

FEDERAL COURT OF APPEAL

BETWEEN:

QUALIZZA, FRANCESCO GABRIELE, AND OTHERS

APPELLANTS

AND:

HIS MAJESTY THE KING IN RIGHT OF CANADA, AND OTHERS

RESPONDENTS

NOTICE OF MOTION

TAKE NOTICE THAT the Appellant, Mark Lolacher, will make a motion to the Court in writing under Rule 369 of the *Federal Court Rules*.

THE MOTION IS FOR:

1. An Order setting aside the Notice of Partial Discontinuance filed on January 31, 2025 by the Appellant's lawyer, Ms. Catherine M. Christensen ("Ms. Christensen"), as it was filed without the Appellant's consent and in contravention of Rule 334 of the *Federal Court Rules*.
2. An Order reinstating the Appellant's status in this action and restoring the Appellants full participation in the proceedings.

3. An Order requiring the Appellant's lawyer, Ms. Christensen, be required to comply with the proper procedures for withdrawal as outlined in Rule 124 and 125 of the *Federal Court Rules*, and s. 3.7-1 [1] and [2] of the Law Society of Alberta Code of Conduct, including notifying the Appellant, providing a justifiable reason to withdraw from representation, and filing the appropriate withdrawal documents with the Court.
4. Any further or additional relief as this Honourable Court deems just and equitable in the circumstances.

THE GROUNDS FOR THE MOTION ARE:

5. Ms. Christensen filed a Notice of Partial Discontinuance (the "Notice") without the Appellant's consent or knowledge, which is in contravention of the *Federal Court Rules*, specifically Rule 334, which governs the discontinuance of a proceeding. The Appellant did not provide any authorization or instruction to discontinue any part of the claim on the Appellant's behalf, and Ms. Christensen failed to follow the proper procedure under the *Rules*, causing harm to the Appellant's legal position and participation in these proceedings.
6. The Appellant was not informed in advance of the filing of the Notice, in contravention of s. 3.2-1 [3] of the Law Society of Alberta Code of Conduct, which mandates that lawyers provide courteous, thorough, and prompt service, including timely communication with clients. Additionally, s. 3.2-1 [5] (a) requires that a lawyer keep the client reasonably informed. Ms. Christensen's failure to adequately communicate and obtain the Appellant's consent not only constitutes a breach of her professional obligations but also deprived the Appellant of the opportunity to make fully informed decisions.
7. Ms. Christensen withdrew from representation as the Appellant's lawyer, without adhering to the appropriate procedures under Rule 124 and 125 of the *Federal Court Rules*, and s. 3.7-1 [1] and [2] of the Law Society of Alberta Code of Conduct regarding withdrawal of counsel. Specifically, Ms. Christensen failed to file the required notice and did not act in accordance with the ethical obligations to notify the Appellant about the withdrawal, thus further prejudicing the Appellant's position in the case.

8. The Appellant has suffered significant prejudice and harm as a result of Ms. Christensen's improper actions, including being removed from the proceedings without consent, not being informed of this decision, and being left without representation due to Ms. Christensen's failure to properly withdraw. This has disrupted the Appellant's ability to effectively participate in the litigation and keep apprised of matters involving the case.

THE FOLLOWING DOCUMENTARY EVIDENCE in support of this motion is as follows:

9. Affidavit of Mark Lolacher outlining the facts and circumstances surrounding the discontinuance, the improper withdrawal, the failure of communication, and the prejudice suffered as a result of Ms. Christensen's actions.

10. *Federal Court Rules* 124, 125, and 334, with references to the relevant provisions regarding discontinuance and withdrawal of counsel, to demonstrate the breach of these rules by Ms. Christensen.

11. s. 3.7-1 and 3.2-1 of the Law Society of Alberta Code of Conduct.

12. Part 11 of the *Federal Court Rules* will be relied upon to support the Appellant's request for further or additional relief, including the recovery of costs or damages resulting from the improper actions of Ms. Christensen. This section grants the Court the jurisdiction to provide equitable remedies and relief as deemed just and necessary in the circumstances of a case. In this matter, the Appellant seeks to restore their legal rights and remedy the harm caused by the lawyer's breach of her professional obligations, improper withdrawal, and failure to comply with procedural rules. Part 11 provides the legal basis for seeking damages or other appropriate relief to restore fairness and justice in the proceedings.

15. ***Canadian National Railway Co. v McKercher LLP*, 2013 SCC 39, [2013] 2 S.C.R. 649** is relied upon to support the Appellant's argument that the lawyer owes a duty of loyalty to the client, which includes acting in the client's best interests and avoiding conflicts of interest. The case emphasizes that a lawyer must not act in a way that compromises the client's legal position without informed consent. Ms. Christensen's failure to communicate with

the Appellant before filing the Notice of Discontinuance and the subsequent withdrawal from representation constitutes a violation of this duty of loyalty, as it undermined the Appellant's position and caused harm.

16. **R. v Neil, 2002 SCC 70, [2002] 3 SCR 631** is relied upon to reinforce the principle that lawyers must avoid conflicts of interest and must act in the best interests of their clients. It highlights that a lawyer's duty of loyalty is paramount and that a lawyer must not represent or take actions that harm the client's interests without the client's informed consent. The Appellant is relying on this case to demonstrate that Ms. Christensen's failure to inform the Appellant of the discontinuance and the improper withdrawal from representation violated her professional obligations and created a conflict of interest, which prejudiced the Appellant's ability to continue participating in these proceedings.

Dated this 20 day of March, 2025, in the Town of Athabasca, in the Province of Alberta.



Mark Lolacher
P.O. Box 693
Athabasca Stn Main
Athabasca, AB T9S 2A8
Phone: (780) 224-2491
Email: mlolacher@protonmail.com

TO: Federal Court of Appeal Registry

AND TO: Counsel for the Respondents:
DEPARTMENT OF JUSTICE CANADA
Prairie Regional Office
300, 10423 – 101 Street
Edmonton, AB T5H 0E7
Attention: Barry Benkendorf

Phone: (780) 495-7101
Fax: (780) 495-8491
Email: Barry.Benkendorf@justice.gc.ca

AND TO:

Counsel for the Appellants:
VALOUR LEGAL ACTION CENTRE
412, 12 Vandelor Road
St. Albert, AB T8N 7Y2

Attention: Catherine Christensen

Phone: (780) 544-1318

Fax: (866) 560-9826

Email: cchristensen@valourlaw.com

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FEDERAL COURT OF APPEAL

BETWEEN:

QUALIZZA, FRANCESCO GABRIELE, AND OTHERS

APPELLANTS

AND:

HIS MAJESTY THE KING IN RIGHT OF CANADA, AND OTHERS

RESPONDENTS

AFFIDAVIT OF Mark Lolacher

I, Mark Lolacher, of P.O Box 693 Athabasca Stn Main, in the Town of Athabasca, in the Province of Alberta, MAKE OATH AND SAY AS FOLLOWS:

1. I make this affidavit in support of my motion for an order to set aside the Notice of Partial Discontinuance filed on January 31, 2025, by my counsel, Ms. Catherine M. Christensen ("Ms. Christensen"), as the Notice was filed without my knowledge, consent, or proper authorization.
2. I was not notified by Ms. Christensen or any other party regarding the filing of the Notice of Discontinuance. At no time was I informed that such a Notice was being filed on my behalf, nor did I authorize or consent to its filing.
3. I did not receive a copy of the Notice of Discontinuance, nor was I provided with any communication from Ms. Christensen indicating that it had been filed, was being considered, or was under preparation.
4. On January 25, 2025, I sent an email to Ms. Christensen requesting an update on various unresolved issues, including her request for a donation to her not-for-profit corporation and a sudden change in her fee structure from contingency to non-contingency. These concerns were substantial, and I believed it was my right as a client to seek clarification. I did not expect that raising these valid concerns would lead to her withdrawal as my counsel and my removal from the proceedings. Attached hereto as **Exhibit "A"** is a copy of this email.

5. On January 27, 2025, I received an email from Ms. Christensen stating that she no longer represented me in any legal capacity. She claimed that her decision to withdraw had been "made clear in meetings and written communications." However, at no time did Ms. Christensen explicitly inform me of her intention to withdraw, nor was I invited to any meeting to discuss her withdrawal. Attached hereto as **Exhibit "B"** is a copy of this email.
6. The last communication I had received from Ms. Christensen prior to this indicated that she was still prepared to represent me in the appeal, and that the appeal was progressing. Attached hereto as **Exhibit "C"** is a copy of this email dated December 9, 2024.
7. Following the January 27 email, I immediately contacted the Federal Court in Edmonton to inquire about the status of my involvement in the appeal and sought guidance on the necessary next steps. Attached hereto as **Exhibit "D"** is a copy of this email to the Federal Court.
8. On February 3, 2025, I was notified by the Federal Court that the Notice of Discontinuance had been filed on January 31, 2025, on behalf of several appellants, including myself. Attached hereto as **Exhibit "E"** is a copy of this email from the Federal Court along with attachments evidencing service of the Notice of Partial Discontinuance on Counsel for the Respondents.
9. On February 19, 2025, I received further notification from the Federal Court indicating that Ms. Christensen had filed correspondence on February 11, 2025, stating that I had taken no steps to retain her further and that documents removing her as my counsel had been filed. Attached hereto as **Exhibit "F"** is a copy of this correspondence.
10. On February 20, 2025, I submitted correspondence to the Federal Court in response to Ms. Christensen's letter of February 11. In this letter, I outlined my efforts, beginning November 27, 2024, to engage with Ms. Christensen and seek clarification on various outstanding matters. I explained that despite my clear and direct requests, I had faced significant difficulty in obtaining straightforward responses from Ms. Christensen. I requested guidance from the Court on how to proceed with reinstating my status as an appellant. Attached hereto as **Exhibit "G"** is a copy of this correspondence.
11. On February 28, 2025, I received a notification of a notation from the Court indicating that the Court could not provide specific guidance on how to proceed. The notation also confirmed that while Ms. Christensen had claimed in her letter of February 11 that documents removing her as my counsel had been filed, no such documents were found in the Court's records. Attached hereto as **Exhibit "H"** is a copy of this notation from The Honourable Mr. Justice Laskin located in the Recorded Entry Summary column of the Federal Court of Appeal website.
12. To date, I have not been served with a copy of the Notice of Partial Discontinuance, nor has Ms. Christensen provided a justifiable reason for her withdrawal as my counsel, nor have I been served with a proper notice of withdrawal.
13. Given these circumstances, I respectfully request that the Court:
 - a) Set aside the Notice of Partial Discontinuance filed by Ms. Christensen on

January 31, 2025, as it was filed without my knowledge, consent, or proper procedural steps;

- b) Reinstate my status as an Appellant in the above-captioned matter, thereby ensuring my continued participation in the appeal process; and
- c) Require Ms. Christensen to comply with the withdrawal procedures set out in Rules 124 and 125 of the Federal Court Rules, and s. 3.7-1 of the Law Society of Alberta Code of Conduct.

14. I make this affidavit in good faith, believing the facts stated herein to be true and to the best of my knowledge and belief.

SWORN (or Affirmed) BEFORE ME at the
Town of Athabasca, in the Province of Alberta,
Canada on the 26 day of March, 2025

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Mark Lolacher
Appellant



Print Name:

A Commissioner for Oaths
in and for Alberta

Expiry:

Cindy Lou Hanson
A Commissioner for Oaths
in and for the Province of Alberta
My Commission Expires Oct. 11, 2027

INDEX OF EXHIBITS

For Affidavit of Mark Lolacher Sworn on 20th March, 2025

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MARK LOLACHER, PLAINTIFF IN FEDERAL COURT ACTION NO. T-1296-23

From mlolacher

To Catherine Christensen

Date Saturday, January 25th, 2025 at 4:14 PM

January 25, 2025

SENT VIA E-MAIL: cchristensen@valourlaw.com

Valour Law

412, 12 Vandelor Road

St. Albert, AB T8N 7Y2

Attn: Catherine Christensen

This is Exhibit "A" referred to in the
Affidavit ofMark LolacherSworn before me this 20 dayof March A.D., 2025Cindy Lou HansonA Notary Public, A Commissioner for Oaths
in and for AlbertaCindy Lou Hanson
A Commissioner for Oaths
in and for the Province of Alberta
My Commission Expires Oct. 11, 2027**RE: MARK LOLACHER, PLAINTIFF IN FEDERAL COURT ACTION NO. T-1296-23**

Dear Ms. Christensen,

I am writing to follow up on your email from January 21 regarding the requested payment for the "Appeal cost" and the signed Legal Services Agreement for the appeal. Unfortunately, both of my children have been ill with the flu, and I was unable to check my email until today. That said, I have several important questions that I would like to address.

First, I seek clarification on the new Legal Services Agreement related to *Qualizza et al. v. HMTK et al.* While the agreement seems to pertain specifically to the appeal, I find the terms unclear, particularly in regard to the services it covers. The agreement refers to "legal services described in the Agreement" and "the work described," but fails to specify what these services entail or provide a clear plan for moving forward. I would greatly appreciate a more detailed explanation of what is included, and what I can expect.

I am also uncertain about the status of the appeal. In Ms. Frank's email from December 11, she mentioned that "The Notice of Appeal is being filed and served today," and I was to receive a copy once the document was returned from the Court. However, I have yet to receive that document or any confirmation that the appeal was filed as indicated. Moreover, your communication on January 15 stated that the motion was denied on procedural grounds, which raises further questions. Was the appeal ever filed, or was a motion submitted and rejected due to errors or missed deadlines? Additionally, your message mentioned that the Notice of Appeal would be filed on January 16, yet I have not received confirmation that this occurred. This lack of clarity has left me unsure about the current status of the case.

Additionally, I am confused as to why a new legal agreement is being presented at this stage. The Contingency Fee Retainer Agreement I signed with Valour Legal Action Centre ("VLAC") in February 2022 clearly states that a new agreement would be required only if the case proceeded to trial and an appeal was filed afterward. Since no trial has taken place, and the motion to extend the time for an appeal was denied, I don't understand why a new agreement is necessary now, particularly one with non-contingency terms. Could you please clarify the need for this new fee structure and how the current work falls outside the scope of the existing Contingency Fee Retainer Agreement?

I also wish to address some concerning statements made in previous communications. Specifically, I was incorrectly accused of "considering litigation against VLAC and the Board" and of making "disparaging comments in a public forum." Furthermore, it was stated that you were prepared to accept that you would be representing me for the Appeal but would withdraw as my counsel should the Appeal be successful and the litigation continue. These statements misrepresent my position and have left me feeling unfairly characterized. I would appreciate the opportunity to clarify my stance and have these inaccuracies addressed.

Another issue I would like to raise involves my privacy. On January 23, I was removed from the "Signal Update" chat group, which was created to keep clients informed about important case developments. When I inquired about the removal, [REDACTED], the chat moderator, who is a fellow plaintiff in this action, explained that it was due to my failure to pay the appeal fee and submit the new Legal Services Agreement. This disclosure of my financial obligations without my consent is troubling, particularly as the Contingency Fee Retainer Agreement is between myself and VLAC. I find it inappropriate and humiliating that such personal information was shared with another plaintiff, and I would appreciate an explanation for this.

On January 24, I discovered that I had also been removed from the "Signal 4% Your Stories" chat group, which was created for plaintiffs to share personal experiences for social media fundraising campaigns. When I inquired about this with the group's moderator, "[REDACTED]," I asked for clarification on who he truly was, as I suspected he might be using a pseudonym. He declined to reveal his real identity, citing privacy concerns. In response to my query about my removal, he explained that he was told that I was no longer on the lawsuit, and was instructed by [REDACTED] to remove me from the chat group. Additionally, a screenshot surfaced, between "[REDACTED]" and [REDACTED], suggesting that VLAC had instructed the removal of certain individuals, including myself from the chat groups. Given these developments, I would greatly appreciate clarification on whether I have indeed been removed from the lawsuit entirely, and why someone who is using a fake name, appears to have access to information pertaining to my client status with your firm.

Lastly, I have several questions about the ongoing case. I would like an update on how errors in documents, missed deadlines, and improper pleadings might affect the appeal, as well as any related legal fees.

To summarize, I would appreciate clarification on the following:

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 "[REDACTED]" 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?

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.

Thank you for your attention to these matters. I look forward to your prompt response.

Sincerely,

Mark Lolacher

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

RE: MARK LOLACHER, PLAINTIFF IN FEDERAL COURT ACTION NO. T-1296-23

From Catherine Christensen

To mlolacher

Date Monday, January 27th, 2025 at 7:47 AM

Mr. Lolacher

This is Exhibit " B " referred to in the
Affidavit of

Mark Lolacher

Sworn before me this 20 day

of March A.D., 20 25

Cindy Lou Hanson
A Notary Public, A Commissioner for Oaths
in and for Alberta

Cindy Lou Hanson
A Commissioner for Oaths
in and for the Province of Alberta
My Commission Expires Oct. 11, 2027

As you did not sign the Legal Services Agreement for the Appeal and did not pay the requisite donation to Valour Legal Action Centre by the clear deadlines, I no longer represent you in any legal matter. This ending to my representation was made clear in meetings and written communications to everyone in the 1.0 lawsuit.

You, like others who chose not to proceed, were removed from the VLAC Signal groups. You are mistaken to believe that this was exclusive to you.

Best wishes on your future endeavours.

Regards,

Catherine M. Christensen

Barrister & Solicitor

Valour Law/Valour Legal Action Centre

412, 12 Vandelor Road

St Albert, AB T8N 7Y2

780-544-2200/780-544-1813

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

RE: MARK LOLACHER, PLAINTIFF IN FEDERAL COURT ACTION NO. T-1296-23

From Catherine Christensen

To mlolacher

CC Naomi Auber

Date Monday, December 9th, 2024 at 10:32 AM

This is Exhibit "C" referred to in the
Affidavit ofMark LolacherSworn before me this 20 dayof March A.D., 2025Cindy HansonA Notary Public, A Commissioner for Oaths
in and for AlbertaCindy Lou Hanson
A Commissioner for Oaths
in and for the Province of Alberta
My Commission Expires Oct. 11, 2027

Mark

It is my understanding that you wish to continue with the OP VALOUR 1.0 litigation which is now heading for Appeal. I am prepared to accept that I will be representing you for this Appeal.

I will, however, withdraw as your counsel should the Appeal be successful and the litigation will continue. I am informing you of this change now so that you have ample time to engage other counsel, should you wish to continue the lawsuit against the CAF. VLAC has been informed of my decision.

Access to Signal groups is not guaranteed to any client. These groups that are controlled by VLAC and/or myself are available at our sole discretion. Access to the Privileged group was suspended due to others having access to privileged lawyer-client communications and then potentially using them in a public forum. I am required to protect my clients' communications from this type of activity, which I have done.

I am aware that there were conversations you had with a previous member of the Board of Directors indicating that you and/or your spouse were considering litigation against VLAC and the Board. Therefore, as of this email, should you have any other questions, I will respond via email only.

Catherine

Catherine M. Christensen

Barrister & Solicitor

Valour Law/Valour Legal Action Centre

412, 12 Vandelor Road

St Albert, AB T8N 7Y2

780-544-2200/780-544-1813

INQUIRY RE: LEGAL REPRESENTATION WITHDRAWAL AND CASE STATUS, FEDERAL COURT ACTION NO. T-1296-23

From mlolacher

To EDM_reception@fct-cf.ca

Date Monday, January 27th, 2025 at 5:24 PM

This is Exhibit " D " referred to in the Affidavit of

Mark Lolacher

Sworn before me this 20 day

of March A.D., 2025

Andy Lou Hanson

A Notary Public, A Commissioner for Oaths in and for Alberta

A Commissioner for Oaths in and for the Province of Alberta
My Commission Expires Oct. 11, 2027

Dear Sir/Madam:

I am writing to inquire about the status of my participation as a plaintiff in the above-noted action. Today, my legal counsel, Catherine M. Christensen, withdrew from representing me, for arbitrary reasons and failed to provide proper notice of her withdrawal. I believe this decision is rooted in unfair prejudice against me, and I am concerned about the implications this has on my participation in this case going forward.

Given these circumstances, I am seeking clarification on the next steps to ensure that I can continue my involvement in this matter, especially as Ms. Christensen had indicated that the case was being prepared for appeal and had previously indicated that she was prepared to represent me for said appeal.

The prospect of finding new legal representation at this stage in the case would undoubtedly put a significant financial strain on myself and my family. The cost of hiring a new lawyer, coupled with the potential disruption of an already complex legal process, would be an extremely burdensome challenge.

For context, I have also reached out to the Law Society of Alberta to address this, and other issues that I have had with Ms. Christensen for the past several months.

I would greatly appreciate your guidance on how to proceed under these challenging circumstances.

Thank you for your attention to this matter. I look forward to your response.

Sincerely,

Mark Lolacher

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

**RE: INQUIRY RE: LEGAL REPRESENTATION WITHDRAWAL AND CASE STATUS,
FEDERAL COURT ACTION NO. T-1296-23**

From EDM_reception@fct-cf.ca
To mlolacher
Date Monday, February 3rd, 2025 at 12:39 PM

This is Exhibit " E " referred to in the
Affidavit of

Mark Lolacher

Sworn before me this 20 day

of March A.D., 2025

Cindy H.

A Notary Public, A Commissioner for Oaths
in and for Alberta

Cindy Lou Hanson
A Commissioner for Oaths
in and for the Province of Alberta
My Commission Expires Oct. 11, 2027

Good afternoon,

The attached notice of discontinuance was filed in A-33-25 on behalf of several appellants. If you feel that this was filed incorrectly please call out office. (780)495-2502.

Kind regards,

LINDSAY KRIEGER

Registry Officer | Agent du greffe

Courts Administration Service | Service administratif des tribunaux judiciaires

Edmonton Local Office | Bureau local de Edmonton

PH: 780-495-4651 | F : 780-495-4681



Courts Administration
Service

Service administratif des
tribunaux judiciaires

Canada

From: mlolacher <mlolacher@protonmail.com>

Sent: Monday, January 27, 2025 5:25 PM

To: EDM_Reception <EDM_Reception@fct-cf.ca>

Subject: INQUIRY RE: LEGAL REPRESENTATION WITHDRAWAL AND CASE STATUS, FEDERAL COURT ACTION NO. T-1296-23

Dear Sir/Madam:

ID 9

FEDERAL COURT OF APPEAL		DEPOSE
COUR D'APPEL FÉDÉRALE		
FILED	January 31, 2025 31 janvier 2025	
Irena Stojanovska		
EDMONTON, AB		6

FEDERAL COURT OF APPEAL

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 Laroche, 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 Ettel, 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 Vrinotis, 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 Wellicome, 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 Kadlecik, 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 Terrence 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 Luchetta, Benjamin James Wilcox, Mark Ronkin, Serge Joseph Leo Faucher, Jacob Thomas Fidor, Lucas Gerard Ziegelbauer, Spencer Daniel Lord, Ian Oceguela, John Nesrallah, Daniel Ninian Rodrigues, Cory Jason Kruger, Stephen Young Smith, Fourat Yacoub Yousif Jajou, Anthony Bilodeau, Jonathan Michael Recoskie, 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 Dourlent, 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 I 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

AFFIDAVIT OF SERVICE

I, Nette Lopez, Paralegal, of the City St. Albert, in Province of Alberta,
SWEAR THAT:

1. On January 29, 2025, I sent a Notice of Discontinuance of the following Appellants
to Barry Benkendorf, Counsel for the Respondents @ barry.benkendorf@justice.gc.ca.

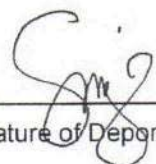
1. Michael Barrette
2. Darrin Thomas Beaton
3. Amanda Leigh Benham
4. Dwayne Armand Bratzke
5. Ryan Douglas Breau
6. Stephen Troy Chledowski
7. Rebekah Kathleen Courtney
8. Jonathan Wayne Crouch
9. Brady Damien Dedam
10. Samuel Drouin
11. Michael Ryan Frank
12. Jennifer Bethany Frizzley
13. Tommy Gauvreau
14. John M Gillis
15. Nicolas Alexander Gleis
16. Gary Adam Johnston
17. Collin Perry Kaiser
18. Evan Victor Koziel
19. Jonathan Joseph A. Lemire
20. Mark Andrew Lolacher
21. Andrew Robert Paul Mallory
22. Jamie Richard McEwen
23. Jonathan Noel

24. Carol-Ann Mary T Ouellette
25. Joseph Anthony Papalia
26. Jean-Simon Plamondon
27. Jenna Leigh Roberts
28. Joshua Calvin Roberts
29. Rory Alexander David Rosen
30. Paul Russell Shapka
31. Roger Cory Stoesz
32. James Roark Suter
33. Simon Bobby H Tilly
34. Shelley Diane Tully
35. Gregory Vincent-Walker
36. Brandon Tyler Peter Zwicker
37. Anthony Bilodeau
38. Sergiu George Candea
39. Jacob Thomas Fidor
40. Jesse Henry Field
41. Mateusz Cameron Kowalski
42. Vanessa Rae Larochelle
43. Valentin Lavrov
44. Lucas Shane O'Connor
45. Marc-Antoine Poulin
46. Daniel Ninian Rodrigues
47. Mark Ronkin
48. Kurtis Rockefeller Rutherford
49. Joseph Benjamin Stewart
50. Dustin Shane Wiebe
51. Lucas Gerard Ziegelbauer

2. I confirm that Mr. Benkendorf, Counsel for the Respondents, received the document. Attached to my Affidavit and marked as Exhibit "A" is the email confirmation that it was successfully delivered to Mr. Benkendorf's email.

Sworn before me at the City of St. Albert, in the Province of Alberta on January 31, 2025.


CATHERINE M. CHRISTENSEN
BARRISTER & SOLICITOR
Commissioner for Oaths
In and for Alberta


Signature of Deponent

Nette Lopez

From: Nette Lopez
Sent: January 29, 2025 11:22 AM
To: Benkendorf, Barry; Bombini, Giustina
Cc: Catherine Christensen
Subject: RE: QUALIZZA et al v HMTK et al _ A-33-25
Attachments: 2025 01 28 QUALIZZA et al AMENDED Notice of Appeal.pdf; 2025 01 29 QUALIZZA correspondence to Crown.pdf; 2025 01 28 QUALIZZA Notice of Discontinuance A-33-25.pdf

Good morning, Mr. Benkendorf

Further to the above-noted matter, please see attached of the following for service upon you.

- Notice of Discontinuance
- Amended Notice of Appeal

We will file the same with the Federal Court of Appeals.

Regards,

Nette Lopez | Paralegal
Valour Law/Valour Legal Action Centre
nettel@valourlaw.com
Per:
Valour Law
Barrister and Solicitor
www.valourlaw.com
412 – 12 Vandelor Rd., St. Albert, AB T8N 7Y2

Exhibit A to the Affidavit of
Nette Lopez
Sworn before me on:
January 31 2025


Catherine M. Christensen
Barrister & Solicitor
Commissioner for Oaths
in and for Alberta

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

Nette Lopez

From: postmaster@013gc.onmicrosoft.com
To: Benkendorf, Barry
Sent: January 29, 2025 11:23 AM
Subject: Delivered: RE: QUALIZZA et al v HMTK et al _ A-33-25

Your message has been delivered to the following recipients:

Benkendorf, Barry (Barry.Benkendorf@JUSTICE.GC.CA)

Subject: RE: QUALIZZA et al v HMTK et al _ A-33-25



RE: QUALIZZA et
al v HMTK et a...

**FEDERAL COURT OF APPEAL
COUR D'APPEL FÉDÉRALE**

 February 11, 2025
11 Février 2025

**RECEIVED / REÇU
EDMONTON, AB**
Valour Law
Catherine M. Christensen Professional Corporation

 412, 12 Vandelor Road
St. Albert, AB T8N 7Y2
780-544-1813/Fax 866-560-9826

www.valourlaw.com

BY EMAIL EDM_Reception@fct-cf.ca

February 11, 2025

**Federal Court
Edmonton Local Office
Edmonton, AB**
Attention: Irena Stojanovska

Dear Madam:

**Re: A-33-25 Francesco Gabriele Qualizza et al. v. His Majesty the King in Right of
Canada**
Mark Lolacher Correspondence

 This is Exhibit "F" referred to in the
Affidavit of

Mark Lolacher

 Sworn before me this 20 day

 of March A.D., 20 25
Cindy Lou Hanson

 A Notary Public, A Commissioner for Oaths
in and for Alberta

 Cindy Lou Hanson
A Commissioner for Oaths
in and for the Province of Alberta
My Commission Expires Oct. 11, 2027

Further to your email regarding correspondence received by the Court by Mr. Mark Lolacher, I will remind you that his letter contains lawyer-client communications which are subject to privilege. In that regard, you sent this correspondence to opposing counsel who should not have been privy to such communications.

Regardless, Mr. Lolacher has taken no steps to retain me further in his legal matters. Documents removing me as his counsel have already been filed with the Court.

As such, I consider the matter closed insofar as the Federal Court is concerned.

 Regards,
VALOUR LAW
Per:

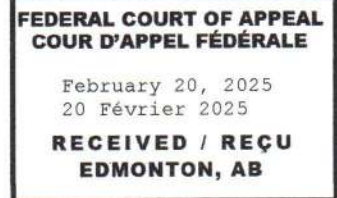


Catherine M. Christensen

Barrister & Solicitor

 Email: cchristensen@valourlaw.com
cc Barry Benkendorf by email

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

February 20, 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: Request for Guidance on Reinstatement as Appellant
Federal Court of Appeal No.: A-33-25**

This is Exhibit "G" referred to in the
Affidavit of

Mark Lolacher

Sworn before me this 20 day

of March A.D., 20 25

Cindy Lou Hanson

A Notary Public, A Commissioner for Oaths
in and for Alberta

Cindy Lou Hanson
A Commissioner for Oaths
in and for the Province of Alberta
My Commission Expires Oct. 11, 2027

I am writing in response to the statement made by Ms. Catherine M. Christensen, my former counsel, in her letter to the Court dated February 11, 2025, in which she asserts that I have taken no steps to retain her further in this legal matter. I respectfully submit that this assertion is inaccurate and wish to clarify the record with the following facts:

1. In February 2022, I entered into a Contingency Fee Retainer Agreement with Valour Legal Action Centre ("VLAC"), and made a monetary donation to VLAC.
2. On November 27, 2024, after being abruptly removed from Ms. Christensen's online messenger chat groups, which were intended to discuss the details of the case with Plaintiffs, I reached out to her for clarification, requesting a meeting to discuss.
3. On December 6, 2024, after no meaningful response from Ms. Christensen, I emailed her a formal letter, seeking clarification and attempting to discuss the matter further.
4. On December 9, 2024, I received an email from Ms. Christensen confirming her intention to represent me in the Appeal. This email also falsely claimed that I had considered pursuing litigation against her.
5. Later on December 9, 2024, I sent a follow-up email to Ms. Christensen refuting the accusation that I had ever considered pursuing legal action against her and respectfully requesting an opportunity to defend myself.
6. On December 11, 2024, I received an email from Ms. Christensen's office requesting that I sign a new non-contingency Legal Services Agreement and provide an additional donation to VLAC.
7. On December 31, 2024, I sent an e-mail to Ms. Christensen to follow-up on my request to address the false accusations made against me in her December 9 email as I was concerned about the status of our lawyer-client relationship, and was unsure of what was happening with the case.

8. On January 2, 2025, I received an email from Ms. Christensen's office stating that no response was required from her office. This email included new false accusations along with a statement that, if I no longer wished to retain her services, I should inform her in writing and she would notify the Court of her withdrawal.

I would like to state unequivocally that I never indicated, either verbally or in writing, that I no longer wished to retain Ms. Christensen.

9. On January 21, 2025, Ms. Christensen's office sent an email requesting that I send the previously requested donation to VLAC, along with the signed Legal Services Agreement. The email did not mention that failure to comply with this request would result in Ms. Christensen discontinuing her representation in this matter.

10. On January 25, 2025, I sent an email to Ms. Christensen seeking clarification on the new Legal Services Agreement, the status of the Appeal, and the unresolved issues. In this e-mail, I expressed my confusion about the need for a new, non-contingency legal agreement. The original Contingency Fee Retainer Agreement clearly indicated that a new agreement would only be necessary if the case proceeded to trial and an appeal was filed. Since no trial had taken place, I was perplexed as to why this new agreement was being presented. Additionally, I sought clarification regarding the unresolved issues surrounding the false accusations made against me as well as a breach of my privacy, in which Ms. Christensen's office shared information regarding my financial obligations with her firm with another Plaintiff without my consent.

9. On January 27, 2025, Ms. Christensen informed me by email that she no longer represented me. She stated that this was because I did not pay the donation to VLAC, or sign the new Legal Services Agreement.

10. On January 27, 2025, I notified the Court via email that Ms. Christensen had withdrawn from representing me, for what I felt were arbitrary reasons, and expressed my concern about the implications this would have on my participation in the case. I also requested guidance on the next steps.

11. On February 3, 2025, I received a response from the Court, indicating that a Notice of Discontinuance had been filed on January 31, 2025, listing my name among several appellants.

12. On February 3, 2025, I sent a formal letter to the Court seeking guidance on reinstating my status as an appellant.

I sincerely hope that the Court will recognize my consistent intention to remain actively involved in all matters related to this case. I have made numerous attempts to engage with Ms. Christensen in order to address various concerns, but regrettably, these efforts have often resulted in confusion and frustration. Despite my clear and direct requests, I have encountered difficulty in obtaining straightforward responses, and, unfortunately, there has been much resistance in providing the necessary clarification.

I would like to clarify that the letter I submitted to the Court on February 3, 2025, does not include any communications subject to lawyer-client privilege. The letter primarily outlines the difficulties I faced in my interactions with Ms. Christensen and seeks the Court's guidance on how to address the impact of her withdrawal from representing me.

In light of these challenges, I respectfully request the Court's guidance on how I may be reinstated as an appellant in this case. I have not voluntarily withdrawn from the appeal, and

the issues I have faced with Ms. Christensen have left me without the necessary clarity to move forward. I am seeking the Court's assistance to determine the proper course of action to ensure my continued participation in this appeal.

I appreciate any direction the Court can provide regarding the resolution of these issues and the necessary steps to restore my status as an appellant.

Thank you for your attention to this matter. Please do not hesitate to contact me if you require any further information or copies of relevant communications.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mark Lolacher', with a stylized, cursive script.

Mark Lolacher

	02-20		to determine content of appeal book to enable the timely and efficient disposition of the appeal filed on 26-FEB-2025
null	2025-03-03	Ottawa	Acknowledgment of Receipt received from Both parties (via email) with respect to Direction (Laskin J.A.) dated 28-FEB-2025 placed on file on 03-MAR-2025
null	2025-02-28	Ottawa	Written directions of the Court: The Honourable Mr. Justice Laskin dated 28-FEB-2025 directing " Please inform Mr. Lolacher in response to his letters of February 3 and 20, 2025 seeking guidance from the Court, that the Court, as a neutral decision-maker, is not in a position to provide parties or potential parties with guidance as to how to proceed. Furthermore, while Registry Officers may attempt to assist litigants with simple administrative steps relating to process and procedure, it is also not their place to provide legal advice to litigants, actual or potential (Ralph Thom v. Her Majesty The Queen, 2007 FCA 249 at para. 14). While Ms. Christensen states in her letter to the Court of February 11, 2025 that documents removing her as Mr. Lolacher's counsel "have already been filed with the Court," the Court can find no indication that this is the case. " Decisions Book other than J&O, volume 3, page 472. received on 28-FEB-2025 Confirmed in writing to the party(ies)
null	2025-02-24	Ottawa	Communication from Registry to Judicial Administrator dated 24-FEB-2025 re: ID. 11, 14, 15 and 17

This is Exhibit " H " referred to in the
Affidavit of

Mark Lolacher

Sworn before me this 20 day

of March A.D., 20 25

Cindy Lou Hanson

A Notary Public, A Commissioner for Oaths
in and for Alberta

Cindy Lou Hanson

A Commissioner for Oaths
in and for the Province of Alberta
My Commission Expires Oct. 11, 2027

FEDERAL COURT OF APPEAL

BETWEEN:

QUALIZZA, FRANCESCO GABRIELE, AND OTHERS

APPELLANTS

AND:

HIS MAJESTY THE KING IN RIGHT OF CANADA, AND OTHERS

RESPONDENTS

WRITTEN REPRESENTATIONS of Mark Lolacher

PART I: STATEMENT OF FACTS

1. The Appellant was a member of the above-noted action and retained Catherine M. Christensen, Counsel for the Appellants ("Ms. Christensen"), to represent their interests in the matter.
2. On January 31, 2025, Ms. Christensen filed a Notice of Partial Discontinuance (the "Notice") with the Court, which had the effect of removing the Appellant from the action. The Appellant did not authorize or consent to the filing of this Notice. Furthermore, the Appellant was not notified in advance that the Notice was being filed, in clear violation of applicable rules and Ms. Christensen's professional obligations.

3. At no point did Ms. Christensen properly communicate with the Appellant regarding the filing of the Notice, nor did she seek the Appellant's consent before proceeding with this action. This failure to communicate is in direct contravention of s. 3.2-1 [3] of the Law Society of Alberta Code of Conduct, which mandates that a lawyer must communicate effectively with the client, as well as s. 3.2-5(a), which requires a lawyer to keep the client reasonably informed and report developments to the client in a timely manner.
4. Despite previously agreeing to represent the Appellant in the appeal, Ms. Christensen notified the Appellant by email on January 27, 2025, that she would be withdrawing from representing the Appellant.
5. On January 29, 2025, Ms. Christensen served the Notice to Counsel for the Respondents.
6. On January 31, 2025, Ms. Christensen filed the Notice with the Court.
7. Throughout this process, Ms. Christensen failed to adhere to the proper withdrawal procedures as outlined in Rules 124 and 125 of the *Federal Court Rules*, as well as s. 3.7-1 of the Law Society of Alberta Code of Conduct. The Appellant was not provided with the required notice of withdrawal, and Ms. Christensen did not file the necessary documentation with the Court, effectively leaving the Appellant without legal representation.
8. As a result of these actions, the Appellant has suffered significant prejudice and harm, including being improperly removed from the action, left without legal representation, and unable to effectively participate in the litigation. The Appellant's legal position has been severely compromised, and the Appellant now seeks an order to have the Notice set aside and their participation in the action reinstated, and for the Court to compel Ms. Christensen to comply with proper withdrawal procedures.

PART II: STATEMENT OF POINTS IN ISSUE

9. Whether the Notice filed by Ms. Christensen should be set aside, as it was filed without the Appellant's consent and in violation of Rule 334 of the *Federal Court Rules*.

10. Whether the Appellant's status in the action should be reinstated and their full participation in the proceedings restored.

11. Whether Ms. Christensen should be required to comply with the procedures for withdrawal under Rules 124 and 125 of the *Federal Court Rules*, and s. 3.7-1 of the Law Society of Alberta Code of Conduct, including proper notification of the Appellant and filing the appropriate documentation with the Court.

12. Whether the Appellant was prejudiced by Ms. Christensen's actions and is entitled to any further relief, including the recovery of damages or costs.

PART III: SUBMISSIONS

13. **Breach of Rule 334 and the Discontinuance of the Action:** The Notice filed by Ms. Christensen should be set aside because it was filed without the Appellant's knowledge or consent and in violation of Rule 334 of the *Federal Court Rules*, which governs the discontinuance of proceedings. The Appellant did not provide any instruction or authorization to discontinue any part of the claim on the Appellant's behalf, and the filing of the Notice prejudiced the Appellant's position. The Court has the discretion to set aside any order or document that has been improperly filed, particularly when such actions result in harm to a party's legal rights.

14. **Failure to Notify the Appellant and Breach of Professional Obligations:** s. 3.2-1 [3] of the Law Society of Alberta Code of Conduct requires a lawyer to communicate effectively with the client. Ms. Christensen's failure to inform the Appellant of the Notice prior to its filing constitutes a breach of these professional obligations. This failure also reflects a violation of the duty of loyalty, which the Supreme Court emphasized in *Canadian National Railway Co. v McKercher LLP*, 2013 SCC 39, [2013] 2 S.C.R. 649. In that case, the Court highlighted that lawyers owe a duty of loyalty to their clients, meaning that they must act in the best interests of their clients, free from conflicts of interest and without compromising the client's position. By failing to consult with the Appellant and obtain their consent before discontinuing the action, Ms. Christensen acted in a way that undermined this duty of loyalty, causing

unnecessary harm to the Appellant.

15. Furthermore, in *R. v Neil*, 2002 SCC 70 (CanLII), [2002] 3 SCR 631, the Supreme Court reiterated that lawyers must avoid conflicts of interest and must act solely in the best interests of their clients. Ms. Christensen's failure to notify the Appellant and obtain their informed consent before discontinuing the action on the Appellant's behalf constitutes not only a breach of professional obligations but also a failure to act in the Appellant's best interests, thereby creating a conflict where the Appellant's legal rights were prejudiced without their knowledge or consent. This conduct undermines the trust and integrity fundamental to the lawyer-client relationship.

16. **Improper Withdrawal of Counsel:** Under Rules 124 and 125 of the *Federal Court Rules*, when a lawyer withdraws from representing a client, they are required to file a Notice with the Court and provide adequate notice to the client. Ms. Christensen failed to comply with these requirements, leaving the Appellant without representation and further complicating the Appellant's ability to continue in the action. Ms. Christensen's actions were in clear violation of the procedural rules and the ethical obligations of counsel.

17. **Prejudice and Harm:** The Appellant has suffered substantial prejudice as a result of Ms. Christensen's actions. The improper partial discontinuance of the action and failure to withdraw in accordance with the *Rules* has left the Appellant without representation, and the Appellant has been removed from an action in which they had a vested interest. The Appellant seeks the restoration of their status in the action to ensure that their legal rights are preserved and that they may continue to participate in the litigation.

PART IV: ORDER SOUGHT

18. An Order setting aside the Notice filed by Ms. Christensen, as it was filed without the Appellant's consent and in violation of Rule 334 of the *Federal Court Rules*.

19. An Order reinstating the Appellant's status in the action and restoring the Appellant's full participation in the proceedings.

20. An Order requiring Ms. Christensen to comply with the withdrawal procedures set out in Rules 124 and 125 of the *Federal Court Rules*, and s. 3.7-1 of the Law Society of Alberta Code of Conduct including proper notification to the Appellant, the filing of the appropriate documents with the Court, and providing the Appellant with a justifiable reason for terminating the relationship.

21. Any further or additional relief as this Honourable Court deems just and equitable in the circumstances, including the recovery of costs or damages resulting from Ms. Christensen's improper actions, pursuant to Part 11 of the *Federal Court Rules*.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

Dated this 20 day of March, 2025, in the Town of Athabasca, in the Province of Alberta.



Mark Lolacher
P.O. Box 693
Athabasca Stn Main
Athabasca, AB T9S 2A8
Phone: (780) 224-2491
Email: mlolacher@protonmail.com

PART V: LIST OF AUTHORITIES

Statutes and Regulations

1. *Federal Court Rules*, SOR/98-106, r. 124, 125, 334, and Part 11.
2. Law Society of Alberta Code of Conduct, c. 19, s. 3.2-1 [3] and s. 3.2.5(a), and s. 3.7-1.

Jurisprudence

3. *Canadian National Railway Co. v. McKercher LLP*, 2013 SCC 39, [2013] 2 S.C.R. 649
4. *R. v. Neil*, 2002 SCC 70, [2002] 3 S.C.R. 631