



March 15, 2023

Via email: PGall@glqzlaw.com

Gall Legge Grant Zwack LLP
Barristers and Solicitors
1000-1199 West Hastings Street
Vancouver, BC V6E 3T5

Attention: Peter Gall, K.C.

Dear Counsel:

**Re: *York Hsiang et al. v. PHO (S-224731)*
Supreme Court of British Columbia Vancouver Registry No. 224731**

I write in response to your March 10, 2023 letter in which you enclosed draft Further Amended Petitions in the Hsiang and Hoogerbrug matters, and two new draft affidavits, from Ms. Harney and Dr. Sahriar Kabir, respectively. You asked us to let you know if we would consent to the filing of the Further Amended Petitions or if a case management conference (CMC) would be needed for you to bring an application to amend.

We are not able to provide our position on your proposed amendments at this time because:

- (a) you have proposed extensive amendments that are largely submissions that do not properly form part of a Petition pleading and are not necessary for this judicial review to proceed;
- (b) the proposed amendments appear to be an effort to significantly expand the record, going as far as suggesting that it would comprise all evidence in the possession of the PHO "up to the date of hearing" (para. 352); and
- (c) if you proceed with these amendments, the petitioners and respondents in all four petitions will be impacted, as the judicial reviews will likely not be ready to proceed on the May hearing dates.

Given these concerns, the issue of the proposed amendments should be raised with the Honourable Justice Coval, and with input from all counsel, at the CMC scheduled for April 6, 2023. We reserve our position on your proposed amendments and affidavits pending the outcome of the CMC.

Yours very truly,



Julie K. Gibson
Barrister and Solicitor
JKG/jkg

cc: Justina Sebastianpillai – jsebastianpillai@glqzlaw.com
Polina Furtula – pfurtula@citadellawyers.ca
Mark Nohra – mnohra@nohralaw.com
Karen Bastow – karen@karenbastow.com
Charlene Le Beau – clebeau@jccf.ca
Gareth Morley – Gareth.Morley@gov.bc.ca
Alex Bjornson – Alexander.Bjornson@gov.bc.ca
Christine Bant – Christine.Bant@gov.bc.ca