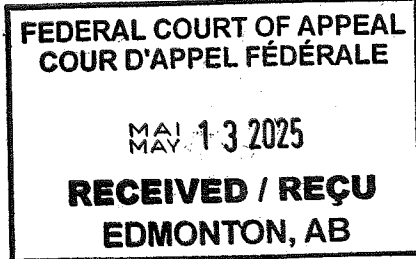


Mark Lolacher
P.O. Box 693
Athabasca Stn Main
Athabasca, AB T9S 2A6
Phone: (780) 224-2491



Via E-mail: EDM_Reception@fct-cf-ca

May 13, 2025

Federal Court of Appeal - Edmonton
Scotia Place Tower
10060 Jasper Avenue, Suite 530, P.O. Box 51
Edmonton, AB T5J 3R8

Attention: Registrar

Dear Sir/Madam:

**Re: Continued Representation by Ms. Christensen; and
Misrepresentation to Court and Parties
Federal Court of Appeal No.: A-33-25**

I wish to bring the following matters to the Court's attention, particularly in light of the Honourable Justice Locke's findings, in his Order dated May 7, 2025, that Ms. Christensen's prior conduct was "inappropriate and high-handed." Since the Order was issued, I regret to report that further developments have occurred which, in my respectful view, may continue to undermine the spirit and intention of that Order. My intention in submitting this letter is to seek clarification from the Court on issues that remain unresolved and to ensure that the integrity and fairness of the appeal process are preserved moving forward.

1. Continued Representation

The Order states that Ms. Christensen remains counsel of record for all appellants, including myself, unless and until that status is formally changed. To date, I have received no notice of withdrawal, nor am I aware of any such filing with the Court.

Additionally, Ms. Christensen has recently updated her email signature to state: "This email address is not a valid address for service pursuant to Rule 11.21 of the Alberta Rules of Court." While I understand that the Federal Court of Appeal is governed by its own procedural rules, this statement appears inconsistent with her current role as counsel of record in a federal appeal. It also raises concerns about the reliability of this address for ongoing communications or service of materials.

In light of these circumstances, I respectfully seek clarification from the Court as to whether Ms. Christensen continues to represent me in accordance with the Order.

Additionally, I request guidance on how this affects my ability and my co-appellants ability to communicate with our counsel and serve documents, as it appears this situation may limit our ability to properly engage in the legal process.

2. Misrepresentation to Co-Appellants

Despite the Order, Ms. Christensen has communicated to the other co-appellants in a manner that implies my procedural motion is an adversarial action, even suggesting that I am “suing” them. This misrepresentation has caused unnecessary confusion among the parties and has escalated to the point where Ms. Christensen has engaged separate counsel, apparently in response to a lawsuit that does not exist. Additionally, Ms. Christensen has indicated an intention to appeal the Order and has used terms such as “lawfare,” which may contribute to a misunderstanding of the nature of this matter. I respectfully request clarification from the Court on the appropriateness of Ms. Christensen’s statements in light of the Order and her continued role in the appeal.

In an email sent to me on May 12, 2025, Ms. Christensen used the subject line “Lolacher v. Qualizza, et al.” To my knowledge, no such action exists. This inaccurate labeling contributes to a false perception that I have initiated a lawsuit against my fellow appellants, further escalating confusion and mistrust.

Additionally, Ms. Christensen has reportedly told co-appellants that continued representation of me would jeopardize her professional standing and potentially lead to her disbarment. She allegedly described the Court’s Order as placing her in a “Catch-22” that affects the ability of all lawyers to represent certain clients. These comments appear to foster division and conflict rather than support the collaborative nature of the joint appeal.

3. Attempt to Limit My Communication Rights

Counsel for Ms. Christensen has requested that I refrain from communicating with my co-appellants. I respectfully object to this request, as I am a named appellant and have a fundamental right to communicate with other parties in a proceeding to which I am lawfully a party. To my knowledge, no Court order prohibits such communication. I

respectfully seek clarification from the Court on whether there are any restrictions on communication between the appellants, especially given the lack of any specific Court order to that effect.

More concerning, however, is that Ms. Christensen has reportedly instructed co-appellants behind my back that “all (my) communications must go through the lawyer from this point forward” and that any messages received from me should be forwarded to her legal team. This effectively encourages my co-appellants to report or monitor my communications, which I find deeply troubling. As a co-appellant and party to the appeal, I respectfully assert my right to engage with others involved in the matter unless and until such communication is expressly prohibited by Court order.

4. Lack of Responses to Questions

In preparation for the next steps in the Appeal, I submitted a series of questions to Ms. Christensen seeking clarity on various matters. However, Ms. Christensen has declined to answer these questions, and her counsel has stated that responses will only be provided after certain materials are served. This response appears to limit my ability to engage in reasonable inquiry and hinders transparency in the litigation process. I respectfully request clarification from the Court on the expectations and obligations regarding transparency and communication between counsel and appellants in this matter.

5. Charter Values and Communication Rights

In my letter to Ms. Christensen dated May 12, 2025, affirming my right to communicate with my co-appellants, I referenced Section 2(b) of the Canadian Charter of Rights and Freedoms, which guarantees freedom of expression, including the right to communicate with other parties in a proceeding, provided such communication is lawful and respectful. In response, counsel for Ms. Christensen stated that “the Charter of Rights and Freedoms only applies to government and government agents, not lawyers in private practice.” While it is true that the Charter applies directly to governmental actions, this position overlooks the important fact that Charter values, such as freedom of expression, fairness, and access to justice, inform the legal principles and professional standards expected of lawyers, especially when they are acting as officers of the Court.

Lawyers in this role have ethical obligations to support fair and transparent legal proceedings and not to obstruct meaningful participation by any party. I respectfully request clarification from the Court on how these foundational values should guide the conduct of counsel in this appeal, particularly where actions or instructions may improperly restrict my ability to participate fully or communicate with my fellow appellants.

6. Mischaracterization of the Motion and Responsibility for Costs

The Order explicitly awards costs of \$2,000, to be paid forthwith by the appellants to myself. It is my understanding that this award was issued specifically in response to Ms. Christensen's conduct in filing a Notice of Partial Discontinuance on my behalf without my consent or knowledge. Despite this, Ms. Christensen has continued to tell the other appellants that I am "suing" them, and that my motion was an adversarial action brought against them.

These mischaracterizations are not only inaccurate, they also directly contradict the findings of the Court, and they have caused confusion and division among the appellants. I am concerned that such statements are undermining the integrity of the proceedings and fostering unnecessary hostility. I therefore respectfully request the Court's guidance as to whether Ms. Christensen, despite being counsel and not a formal party, remains personally responsible for these costs due to the misconduct cited by the Court in its reasoning, and whether any further clarification is warranted to prevent continued misrepresentation of the nature and intent of my motion.

7. Potential Conflict of Interest and Fragmentation of Representation

It has come to my attention that Ms. Christensen has introduced new counsel who may purportedly act as "barrister" for the co-appellants in Court, while Ms. Christensen retains in a solicitor role for other legal matters. I understand that my co-appellants have been invited to enter into agreements with this new counsel; however, no such invitation or consultation has been extended to me, despite the fact that I remain a named appellant and am, per the Order, still represented by Ms. Christensen. It is unclear to me what impact this arrangement will have on the status of representation, particularly in light of my continued association with Ms. Christensen as counsel of record. I am concerned that this restructuring may result in a conflict of interest -

especially if the new legal team advances positions adverse to mine while I am still formally represented by Ms. Christensen. I respectfully request clarification from the Court on how such an arrangement aligns with the Order, whether it affects the unity of representation among appellants, and whether any conflict-of-interest concerns arise from my exclusion from this process.

I remain committed to conducting myself with respect for the Court and all parties involved, and I raise these issues only in the interest of procedural clarity, fairness, and accountability. I submit this letter to bring these matters to the Court's attention in the hope of resolving the confusion that has arisen.

I respectfully await the Court's clarification on the above matters.

Respectfully,



Mark Lolacher

Enclosures:

1. Order made by Justice Locke, dated May 7, 2025
2. Letter from Ms. Christensen to M. Lolacher, dated May 12, 2025
3. Letter to Ms. Christensen from M. Lolacher, dated May 12, 2025
4. Letter from Ms. Bath-Shéba van den Berg, dated May 12, 2025

c.c.: Ms. Catherine Christensen, Counsel for the Appellants
Mr. Barry Benkendorf, Counsel for the Respondents
Ms. Bath-Shéba van den Berg, Counsel for Ms. Catherine Christensen



Date: 20250507

Docket: A-33-25

Ottawa, Ontario, May 07, 2025

Present: LOCKE J.A.

BETWEEN:

FRANCESCO GABRIELE QUALIZZA, JOEL THOMAS WILLIAM ELLIS,
PATRICK MERCIER, JILL LYNE DUCHESNEAU, JOSEPH BENJAMIN STEWART,
ERIC DAVID FAUCHER, SCOTT PETER BACON, STEPHEN TROY CHLEDOWSKI,
AMANDA LEIGH BENHAM, JOSHUA MARTIN MCCULLOCH, KYLE CORRIVEAU,
JOSEPH DANIEL ERIC LOUIS MONTGRAIN, DUSTIN SHANE WIEBE,
STEPHEN WJ MORRIS, DAVID GARCIA VARGAS, MICHAEL JOSEPH LIS,
NATASHA KATRINA LIS, SOLANGE SINE DJOUECHE, PETER VLASSOV,
FREDERIC VILLENEUVE-NORMAND, ESTATE OF JONATHAN EMMERSON
JENKINSON, VALENTIN LAVROV, MARIE-EVE LABONTE, JESSE DALE FRIESEN,
TANIA CATHERINE NORDLI, ANDRZEJ SKULSKI, DENNIS JOHN PAUL
TONDREAU, EMMY-LOU LAURIE FORGET, DALLAS ALEXANDER FLAMAND,
CHELSEA ELAINE ROGAL, BARON HORDO, TAYLOR MICHAEL HARVIE,
VANESSA RAE LAROCHELLE, JACQUELINE MARIE FRANCE BOEHME, JAMES
PAUL DANIEL FORMOSA, KAITLYN E CAMPBELL, LUCAS TIMOTHY
VANCUREN, JERMAINE SHERIDAN BURRELL, ANTHONY DAVID HIATT,
MICHAEL ST-LAURENT, ARMAND EDWARD A. GARNER, AMIT SODHI,
CAMILLE FELIX J TURGEON, SAMANTHA GWENDOLYN STYLES,
CAROL-ANN MARY T OUELLETTE, ROBERT JAMES TEREMCHUK,
NATHANIEL J P TONDREAU, NIKOLA J GUY TONDREAU, LISA PAULINE
LEOPOLD, HAILEY NOELLE SCHRODER, DOMINIQUE LAUZIER,
VALERIE OUELLET, JOHN M GILLIS, MORGAN CHRISTOPHER WARREN,
MARK ANDREW GOOD, SEAN MICHAEL MARCOTTE, MARK ANDREW
LOLACHER, GABRIEL VILLENEUVE, KIRA ANNE YAKIMOVICH,
MATHIEU W PETIT-MARCEAU, KIMBERLY NEDRA ETTTEL,
CHRISTOPHER WILLIAM RAMBHAROSE, MICHAEL RYAN FRANK,
EVAN JEFFERY MCFATRIDGE, PIERRE-ELIE LASNIER, ALESSANDRU WARD
FORSTER BROWN, DANIS DOIRON, CARL JOSEPH D RIVEST-MARIER,
JAROSLAW T CIESINSKI, STEPHEN WILLIAM HOLT, RANDOLPH RAYMOND
JENKINS, ANDREW JOHN MACPHEE, VALERIE PALIN-ROBERT,
ROGER CORY STOESZ, SHANE THOMAS WHITSON, CHRISTIAN KURT CARTER,
MATTHEW JAMES ROWE, DAVE BOUCHARD, LAURIE C. BAKER,

FREDERIC LAUZIER, LUCAS SHANE O'CONNOR, LAURA DIANNE ALLAN,
GEORGE VRINIOTIS, SIENNA GERMAINE QUIRK, CHARLES BRUNO
ALEXANDRE TURMEL, JAROSLAW GRZEGORZ MARCZEWSKI,
CHRISTOPHER NIGHTINGALE ANDERSON, FRANCIS JOSEPH MICHEL
ARCHAMBAULT, CHRISTOPHER RAYMOND AUSTIN, JOHN ANTHONY
BAKLINSKI, DAVID GLEN BARKHOUSE, MICHAEL BARRETTE,
DARRIN THOMAS BEATON, BOBAK BEHESHTI, ANDRES FELIPE BOCANEGRA
BELTRAN, NATHAN KYLE JOHNSON, CONRAD JOSEPH BENOIT,
MATHIEU BERNARD, BRIAN JAMES BEWS, MICHAEL CHRISTOPHER BILL,
ROBERT STEWART BISHOP, JEFFERSON MALCOME BISSENGUE,
STEVEN BOLDUC, THOMAS GILL BONNETT, CHARLES ANTHONY VALMHOR
BORG, PATRICK JAMES BOSCHALK, KARLA RAE BOWLER, KENNETH SCOTT
BRADLEY, DWAYNE ARMAND BRATZKE, RYAN DOUGLAS BREAU,
CHARA LOREN BROWNE, WILLIAM FREDERICK BULL, MARK A CALOW,
JAMES GREGORY CAMERON, BRETT GRANT GORDON CAMPBELL,
DAMIAN RONALD CAYER, JESSE SHAYNE CHAMBERS, VLADIMIR CHARNINE,
SHAUN KYLE CHARPENTIER, DANIEL ROBERT CHESHIRE, DAVE CIMON,
CHARLES BENOIT-JEAN COTE, REMI COTE, MATTHIEU COULOMBE,
REBEKAH KATHLEEN COURTNEY, MAVERICK JEREMY JOSEPH COWX,
JONATHAN WAYNE CROUCH, NICOLE JOHNNA CROWDER,
BARTLOMIEJ DAVID CYCHNER, BEATA MARGARET CZAPLA, SARA DARBY,
BRADY DAMIEN DEDAM, VIRGIL SEVERIN DESSOUROUX,
SEAN ROBERT DIXON, ROBERT ADAM DOLIWA, DANIEL PIERRE DROLET,
SAMUEL DROUIN, BENJAMIN GRAHAM DUNBAR, MATTHEW ALEXANDER J.
DURDA, STEPHEN ANDREW TERENCE ELLS, AUSTIN KARN FAULKNER,
ERIC MICHEL C S FONTAINE, WILLIAM JOSEPH R FORGET, SEAN MICHAEL
FRANCIS, KORY MICHAEL FRASER, JASON JOSEPH KEVIN FRECHETTE,
CHRISTOPHER BENJAMIN FUELLERT, STEVEN JAMES GALLANT,
STEVEN ROY GAMBLE, TANYA LEE GAUDET, EMILIE GAUTHIER-WONG,
TOMMY GAUVREAU, NICOLAS ALEXANDER GLEIS, MARCEL JOSEPH G E
GOBEIL, TAMMY DANIELLE GREENING, EUGENE PIETER GREYLING,
KEVIN CLARENCE J GRIFFIN, DOMINIC JOSEPH S GUENETTE, DARCY WAYNE
HANSEN, BRETT NEVIN WELLCOME, RORY ALEXANDER HAWMAN,
JAMES ADAM HEALD, KYLE KEITH HEPNER, JASON STANLEY GILBERT
IGNATESCU, THANARAJAN JESUTHASAN, KEVIN THOMAS JOHNSON,
GARY ADAM JOHNSTON, RYAN GREGORY JONES, JAMIE ALEXANDER CURTIS
JORSTAD, ATTILA STEPHEN KADLECSIK, DUSTY LEWIS KENNEDY,
HUNTER ELMER KERSEY, LIAM OWEN KIROPOULOS, CHRISTOPHER ROBERT
KNORR, EVAN VICTOR KOZIEL, MARTIN PHILIPPE LABROSSE,
GERALD JN- FRITZ LAFORTUNE, ANDRE LAHAYE, KELLY-LEE MARIE LAKE,
NICHOLAS EDWARD LANGE, SARAH-EMILIE LASNIER, DOMINIC JOSEPH M.
LAVOIE, TARA LAVOIE, DRAKE MICHAEL LE COUTEUR, MARC LECLAIR,
PIERRE LEMAY, JONATHAN JOSEPH A. LEMIRE, DANIEL PAUL LOADER,
GARRETT CURTIS LOGAN, JORDAN TERENCE LOGAN, ALEXANDRE GUY
RICHARD LOISELLE, ADAM FERNAND C. LUPIEN, WALTER GEORGE LYON,
JOSEPH BREFNI W. MACDONALD, CHRISTIEN TAVIS ROGER MACDONNELL,

JEAN JOSEPH MADORE, CHARLES JOSEPH J. MAGNAN,
ANDREW ROBERT PAUL MALLORY, MARYLENE GINETTE S. MARTIN,
MARCO MASTANTUONO, JAMIE RICHARD MCEWEN, JOHANNES WOUTER
MULDER, TYLER EDWIN NEUFELD, LAURA LEE NICHOLSON, KERI MERRIAM
NIXON, JONATHAN NOEL, JOSHUA BRUCE OLSON, CAROLINE MARY AUDREY
OUELLET, JOSEPH ANTHONY PAPALIA, MELANIE MARIE I. PARE,
ALEXANDRU PATULARU, JOSHUA ALEXANDER PICKFORD, AGNES PINTER-
KADLECSIK, JEAN-SIMON PLAMONDON, KRISTER ALEXANDER
POHJOLAINEN, AURA A. PON, BRODY ALLEN POZNIKOFF, STEFAN PRISACARI,
MONIKA ANNA QUILLAN, ROMAIN RACINE, DOMINIC LAURENS WILLIAM
RAGETLI, STEPHANE RATTE, BRYAN THOMAS RICHTER, WILLIAM RIOS,
JENNA LEIGH ROBERTS, JOSHUA CALVIN ROBERTS, LAURIE ROSE, RORY
ALEXANDER DAVID ROSEN, SEBASTIEN SALVAS, CAMERON RAY S. SANDERS,
CARL JEAN G. SAVARD, TORSTEN SCHULZ, PAUL RUSSELL SHAPKA, BLAKE
ALEXANDER SHEEDY, QUINTON JAMES STENDER, CALEB ETHAN M. STENER,
GABRIEL-ALEXANDRE ST-GELAIS, NICOLAS JOSEPH ST- GERMAIN, ROBERT
CHRISTOPHER STULL, JAMES ROARK SUTER, DALEN DREW TANNER, JUSTIN
MYLES TENHAGE, JACOB CYRIL THERIAULT, SIMON BOBBY H TILLY, JEAN-
PHILIPPE TRUDEL, ALBERT JASON TSCHETTER, SHELLEY DIANE TULLY,
MAGALI TURPIN, JULIAN PHILIP TUTINO, GREGORY VINCENT-WALKER,
CADE AUSTIN WALKER, BRENNEN BO ANTHONY WATSON, BENJAMIN KYLE
WESTON, MATTHEW MAX WHICHER, JOSHUA JAMES WHITE,
ANDREW ERNEST WILKOWSKI, DONALD JAMES WILLIAMS, CURTIS MALCOM
WILSON, WADE GEORGE WILSON, ANDREW DEAN WYCHNENKA, MARC
ZORAYAN, BRANDON TYLER PETER ZWICKER, WILLIAM H L LEVI WALL,
KAREN PAIGE NIGHTINGALE, MARC- ANTOINE POULIN, KEEGAN MARSH,
RYAN MICHAEL, THOMAS PATRICK HAYES, JAMES MARK CHARLEBOIS,
HALSTON RANDAL NICHOLSON, MELISSA-JANE SARAH KRIEGER, GIANLUCA
LUCETTA, BENJAMIN JAMES WILCOX, MARK RONKIN, SERGE JOSEPH LEO
FAUCHER, JACOB THOMAS FIDOR, LUCAS GERARD ZIEGELBAUER, SPENCER
DANIEL LORD, IAN OCEGUERA, JOHN NESRALLAH, DANIEL NINIAN
RODRIGUES, CORY JASON KRUGER, STEPHEN YOUNG SMITH, FOURAT
YACOUNB YOUSIF JAJOU, ANTHONY BILODEAU, JONATHAN MICHAEL
RECOCKIE, THOMAS L. EDWARDS, LINDSAY ANNE MACKENZIE, SARAH
EVELYN LAPRADE, DANY PILON, JAMES ANDREW COOK, DEREK JOHN
GAUTHIER, DAVID ADAM DOBBIE, GABRIELLE CHARPENTIER, DANIEL
JOHANNES RECKMAN, ZACHARY CLEELAND, MATEUSZ CAMERON
KOWALSKI, TARA J. MACDONALD, PAUL DAVID WILSON, BRENDAN V. T.
LEBERT, JOCELYN LAMOTTE, ANTHONY J. DUKE, RILEY MALCOLM
MACPHERSON, KIM NOEL LAUZON, KURTIS ROCKEFELLER RUTHERFORD,
SERGIU GEORGE CANDEA, JESSE HENRY FIELD, WILLIAM EDWARD
BRENDON, CAMERON SAMUEL NOBERT, DAVID HOUDE, ALYSSA JOY
BLATKEWICZ, COLIN PERRY KAISER, FABRICE DOURLANT, CORY LANCE
GARGIN, ANITA GRACE HESSLING, JENNIFER BETHANY FRIZZLEY, DAVID
ANDREW BENSON, BRANDON JOHN ARMSTRONG, REJEAN BERUBE, JEAN-
PHILIPPE JOSEPH BOUCHARD, DHILLON DAVID COLE, PIERRE-OLIVIER

**COTE-GUAY, IAN M MENZIES, ERIC MONNIN, ELLIOT GAMACHE, NICHOLAS
NEIL LLOYD CROCKER, ROBERT ALLAN HENDERSON,
GABRIEL GILLES RJ RAMSAY, DEVIN JAMES MCKENNA**

Appellants

and

**HIS MAJESTY THE KING IN RIGHT OF CANADA, CHIEF OF THE DEFENCE
STAFF GENERAL WAYNE EYRE, VICE CHIEF OF DEFENCE STAFF
LIEUTENANT-GENERAL FRANCES J ALLEN, LIEUTENANT GENERAL JOCELYN
J M J PAUL, VICE ADMIRAL ANGUS L TOPSHEE, and LIEUTENANT GENERAL
ERIC J KENNY, MINISTER OF NATIONAL DEFENCE, THE HONOURABLE ANITA
ANAND, FORMER DEPUTY MINISTER OF NATIONAL DEFENCE JODY THOMAS,
SURGEON GENERAL MAJOR-GENERAL JGM BILODEAU, CHAPLAIN GENERAL
BRIGADIER- GENERAL JLG BELISLE, JUDGE ADVOCATE GENERAL REAR-
ADMIRAL GENEVIEVE BERNATCHEZ, and
BRIGADIER GENERAL LIAM WADE RUTLAND**

Respondents

ORDER

THIS COURT ORDERS that

1. Mark Lolacher's motion to set aside the partial notice of discontinuance filed on January 31, 2025 is granted and said notice is set aside.
2. Mr. Lolacher is an appellant in the present appeal and Catherine M. Christensen remains his counsel of record.
3. The appellants shall pay Mr. Lolacher's costs of this motion, forthwith, in the all-inclusive amount of \$2,000.

"George R. Locke"

J.A.

Re: Lolacher v Qualizza et al

From Catherine Christensen <cchristensen@valourlaw.com>
To mlolacher<mlolacher@protonmail.com>
CC Bath-Shéba van den Berg <bath@egronomylaw.com>
Date Monday, May 12th, 2025 at 7:02 AM

Mr. Lolacher

I am writing to you in compliance with the Order of Justice Locke. You are reminded that you did not sign the legal services agreement for the Appeal or contribute to the legal fund by the deadline of the *Qualizza et al* Appeal by January 23, 2025.

Update on *Qualizza et al v HMTK et al*: the Appeal Book was filed on May 1, 2025. The Appellants' factum is due on May 30, 2025.

Further, an appeal of the Locke Order is forthcoming. The *Qualizza et al* Appellants and I have retained counsel for this matter. All future correspondence dealing with the Locke Order or the *Qualizza et al* Appeal, must be sent directly to our counsel from this point forward. The contact information is:

Bath-Shéba van den Berg
Barrister & Solicitor
T: 1.587.952.8911 x 101
E: bath@egronomylaw.com
Egronomy Law
1800, Tower 1, 330 - 5th Avenue SW
Calgary, AB T2P 0L4

You are also advised that all Signal groups related to Valour Legal Action Centre and myself are being discontinued effective immediately. You and your wife, Taren, are also advised to cease harassment of the plaintiffs, and former plaintiffs, in the *Qualizza et al* matter, including all social media platforms and email correspondence. Direct all communications to our counsel as outlined above.

Regards,

Catherine M. Christensen

Barrister & Solicitor

Valour Legal Action Centre

412, 12 Vandelor Road

St Albert, AB T8N 7Y2

780-544-1318

CONFIDENTIALITY WARNING: This e-mail message is intended only for the named recipient(s) above and may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you have received this message in error, or are not the named recipient(s), please immediately notify the sender and delete this e-mail message

This email address is not a valid address for service pursuant to Rule 11.21 of the Alberta Rules of Court.

Re: Lolacher v Qualizza et al

From mlolacher <mlolacher@protonmail.com>
To Catherine Christensen <cchristensen@valourlaw.com>
CC Bath-Shéba van den Berg <bath@egronomylaw.com>
Date Monday, May 12th, 2025 at 1:29 PM

May 12, 2025

Ms. Christensen:

I will address your email of today's date below, and at your request, I have included your counsel on this email.

[“I am writing to you in compliance with the Order of Justice Locke. You are reminded that you did not sign the legal services agreement for the Appeal or contribute to the legal fund by the deadline of the *Qualizza et al* Appeal by January 23, 2025.”](#)

Please refer to paragraph 11 of the Reasons for Order by Justice Locke, dated May 7, 2025, which states:

“Ms. Christensen is not entitled to decide unilaterally and without constraint to discontinue her representation of a client (*R v Cunningham*, 2010 SCC 10, [2010] 1 S.C.R. 331 at para. 9). That representation continues until either (i) Mr. Lolacher removes or replaces her pursuant to Rule 124, (ii) the Court orders her removal pursuant to Rule 125, (iii) she ceases to represent Mr. Lolacher because she dies, is appointed to public office incompatible with the solicitor's profession, or is suspended or disbarred as a solicitor, as contemplated in Rule 126, or (iv) the end of the mandate. Based on the record before me, none of these has occurred, and Ms. Christensen remains counsel of record for Mr. Lolacher.”

In addition, I signed a Contingency Fee Retainer Agreement (the “Agreement”) with your firm in February 2022 which remains in effect until (see page 8 of the Agreement): “we both agree and sign any changes”. That agreement clearly states:

“This agreement does not cover the services for an appeal. If after a trial, either side appeals, you would need to enter into a new agreement to cover the legal services associated with the appeal.”

To date, no trial has occurred. Therefore, the provision for a new non-contingency legal services agreement pertaining to appeal services has not yet been triggered. In my e-mail to you of January 25, 2025, I requested clarification regarding the Agreement, and various issues stemming from false accusations made against me, my removal from the various Signal Chat groups, an update regarding the case, and why some members of the Signal Chat groups appeared to be privy to confidential information regarding my alleged financial obligations with your firm. Instead of providing much-needed clarification, you replied to that email, indicating that you no longer represented me in any legal matter.

Please refer to paragraph 7 of the Reasons for Order by Justice Locke, dated May 7, 2025, which states:

“The appellants' position is incomprehensible. It also betrays a failure to understand the responsibilities of counsel representing a

party to a proceeding in this Court.”

and paragraph 9 that states:

“The argument that Mr. Lolacher withdrew as an appellant because of what he did not do is disingenuous. Ms. Christensen's filing of the Notice without authorization from Mr. Lolacher was inappropriate and high-handed.”

With regard to your reference to the legal fund: you are well aware of my reasons for declining to contribute. You have acknowledged that the legal fund is a donation to a not-for-profit organization. I raised legitimate questions and concerns about this donation fee in my email to you dated January 25, 2025, where I asked you the following questions:

1. Was the appeal ever filed, and if not, when will it be filed?
2. What specific services are covered under the new Legal Services Agreement?
3. Why is a new Legal Services Agreement necessary when the Contingency Fee Retainer Agreement should still apply at this stage?
4. Can you address the incorrect statements made about me considering litigation against VLAC, making disparaging comments, and misrepresenting my position?
5. Why was I removed from the Signal chat groups, and why was information about my financial obligations and my status as a client of your firm shared without my consent?
6. Can you clarify whether I have been removed from the lawsuit entirely?
7. Who is “Jack Sparrow” in the Signal chat group, and why is an individual with a pseudonym moderating that group and privy to my personal information?
8. Can you provide an update on the case's progress, particularly regarding errors, missed deadlines, and their potential impact on the appeal or legal fees?

Further, I clearly stated in that same email: *“I would greatly appreciate more transparent communication moving forward, as the current lack of clarity over the past several months has caused considerable stress and left me feeling excluded from the process.”*

Once again, there was no meaningful response from you, no effort to address any of my questions or concerns. I remind you that I am fully within my rights to raise these matters with my legal counsel, and I am entitled to clear and timely answers.

Accordingly, the absence of a new appeal agreement or donation to your fund does not alter the fact that you remain counsel of record, nor does it absolve you of your continuing professional obligations under the current legal framework.

“Update on Qualizza et al v HMTK et al: the Appeal Book was filed on May 1, 2025. The Appellants’ factum is due on May 30, 2025.”

Thank you for this update. I look forward to future updates regarding the status and progress of the case, as well as invitations to meetings or town halls that pertain to this matter.

“Further, an appeal of the Locke Order is forthcoming. The *Qualizza et al* Appellants and I have retained counsel for this matter. All future correspondence dealing with the Locke Order or the *Qualizza et al* Appeal, must be sent directly to our counsel from this point forward. The contact information is: Bath-Shéba van den Berg, Barrister & Solicitor, T: 1.587.952.8911 x 101, E: bath@egronomylaw.com, Egronomy Law, 1800, Tower 1, 330 - 5th Avenue SW, Calgary, AB T2P 0L4”

You appear to be misrepresenting my intentions to my fellow co-appellants.

To clarify: the *Style of Cause* simply refers to the list of parties named in the Notice of Appeal, it does **not** mean that I am “suing” the appellants or initiating any action against them. My motion was a **procedural step** within the appeal process, taken specifically to address errors and omissions that arose due to your conduct.

While I was awarded costs for the unnecessary work I was forced to undertake, this is not adversarial in nature - it is a standard procedural remedy available to any party required to correct complications that could have and should have been avoided by counsel.

Let me be absolutely clear: it was **your mismanagement** that necessitated the motion, and therefore **you, not the appellants, should be held responsible for the resulting costs**. There is no basis for shifting this burden to the other appellants.

Accordingly, I request that you **immediately clarify this misrepresentation with the appellants**. Your failure to correct the record is causing unnecessary confusion and continued damage to my reputation among co-litigants in a matter that directly affects my legal rights and standing.

Given these facts, I will continue to communicate with willing fellow co-appellants regarding all matters relevant to the appeal. This is entirely within my rights and is especially necessary where misinformation is being circulated by counsel.

“You are also advised that all Signal groups related to Valour Legal Action Centre and myself are being discontinued effective immediately. You and your wife, Taren, are also advised to cease harassment of the plaintiffs, and former plaintiffs, in the *Qualizza et al* matter, including all social media platforms and email correspondence. Direct all communications to our counsel as outlined above.”

Section 2(b) of the *Canadian Charter of Rights and Freedoms* guarantees the right to freedom of expression. This fundamental right encompasses the ability to communicate with others, including co-litigants, provided that such communication does not constitute harassment or otherwise unlawful conduct.

My recent actions - requesting to be re-added to group chats directly related to litigation in which I am a named party, sharing a clarifying statement to correct a misrepresentation of my position made by my own counsel to nearly 300 co-appellants, and asking a co-appellant to withdraw previous threats made against my family (which, notably, my counsel witnessed and failed to address) - do not, by any reasonable standard, meet the legal threshold for harassment.

Furthermore, I have reviewed several messages from you and the co-appellants that characterize my Law Society of Alberta complaint and my Motion in Writing as "lawfare." This is a **serious misrepresentation**. As I understand it, lawfare refers to the deliberate misuse of legal systems as a weapon to control, intimidate, or advance a hostile agenda - typically in political or international contexts. My actions are nothing of the sort. They are lawful, appropriate efforts undertaken independently and in good faith to protect my rights and interests as a party directly affected by the issues at hand.

Using the term “lawfare” in reference to my actions is not only inaccurate, it is damaging. It implies that I am engaged in manipulation or bad faith litigation, which unjustly casts doubt on my credibility and motives. Such language has a chilling effect, as it attempts to delegitimize my access to legal recourse and discourage rightful advocacy. It also creates a false narrative that distracts from the substantive issues. Given your counsel’s expertise in international matters, I would respectfully request her to consider advising you to retract previous comments about “lawfare” as it pertains to my actions in this matter.

Additionally, with respect to your allegation of “harassment”, it is clearly outlined in *Alberta Health Services v. Johnston*, 2023 ABKB 209, that the tort of harassment requires a sustained pattern of unwelcome conduct that causes harm. I am confident that none of my actions meet this criteria. I therefore intend to continue communicating with fellow, willing co-appellants about matters that directly relate to a case in **which I am an active participant**. I am fully within my legal rights to do so, and I will not be unlawfully silenced or isolated under the guise of a harassment allegation.

If this conduct continues, please be advised that I will have no choice but to raise the matter with the Court. Your persistent mischaracterization of my procedural motion and my intent, particularly the false and misleading assertion that I am suing other appellants, is both prejudicial and damaging. It not only distorts the record and further harms my reputation, but it also undermines the integrity of this legal process and interferes with my ability to participate meaningfully and communicate freely with other parties involved.

In closing, I ask you plainly: do you truly believe that any of this is productive? I have made multiple good-faith efforts to resolve this issue with you at the most fundamental level possible. In return, I have been met with obstruction and inappropriate conduct. Is it not time to end this needless conflict and return our focus to what actually matters - advocating for your clients, Canadian veterans, in their pursuit of justice for the wrongs committed by the Canadian Armed Forces?

Please note that I intend to share my response to your email with the co-appellants, as I strongly feel that they need to be kept informed on this matter.

I look forward to your response.

Sincerely,

Mark Lolacher

Sent with [Proton Mail](#) secure email.

On Monday, May 12th, 2025 at 7:02 AM, Catherine Christensen <cchristensen@valourlaw.com> wrote:

Mr. Lolacher

I am writing to you in compliance with the Order of Justice Locke. You are reminded that you did not sign the legal services agreement for the Appeal or contribute to the legal fund by the deadline of the *Qualizza et al* Appeal by January 23, 2025.

Update on *Qualizza et al v HMTK et al*: the Appeal Book was filed on May 1, 2025. The Appellants' factum is due on May 30, 2025.

Further, an appeal of the Locke Order is forthcoming. The *Qualizza et al* Appellants and I have retained counsel for this matter. All future correspondence dealing with the Locke Order or the *Qualizza et al* Appeal, must be sent directly to our counsel from this point forward. The contact information is:

Bath-Shéba van den Berg

Barrister & Solicitor

T: 1.587.952.8911 x 101

E: bath@egronomylaw.com

Egronomy Law

1800, Tower 1, 330 - 5th Avenue SW

Calgary, AB T2P 0L4

You are also advised that all Signal groups related to Valour Legal Action Centre and myself are being discontinued effective immediately. You and your wife, Taren, are also advised to cease harassment of the plaintiffs, and former plaintiffs, in the *Qualizza et al* matter, including all social media platforms and email correspondence. Direct all communications to our counsel as outlined above.

Regards,

Catherine M. Christensen

Barrister & Solicitor

Valour Legal Action Centre

412, 12 Vandelor Road

St Albert, AB T8N 7Y2

780-544-1318

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Assistant: Leslie Lavigne

Email: llavigne@egromylaw.com

WITHOUT PREJUDICE

May 12, 2025

Mark Lolacher

PO Box 71 Clyde

Alberta T0G 0P0

Canada

Via Email: mlolacher@protonmail.com

Dear Mr. Lolacher

Re: Appeal of Order dated May 7, 2025 by Locke, J.A. in *Qualizza et al v HMTK et al*, A-33-25

Please be advised that I have been retained to represent Ms. Catherine Christensen (“**Christensen**”) as her Barrister in an Appeal of the above-named matter.

Please direct all communications directly with me, and not to my client, Ms. Christensen.

I also ask that you refrain from communicating directly with the other appellants in the FCA action A-33-25 (the “**Appeal**”).

In response to your email dated May 12, 2025, hereby some clarifications:

- i) You are hereby notified that we are appealing the Order dated May 7, 2025, by Locke J.A. (“**Order**”);
- ii) You have not signed a retainer agreement with my client for the Appeal. As you have correctly highlighted, the Agreement clearly states: “This agreement does not cover the services for an appeal.”;
- iii) My client is not a party to the Order, she is counsel representing the appellants in response to your motion to set aside the partial notice of

- discontinuance filed on January 31, 2025; as such the appellants, and not my client, have been ordered costs of \$2,000.00 payable to you;
- iv) We have not yet served and filed our materials and aim to do so this week. Once served, you may schedule questioning of my client. Please be advised that my client will not be subjected to questioning without proper notice and so we will not be supplying any responses to your 8 (eight) questions per your email dated May 12, 2025.
 - v) The *Charter of Rights and Freedoms* only applies to government and government agents, not lawyers in private practice.

Yours truly,

Egronomy Law

Per:



Bath-Shéba van den Berg