

F I L E D	FEDERAL COURT COUR FÉDÉRALE	D É P O S É
	15-NOV-2024	
Jennifer Sorvisto		
Edmonton, AB	BETWEEN:	55

Court File No. T-1436-22

FEDERAL COURT

Bernard Albert and Others

Plaintiffs

AND:

Canada Post Corporation,
His Majesty the King in right of Canada and
The Attorney General of Canada

Defendants

AFFIDAVIT OF KARINE SOLAKIAN

I, Karine Solakian, administrative assistant, with a mailing address at 511-55 Cordova Street East, in the City of Vancouver, in the Province of British Columbia, AFFIRM THAT:

1. I am one of the appellants in this matter, and as such I have personal knowledge of the facts and matters hereinafter deposed to, save and except for information imparted to me by other people, in which case I believe the source of the information to be reliable and I believe the information to be true.
2. I am responsible for instructing the appellants' legal counsel, Jason Gratl, of the firm Gratl & Company, on behalf of each of the 66 current applicants in this matter.
3. I was among the team of four plaintiffs who instructed the former legal counsel, Leighton Grey, of the firm Grey Wowk Spencer LLP ("GWS LLP"), on behalf of each of the 145 plaintiffs in Federal Court File No. T-1436-22 ("Action T-1436-22").

4. In respect of the application under appeal, I affirmed an affidavit on September 15, 2023, and was cross-examined on my affidavit on October 25, 2023.
5. In my experience, it is logistically complicated and time consuming for a large group of plaintiffs or appellants to obtain legal advice and to give instructions to legal counsel, even if they agree on the applicable general principles, normative values and practical direction of a lawsuit.
6. The appellants have acted as quickly as practicable to obtain legal advice and provide instructions for this appeal.
7. The adverse order and reasons for judgment were issued by Associate Judge Coughlin on March 13, 2024 (the "Decision"). The Decision was provided to the plaintiffs by GWS LLP on March 14, 2024. The plaintiffs then immediately, on March 14, 2024, requested legal advice from GWS LLP on the merits of an appeal.
8. A core group of appellants crystallized the intention to appeal the dismissal of Action T-1436-22 on April 8, 2024. This intention was communicated to Mr. Grey of GWS LLP on April 8, 2024, in the form of instructions to appeal the Decision. Mr. Grey advised that Mr. Hershey, a student at law at GWS LLP who was about to be called to the bar, would prepare and argue the application to extend the deadline to appeal under Mr. Grey's supervision.
9. By April 10, 2024, each of the intended appellants individually confirmed their individual instructions to GWS LLP to appeal the Decision. I do not believe there is anything we could have done to speed up the process of getting legal advice and providing instructions to our legal counsel to appeal the Decision.
10. As of April 10, 2024, we believed that the deadline for appealing was 30 days from the date of the decision. Although I had suspected that the deadline might be 10 days from the date of decision in late March of 2024, our legal counsel first advised me in late April of 2024 that the deadline was 10 days from the date of decision.
11. On May 13, 2024, I requested an update from GWS LLP on how the appeal was proceeding. On June 6, 2024, I again requested an update from GWS LLP. On June 19, 2024, I again requested an update from GWS LLP. I am advised by Kim Priest that she repeatedly telephoned GWS LLP to ask for updates on the progress of the appeal and to urge GWS LLP to file the application to extend the deadline.

12. On July 4, 2024, I was advised by Mr. Farquhar, an associate lawyer at GWS LLP, that Ms. Trignani, another associate lawyer at GWS LLP, was no longer working at GWS LLP and she had been working on the appeal. Mr. Farquhar assured me on July 4, 2024, that he, Mr. Farquhar, was now personally working on the application to extend the deadline for the appeal and that it would be prepared shortly.
13. On July 17, 2024, I received application materials, and on July 22, 2024, I provided comments and again instructed GWS LLP to file the application. On July 26, 2024, Mr. Grey of GWS LLP advised that he would no longer be supervising the work on the appeal and that Mr. Farquhar of GWS LLP would be working on the file alone.
14. On September 4, 2024, Mr. Grey advised that Mr. Farquhar was no longer working at GWS LLP, and that Mr. Hershey, the lawyer at GWS LLP who was initially supposed to be working on the appeal under Mr. Grey's supervision, no longer worked at GWS LLP and that no one else at GWS LLP was able to take on the appeal.
15. We immediately began to look for another lawyer. We had some difficulty finding a lawyer with experience at the Federal Court who was willing to work for a large group in a lawsuit against the federal government.
16. We found Gratl & Company, a Vancouver-based law firm, in late September of 2024. We agreed in principle to retain Gratl & Company to give advice on this appeal on September 22, 2024.
17. The Law Society of British Columbia requires personal verification of identification of new clients, either by the firm or by an outside agent, such as a lawyer or notary. The appellants are dispersed across Canada so this process of verification of identification and verifying written retainers was time consuming.
18. I am advised that Gratl & Company worked with reasonable diligence to research the legal issues and prepare the appeal and application to extend the deadline to appeal.

19. I know of no facts that would suggest that the appellants caused the delay in filing the application to extend the deadline to appeal. We crystallized our collective intention to appeal the Decision on April 8, 2024, and communicated that collective intention to our previous legal counsel on April 8, 2024.

AFFIRMED BEFORE ME at the City of Kitchener, in the Province of Ontario, this 14 day of November, 2024.


A Commissioner for taking Affidavits


KARINE SOLAKIAN

This Affidavit is Commissioned by:

Elizabeth Purkiss
Commissioner, etc
In the province of Ontario
As a licensed Paralegal
LSO#: P15360