

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

Between

Action4Canada, Kimberly Woolman, The Estate of Jaqueline Woolman, Linda Morken, Gary Morken, Jane Doe #1, Brian Edgar, Amy Muranetz, Jane Doe #2, Ilona Zink, Federico Fuoco, Fire Productions Limited, F2 Productions Incorporated, Valerie Ann Foley, Pastor Randy Beatty, Michael Martinz, Makhan S. Parhar, North Delta Real Hot Yoga Limited, Melissa Anne Neubauer, Jane Doe #3

Plaintiffs

and

Her Majesty the Queen in right British Columbia, Prime Minister Justin Trudeau, Chief Public Health Officer Theresa Tam, Dr. Bonnie Henry, Premier John Horgan, Adrian Dix, Minister of Health, Jennifer Whiteside, Minister of Education, Mable Elmore, Parliamentary Secretary for Seniors' Services and Long-Term Care, Mike Farnworth, Minister of Public Safety and Solicitor General, British Columbia Ferry Services Inc. (operating as British Columbia Ferries), Omar Alghabra, Minister of Transport, Vancouver Island Health Authority, The Royal Canadian Mounted Police (RCMP), and the Attorney General of Canada, Brittney Sylvester, Peter Kwok, Providence Health Care, Canadian Broadcasting Corporation, TransLink (British Columbia)

Defendants

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**JOINT APPLICATION RECORD INDEX**

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**VOLUME 1**

**Pleadings**

1.        Notice of Civil Claim filed August 17, 2021
2.        Response to Civil Claim of the Provincial Defendants filed January 12, 2022
3.        Response to Civil Claim of the Health Authority Defendants filed October 14, 2021

**Application to Strike – Provincial Defendants**

4.        Notice of Application of the Provincial Defendants filed January 12, 2022

5. Amended Application Response of the Plaintiffs filed May 18, 2022
6. Application Response of the Health Authority Defendants filed January 17, 2022
7. Application Response of BC Ferries filed January 19, 2022
8. Application Response of the TransLink Defendants filed April 14, 2022

**Application to Strike – Canada**

9. Notice of Application of Canada filed April 28, 2022
10. Amended Application Response of the Plaintiffs filed May 18, 2022 (see Tab 5)
11. Application Response of the Health Authority Defendants filed May 18, 2022
12. Application Response of the TransLink Defendants filed April 14, 2022

**Application to Strike – Health Authority Defendants**

13. Notice of Application of the Health Authority Defendants filed January 17, 2022
14. Amended Application Response of the Plaintiffs filed May 18, 2022 (see Tab 5)
15. Application Response of the TransLink Defendants filed April 14, 2022

**Application to Strike – TransLink Defendants**

16. Notice of Application of TransLink filed April 14, 2022
17. Amended Application Response of the Plaintiffs filed May 18, 2022 (see Tab 5)
18. Application Response of the Health Authority Defendants filed May 18, 2022

**Affidavits**

19. Affidavit #2 of Rebecca Hill filed May 24, 2022

**VOLUME 2**

**Case Law of the Defendants (Applicants)**

20. *Borsato v. Basra*, [2000] B.C.J. No. 2855
21. *Camp Development Corp v. Greater Vancouver Transportation Authority*, 2009 BCSC 819
22. *Dixon v. Stork Craft Manufacturing Inc.* 2013 BCSC 1117

23. *Fowler v. Canada (Attorney General)*, 2012 BCSC 367
24. *Gill v. Canada*, 2013 BCSC 1703
25. *Grosz v. Royal Trust Corporation of Canada*, 2020 BCSC 128
26. *Homalco Indian Band v. British Columbia*, [1998] B.C.J. No. 2703 (S.C.)
27. *Khodeir v. Canada (Attorney General)*, 2022 FC 44
28. *Kuhn v. American Credit Indemnity Co.*, [1992] B.C.J. No. 953 (S.C.)
29. *Lang Michener Lash Johnson v. Fabian*, [1987] O.J. No. 355
30. *Li v. British Columbia*, 2021 BCCA 256
31. *Mercantile Office Systems Private Ltd. v. Worldwide Warranty Life Services Inc.*, 2021 BCCA 362
32. *Mousa v. The Institute of Electrical and Electronics Engineers, Incorporated*, 2014 BCCA 415
33. *Nevson Resources Ltd. v. Araya*, 2020 SCC 5
34. *R. v. Find*, 2001 SCC 32
35. *R. v. Imperial Tobacco Canada Ltd.*, 2011 SCC 42
36. *Sahyoun v. Ho*, 2013 BCSC 1143
37. *Simon v. Canada*, 2015 BCSC 924
38. *Strata Plan LMS3259 v. Sze Hang Holding Inc.*, 2009 BCSC 473
39. *Toronto (City) v. Canadian Union of Public Employees, Local 79 (C.U.P.E.)*, [2003] 3 S.C.R. 77
40. *Toronto v. Ontario*, 2021 SCC 34
41. *Willow v. Chong*, 2013 BCSC 1083
42. *Young v. Borzoni*, 2007 BCCA 16

#### **Legislation of the Defendants (Applicants)**

43. *Supreme Court Civil Rules*, BC Reg 168/2009, Rules 3-1, 3-7, 9-5, 14

**Case Law of the Plaintiffs (Application Respondents)**

44. *592 U.S. \_\_\_\_\_* (2020)
45. *A.G. Canada v. Inuit Tapirasat of Canada* [1980] 2 S.C.R. 735
46. *Adams-Smith v. Christian Horizons*, (1997) 14 C.P.C. (4<sup>th</sup>) 78 (Ont. Gen. Div.)
47. *Air Canada v. A.G.B.C.*, [1986] 2 S.C.R. 539 (SCC)
48. *Arsenault v. Canada*, 2009 FCA 242
49. *Canada v. Solosky*, [1980] 1 S.C.R. 821
50. *Canada (Prime Minister) v. Khadr*, [2010] 1 S.C.R. 44
51. *Canadian Society for the Advancement of Science in Public Policy v. Henry*, 2022 BCSC 724
52. *Carter v. Canada (Attorney General)*, 2015 SCC 5
53. *Dalex Co. v. Schawartz Levitsky Feldman*, (1994) 19 O.R. (3d) 463 (Gen. Div.)
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55. *Fleming v. Reid*, (1991) 48 O.A.C. 46 (CA)
56. *Grant v. Cormier – Grant, et al.*, (2001) 56 O.R. (3d) 215 (Ont. C.A.)
57. *Hanson v. Bank of Nova Scotia*, (1994) 19 O.R. (3d) 142 (C.A.)
58. *Hunt v. Carey Canada Inc.*, [1990] 2 S.C.R. 959
59. *J.N. v. C.G.*, 2022 ONSC 1198
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61. *M.A. v. De Villa*, 2021 ONSC 3828
62. *Manitoba Metis Federation Inc. v. Canada (Attorney General)*, 2013 SCC 14
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65. *Nelles v. Ontario*, (1989) 60 DLR (4<sup>th</sup>) 609 (SCC)

- 66. *Odhavji Estate v. Woodhouse*, [2003] 3 S.C.R. 263
- 67. *Operation Dismantle Inc. v. The Queen*, [1985] 1 S.C.R. 441
- 68. *R.D. Belanger & Associates Ltd. v. Stadium Corp. of Ontario Ltd.* (1991) 5 O.R. (3d) 778 (C.A.)
- 69. *Reference re Secession of Quebec*, [1998] 2 S.C.R. 217
- 70. *Roncarelli v. Duplessis*, [1959] S.C.R. 121
- 71. *Sgt. Julie Evans v. AG Ontario*
- 72. *Singh v. Canada (Citizenship and Immigration)*, 2010 FC 757
- 73. *TD Bank v. Deloitte Hoskins & Sells*, (1991) 5 O.R. (3d) 417 (Gen. Div.)
- 74. *Thorson v. AG of Canada*, 1975 1 S.C.R. 138
- 75. *Trendsetter Ltd. v. Ottawa Financial Corp.*, (1989) 32 O.A.C. 327 (C.A.)
- 76. *Vancouver (City) v. Ward*, 2010 SCC 27

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- 80. *Cabral v. Canada (Minister of Citizenship and Immigration)*, 2016 FC 1040
- 81. *Committee for Monetary and Economic Reform v. Canada*, 2015 FCA 20
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- 84. *Committee for Monetary and Economic Reform v. Canada*, [2017] S.C.C.A. No. 47
- 85. *Da Silva Campos v. Canada (Minister of Citizenship and Immigration)*, 2015 FC 884
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- 87. *Mancuso v. Canada (Minister of National Health and Welfare)*, 2014 FC 708
- 88. *Mancuso v. Canada (Minister of National Health and Welfare)*, 2015 FCA 227

89. *Mancuso v. Canada (National Health and Welfare)*, [2016] S.C.C.A. No. 92
90. *Sivak v. Canada*, 2012 FC 272
91. *Wang v. Canada*, 2016 FC 1052
92. *Wang v. Canada*, 2018 FCA 46
93. *Wang v. Canada*, [2018] S.C.C.A. No. 368

**Notice of Discontinuance**

94. Notice of Discontinuance of Kimberly Woolman and the Estate of Jaqueline Woolman filed May 25, 2022