyers' autonomy, security, liberty, and equality interests in a manner that is overbroad, manifestly unjust, and grossly disproportionate: Greenberg Affidavit at paras. 113-115; Berry Affidavit at pp. 70-81, 96-98, and 208-277.

Part 3: LEGAL BASIS

Overview

20. The Applicants plead and rely on Rule 10-4 of the *Supreme Court Civil Rules*, s. 39 of the *Law and Equity Act*, and the inherent jurisdiction of this Court.

21. The Applicants agree with and adopt the submissions of the Law Society on the legal test for enjoining the government from enforcing unconstitutional legislation set out at paras. paras. 26 to 29 of their Notice of Application. The test here requires the Applicants and the Law Society to establish a serious question to be tried in both Actions, that the applicants will suffer irreparable harm if an injunction is not issued, and that the balance of convenience favours granting the injunction: *Harm Reduction Nurses Association v British Columbia (Attorney General*), 2023 BCSC 2290 at paras 31-34, leave to appeal dismissed, 2024 BCCA 87; *RJR-MacDonald Inc v Canada (Attorney General),* [1994] 1 SCR 311; *Federation of Law Societies of Canada v Canada (Attorney General),* 2023 BCSC 2068 at para. 26.

22. Each factor is met in both applications. It is in the interests of justice that the government be enjoined from enforcing Bill 21 generally and in relation to specific provisions which collectively strike at the core of the administration of justice, the rule of law, and lawyers' constitutional rights.

The Actions raise serious constitutional issues to be tried

23. The Applicants say there is a serious question to be tried in the Law Society's and the Applicants' Actions. The Applicants agree with and adopt the Law Society's argument at paras. 30 to 34 of their Notice of Application that there is a serious question on whether Bill 21 violates the constitutional principle of the independence of the bar. There are serious and undecided questions of fact and law regarding the nature and scope of the constitutional principle of the independence of the bar and how it is expressed and enforced, what that concept includes and does not include, and whether Bill 21 imposes by law a scheme which is at odds with these constitutional principles.

24. Bill 21 and the Actions collectively raise the question of whether there is any content to the concept of the independent bar and self-regulation. This is because if the government is correct, then there is no constitutional protection for lawyers' independence and the independence protected and created by self-regulation by lawyers. Accepting the government's logic, lawyers could be entirely and directly regulated by government.

25. This is a foundational question for Canadian society, the content of the Constitution, and the notion of the rule of law. The Law Society and the Applicants contend that an independent, self-regulated bar is an essential ingredient to Canada's constitutional

democracy. It is a constitutional principle entrenched by necessity from the words of the *Constitution Act, 1867*, ss. 7, 10(b) and 11(d) of the *Charter,* and the rule of law. Without an independent bar, there is no independent judiciary. With no independent bar and judiciary, there is no rule of law: *AG Can v Law Society of BC*, [1982] 2 SCR 307 at 335-336; *Federation of Law Societies of Canada v Canada (Attorney General),* 2013 BCCA 147 at paras 105-113; appeal dismissed, *Canada (Attorney General) v Federation of Law Societies of Canada*, 2015 SCC 7; *PD v British Columbia,* 2010 BCSC 290 at para 125; *British Columbia (Attorney General) v Reece,* 2023 BCCA 257 at para. 98.

26. These constitutional principles are limits on the scope of the Province's power under s. 92 of the *Constitution Act*, *1867*. The challenge thrown down by the government requires this Court to answer whether and how far these principles go, and whether and how far a government can go in bending them without breaking our constitutional fabric and our pluralistic democracy.

27. In addition to these common points, there are other important and serious issues to be tried in the Applicants action that are not raised by the Law Society. For example:

    a. There is a serious question as to whether the Applicants and all lawyers in British Columbia have freedom of association rights that include a right to associate for the purposes of self-regulation, free from government influence and control, meeting government on a more even playing field, upholding other constitutional rights, and exercising democratic choice in the manner of lawyers' self-regulation and government. The Applicants will contend that if there is a constitutional imperative supporting the independence of the bar, protected by self-regulation, then as necessary implication lawyers ought to have a constitutional right to associate in furtherance of that imperative: *Dunmore v. Ontario (Attorney General),* 2001 SCC 94 at paras. 13, 22-28, 30-48; *Mounted Police Association of Ontario v. Canada (Attorney General),* 2015 SCC 1 at paras. 51-80; *Société des casinos du Québec inc. v. Association des cadres de la Société des casinos du Québec*, 2024 SCC 13 at paras. 7-8, 16-20, 33-37.

    b. There are serious questions that if Bill 21 does indeed undermine the independence of the bar that individuals' right to effective representation by counsel under the *Charter* will be infringed. The Applicants will argue that independence of the bar infuses each of ss. 7, 10(b) and 11(d). Without it, none of those rights can be effective or meaningful. Thus, if Bill 21 does violate the independence of the bar as a constitutional rule, then it would necessarily contravene the *Charter*'s protections for their clients.

c. There are serious questions that s. 78 is an excessive and unreasonable warrantless search power under s. 8 of the *Charter* that cannot be justified under s. 1: *R. v. Tim,* 2022 SCC 12 at paras. 45-46.

d. There is a serious question that the combined effect of ss. 68, 88, 198, and 202 create a regulatory regime that infringes lawyer's liberty and security of the person interests under s. 7 of the *Charter*. Liberty protects the right to make fundamental personal choices free from state interference. Security of the person encompasses a notion of personal autonomy involving control over one's bodily integrity free from state interference and it is engaged by state interference with an individual's physical or psychological integrity: *Carter v. Canada (Attorney General),* 2015 SCC 5 at para. 64. Bill 21 engages both interests by compelling treatment for mental health issues as a part of the regulator's mandate to regulate "competence". Further, the use of criminal sanction to enforce such a scheme engages the liberty interests of the Applicants and lawyers in British Columbia generally: *Re B.C. Motor Vehicle Act*, [1985] 2 S.C.R. 486, at p. 492. It raises a serious question that government has sought to regulate "competence" in a manner that seriously impairs a lawyer's fundamental interests and does so in circumstances where the government's alleged regulatory purpose could easily be met by far less invasive measures. The Law Society has expressly considered issues of competency and medical treatment and concluded both that competency should not be defined with reference to health conditions, but rather only with respect to conduct, and that the suspension and limitation on practice powers are sufficient to protect the public interest. Moreover, the Law Society has considered and concluded that a voluntary approach to medical treatment is more effective and in the public interest, both for individual legal professionals and in respect of limiting the systemic effects of stigma within the profession overall. Legal professionals feeling free to use supports free of fear of compelled treatment is in the overall public interest: Greenberg Affidavit at paras. 113-115; Berry Affidavit at pp. 70-81, 96-98, and 208-277.

The implementation of Bill 21 will cause irreparable harm if the injunction is not granted

28. The Applicants agree with and adopt the Law Society's argument at paras. 35 to 36 of their Notice of Application that Bill 21, if not enjoined, creates a real risk of irreparable harm to the administration of justice by dissolving the Law Society, terminating benchers, and compelling a new co-governance model of regulation on lawyers. It will imperil the independence of the bar and the judiciary, threaten the rule of law, and materially undermine public confidence in the administration of justice with no opportunity to undo the damage if the Applicants and the Law Society are proven right at trial.

29. In addition, the Applicants add that the Applicants and individual lawyers will also suffer irreparable harm if Bill 21 is implemented and injunctive relief is not granted:

a. **Bill 21 will irrevocably terminate lawyers' s. 2(d) right to associate for the purposes of self-regulation and other purposes.** If Bill 21 is not enjoined, and the Law Society is terminated as an institution after the transition period, the Applicants and British Columbia lawyers' association rights will have been destroyed without any opportunity to be adjudicated. Bill 21's provisions also call for the Law Society to lose financial, administrative, organizational, and physical aspects of its existence. If the Law Society is ended, both institutionally, financially, and physically, along with self-regulation of the profession defined by elected benchers setting the rules for the practice of law, competence, and ethics, the Applicants and lawyers will have lost a material associative right without any opportunity to adjudicate that right: see *e.g.*, Gourlay Affidavit at paras. 21-24. Enforcing Bill 21 would cause the Applicants and all lawyers to lose their right to associate for the purposes of self-governance and self-regulation free from government influence and control, to engage the government on more equal terms, and to exercise democratic accountability and the power to select goals and priorities of the Law Society: see *e.g.*, Affidavit #1 of Simon Collins, affirmed May 24, 2024 ("**Collins Affidavit**"), at paras. 8-9. The Applicants, even if successful at trial, could not get that right back and could not be compensated with money damages. A material part of their action would be rendered substantially moot. Even if Bill 21 is amended and the government changes its plans, a temporary loss of associative rights could not be undone.

b. **Bill 21 will imperil individuals' *Charter* rights if there is no guarantee of an independent lawyer regulated by an independent regulator.** If Bill 21 is not enjoined, and the Law Society and self-regulation is ended, the independence of the bar will have suffered a material blow. In that context, there is a serious risk that public confidence in the administration of justice and in the protection of *Charter* rights of an accused will be impaired: see *e.g.*, Collins Affidavit, at paras. 19-24 and 26-30; and Gourlay Affidavit at paras. 32-38. Put another way, the knock-on effect of the loss of the independence of the bar is that downstream rights of clients suffer because a basic assumption about lawyers undergirding the system—lawyers are regulated in a manner that preserves their independence—will no longer be confirmed and constitutionally intact.

c. **Bill 21 will threaten lawyers and their clients with unreasonable searches and lawyers with compelled treatment backstopped by imprisonment if implemented.** If Bill 21 is not stopped by order of this Court, lawyers in British Columbia will be subject to the power of Legal Professions British Columbia to order warrantless searches and compelled treatment as part of their regulation of competence. Any enforcement of these laws threatens *Charter* rights, which could not be undone.

The balance of convenience favours enjoining Bill 21

30. The Applicants agree with and adopt the Law Society's submissions on the balance of convenience at paras. 37 to 42 of its Notice of Application, which applies equally in this Application.

31. The Applicants add the following. There is a compelling public interest in preserving the *status quo* of the present existence and form of the Law Society, lawyer self-regulation, the independence of the bar, and the attendant association rights of lawyers pending trial. These rights are important to the fabric of Canadian society writ large and the underlying tenets upon which it has been built. They deserve a chance for a full adjudication at trial without the threat of nullifying issues and imposing irreversible consequences on the administration of justice, lawyers individually and collectively, and the rule of law.

32. On the other hand, the government's legislative case that the legal profession required an overhaul and merger with other legal service providers is not one that requires urgent or even short term implementation. The government has asserted that the purpose of Bill 21 is to foster greater access to justice. However, no justification related to access to justice has been provided for the government trenching into defining for the regulator considerations such as competency and misconduct, nor entirely re-writing the rules and ethical responsibilities related to practice. Even the most ardent supporters of the policies of Bill 21 would concede that it will not achieve its alleged (and inaccurately stated and promised) goals of improving access to justice and legal services overnight. A brief pause in the law's implementation will cause no irreparable harm nor will it impose any great burden on the government or the public interest. Nothing prevents the government from authorizing the Law Society to licence paralegals or other legal professionals as the Law Society has requested.

33. The government is seeking to effect a serious and unprecedented change to a foundational part of British Columbia's legal system. It has done so, unfortunately, with minimal consultation with the Law Society and lawyers generally, or with the public at large, none of whom had any opportunity to publicly comment on the legislation until it was tabled in April 2024. Notably, the government has acted and with utmost haste in the legislative process: see *e.g.*, Gourlay Affidavit at paras. 26-29. The Applicants and the Law Society are only seeking a pause on this law's enforcement while important constitutional rights and principles are fully briefed and aired in this Court. Canada's constitutional system of government requires nothing less.

34. It is in the interests of justice to grant an injunction on the terms sought.

The Applicants should not have to give an undertaking as to damages

35. If this Court grants the injunction, the Applicants should not have to give an undertaking as to damages. The Applicants agree and adopt the submission of the Law Society at paras. 43 to 44 of the Notice of Application in this regard: the Province will not suffer damages if the Actions are dismissed and there is a delay in implementing Bill 21: *SCCR*, Rule 10-4(5); *Mowi Canada West Inc v Canada (Fisheries, Oceans and Coast Guard),* 2021 FC 293 at para 153; *Taseko Mines Limited v Phillips*, 2011 BCSC 1675 at paras 68-70.

Part 4: MATERIAL TO BE RELIED ON

1. Affidavit #1 of Simon Collins, made May 24, 2024;

2. Affidavit #1 of Kevin Gourlay, made May 27, 2024;

3. Affidavit #1 of Gregory Berry, made May 27, 2024;

4. Affidavit #1 of Rajiv Gandhi, made May 27, 2024;

5. Affidavit #1 of Brook Greenberg, K.C., made May 24, 2024 (Law Society Action);

6. Affidavit #1 of Patti Lewis, made May 24, 2024 (Law Society Action);

7. The Notice of Civil Claim, filed May 21, 2024; and

8. Such further and other material as counsel shall advise and the court will permit.

TO THE PERSONS RECEIVING THIS NOTICE OF APPLICATION: If you wish to respond to this Notice of Application, you must, within 5 business days after service of this Notice of Application or, if this application is brought under Rule 9-7, within 8 business days after service of this Notice of Application.

(a) file an Application Response in Form 33,

(b) file the original of every affidavit, and every other document, that

(i) you intend to refer to at the hearing of this application, and

(ii) has not already been filed in the proceeding, and

(c) serve on the applicant 2 copies of the following, and on every other party of record one copy of the following:

(i) a copy of the filed Application Response;

(ii) a copy of each of the filed affidavits and other documents that you intend to refer to at the hearing of this application and that has not already been served on that person;

(iii) if this application is brought under Rule 9-7, any notice that you are required to give under Rule 9-7(9).

Dated at the City of Vancouver, in the Province of British Columbia, May 27, 2024.

Dated: 27-May-2024

Signature of
☒ Lawyer for Applicants

Gavin Cameron & Tom Posyniak

To be completed by the court only:

Order made

☐ in the terms requested in paragraphs …… of Part 1 of this Notice of Application

☐ with the following variations and additional terms:

……
……
……

Date:

……..

Signature of ☐ Judge ☐ Associate Judge

The Solicitors for the Plaintiffs are Fasken Martineau DuMoulin LLP, whose office address and address for delivery is 550 Burrard Street, Suite 2900, Vancouver, BC V6C 0A3 Telephone: +1 604 631 3131 Facsimile: +1 604 631 3232 E-mail: gcameron@fasken.com, tposyniak@fasken.com, wandrews@fasken.com, (Reference: 900424.00001/21499)

APPENDIX

The following information is provided for data collection purposes only and is of no legal effect.

THIS APPLICATION INVOLVES THE FOLLOWING:

- ☐ discovery: comply with demand for documents
- ☐ discovery: production of additional documents
- ☐ other matters concerning document discovery
- ☐ extend oral discovery
- ☐ other matter concerning oral discovery
- ☐ amend pleadings
- ☐ add/change parties
- ☐ summary judgment
- ☐ summary trial
- ☐ service
- ☐ mediation
- ☐ adjournments
- ☐ proceedings at trial
- ☐ case plan orders: amend
- ☐ case plan orders: other
- ☐ experts
- ☒ none of the above