



July 6, 2021

Via Regular Mail and Email
(pfurtula@citadellawyers.ca)

Citadel Law Corporation
1400 – 1125 Howe Street
Vancouver, BC V6Z 2K8

Dear Polina Furtula:

Re: CSASPP v. HMQ & PHO
Vancouver Registry File No. S210831

Please find enclosed for service upon you the Case Plan Proposal of the Defendants filed July 5, 2021.

Sincerely,

A handwritten signature in blue ink that reads "emily Lapper". The signature is written in a cursive, lowercase style.

Emily Lapper
Legal Counsel

EL/ma

Encl.

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

**CANADIAN SOCIETY FOR THE ADVANCEMENT
OF SCIENCE IN PUBLIC POLICY**

PLAINTIFF

AND:

**HER MAJESTY THE QUEEN IN THE RIGHT
OF THE PROVINCE OF BRITISH
COLUMBIA and DR. BONNIE HENRY IN
HER CAPACITY AS PROVINCIAL HEALTH
OFFICER FOR THE PROVINCE OF BRITISH
COLUMBIA**

DEFENDANTS

Brought under the *Class Proceedings Act*, RSBC 1996, c. 50

CASE PLAN PROPOSAL
RULE 5-1

Counsel for the Plaintiff

Polina H. Furtula
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Counsel for the Defendants

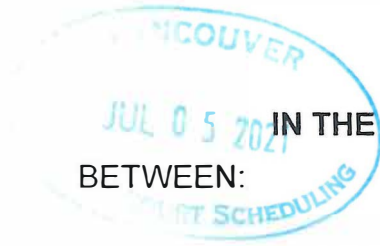
Jacqueline Hughes, Q.C.,
Gareth Morley,
Emily Lapper
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Email: Jacqueline.Hughes@gov.bc.ca
Gareth.Morley@gov.bc.ca
Emily.Lapper@gov.bc.ca

DATE, TIME, PLACE OF HEARING:

Hearing Date: August 10, 2021

Time estimate: 1 hour 9:00am

Case Plan Proposal provided by: The Defendants



IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

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CASE PLAN PROPOSAL

Party submitting this case plan proposal: Her Majesty the Queen in the Right of the Province of British Columbia (the "Province") and Dr. Bonnie Henry in her capacity as Provincial Health Officer for the Province of British Columbia (collectively, the "Defendants")

Indicate the party's proposal with respect to the following steps:

Item	Step	If parties agree, step agreed to and its timing [set out details or refer to attachment]	If parties disagree, party's proposal respecting step and its timing [set out details or refer to attachment]
1	Discovery of documents [when list is to be produced, where documents are to be made available for inspection, electronic document protocol, etc.]	Postponed until after hearing of certification application	

2	Examinations for discovery [<i>person to be discovered, date of discovery, duration of discovery, etc.</i>]	Postponed until after hearing of certification application	
3	Dispute resolution procedures under Part 9 of the Supreme Court Civil Rules [<i>what procedures to be used and when, etc.</i>]		Application pursuant to Rule 9-5 and/or 9-6 – to be heard contemporaneously with certification application
4	Expert witnesses [<i>area of expertise of expert, date report to be served, etc.</i>]		If expert reports are delivered with certification materials, defendants will require time to file responding expert reports. Defendants seek a direction that the plaintiff disclose the expected number of expert reports to be tendered on certification and area(s) of expertise by November, 30, 2021
5	List of witnesses [<i>date list to be served</i>]		See above re disclosure of anticipated expert evidence
6	Proposed mode of trial	Judge Alone Common issues trial	
7	Estimated trial length		To be determined following certification application
8	Preferred period(s) for trial date		To be determined following certification application


9	Other [specify] Plaintiff's Proposed Pre-Certification Application		The Defendants have insufficient information about this "vires" application and so are unable to take a position on the sequencing of this application, including the feasibility of having it heard in October 2021
10	Certification hearing – schedule to be set		(see below schedule)

Proposed Certification Schedule

Item	Step	If parties agree, step agreed to and its timing [set out details or refer to attachment]	If parties disagree, party's proposal respecting step and its timing [set out details or refer to attachment]
1	Plaintiff's Amended Notice of Civil Claim	September 15, 2021	
2	Defendants' Amended Response to Civil Claim (if applicable)		October 8, 2021
3			November 2021 (following the close of amended pleadings and subject to the nature of application and counsel availability)
4	Delivery of Plaintiff's Certification Materials, including any expert evidence		January 10, 2022

5	Delivery of Defendants' Certification Materials Delivery of Defendants' Rule 9-5/9-6 Application		March 11, 2022 (<i>subject to further amendment depending on nature and extent of Plaintiff's anticipated expert evidence</i>)
6	Delivery of Plaintiff's Reply Materials on Certification and Application Response		April 1, 2022
7	Delivery of Plaintiff's Certification Argument		April 15, 2022
8	Delivery of Defendants' Certification Argument		May 27, 2022
9	Delivery of Plaintiff's Reply Certification Argument		June 10, 2022
10	Certification Hearing (to be heard contemporaneously with Defendants' Rule 9-5/9-6 Application)		Week of June 13 or 20, 2022 – 3-5 days (<i>time estimate to be confirmed following receipt of amended pleadings and certification materials</i>)

Date: July 5, 2021



Signature of lawyers for the Defendants
Jacqueline Hughes, Q.C., Gareth
Morley and Emily Lapper

This **CASE PLAN PROPOSAL** is prepared by Emily Lapper, Barrister & Solicitor, of the Ministry of Attorney General, whose place of business and address for service is 1301 - 865 Hornby Street, Vancouver, British Columbia, V6Z 2G3; Telephone: (604) 660-3093; Facsimile: (604) 660-2636; Email Address: Emily.Lapper@gov.bc.ca