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## FACSIMILE COVER SHEET

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**Date:** January 29, 2007

**To:** Brian M. Samuels

**Fax #:** (604)687-0043

**From:** J. Edward Gouge, Q.C.

**Fax #:** 250 537-2456

**Phone #:** 250 953-3557

**# of pages (including this sheet):**

**Subject:** Ward, Cameron, Alan v. HMTQ

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January 29, 2007

**VIA FACSIMILE**

Samuels & Company  
#500 - 999 West Hastings St.  
Vancouver, BC V6C 2W2

**Attention: Brian M. Samuels**

Dear Mr. Samuels:

**RE: Ward, Cameron Alan v. HMTQ  
Vancouver Supreme Court Registry No.: S030038**

Enclosed for service upon you is a Notice of Appeal filed on behalf of the Defendant, Her Majesty the Queen in right of the Province of British Columbia with respect to the above noted matter.

Please acknowledge receipt of same by signing and returning the duplicate copy of this letter to our office in due course.

Yours truly,

*"J. Edward Gouge"*

**J. Edward Gouge, Q.C.**  
Barrister & Solicitor

JDE/hl

cc. **Tomasz Zworski**

Ministry of  
Attorney General

Legal Services Branch  
Victoria Office

Address:  
1001 Douglas Street  
Victoria, BC V8W 9J7

Telephone: 250 537-2456  
Facsimile: 250 953-3557



January 29, 2007

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Samuels & Company  
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**J. Edward Gouge, Q.C.**  
Barrister & Solicitor

JDE/hl

cc. **Tomasz Zworski**

Service of a copy hereof admitted this  
.....day of....., 20.....

.....  
Solicitor for the

.....

**VANCOUVER**

JAN 29 2007

**COURT OF APPEAL  
REGISTRY**

**Court of Appeal File No. CA034766**  
**Supreme Court File No. S030038**  
**Supreme Court Registry: Vancouver**

**COURT OF APPEAL**

**BETWEEN:**

**ALAN CAMERON WARD**  
**PLAINTIFF/RESPONDENT**

**and**

**HER MAJESTY THE QUEEN**  
**IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA**  
**DEFENDANT/APPELLANT**

**NOTICE OF APPEAL**

Take notice that Her Majesty the Queen in Right of the Province of British Columbia ("the Province") hereby appeals to the Court of Appeal for British Columbia from the order of the Honourable Mr Justice Tysoe of the Supreme Court of British Columbia pronounced the 2<sup>nd</sup> day of January, 2007 at Vancouver, British Columbia.

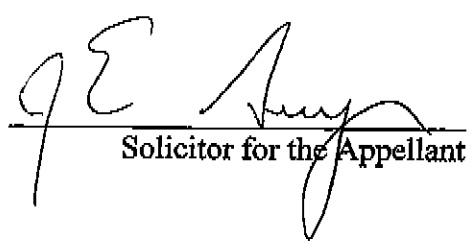
1. This appeal is from a trial judgment.
2. This is not an appeal under Rule 49 or 53(6) of the Supreme Court Rules.
3. Constitutional law is involved in this appeal.

And further take notice that the Court of Appeal will be moved at the hearing of this appeal for an order:

- 1. that the order appealed from be set aside as against the Province;
- 2. that this action be dismissed as against the Province;
- 3. in the alternative, that the award of damages made in favour of the Plaintiff against the Province be set aside, and that, as against the Province, the Plaintiff be awarded declaratory relief only;
- 4. the Plaintiff/Respondent pay the Province's costs, to be assessed at scale B in the Supreme Court of British Columbia and at scale 2 in this Court.

The trial of this proceeding occupied 6 days.

Dated at Vancouver, British Columbia, this <sup>29<sup>th</sup></sup> 30<sup>th</sup> day of January, 2007.

  
 Solicitor for the Appellant

To the respondent, Alan Cameron Ward  
And to his solicitor, Brian Samuels, Esq

This notice of appeal is given by J Edward Gouge, QC, counsel for the Province, whose address for service is 3<sup>rd</sup> floor, 1001 Douglas Street, PO Box 9280, Station Provincial Government, Victoria, BC V8W 9J7.

To the respondent:

**IF YOU INTEND TO PARTICIPATE** in this appeal, YOU MUST GIVE NOTICE of your intention by filing a form entitled "Notice of Appearance" (Form 2 of the Court of Appeal Rules) in a Court of Appeal registry and serve the notice of appearance on the appellant **WITHIN 10 DAYS** of receiving this Notice of Appeal.

**IF YOU FAIL TO FILE A NOTICE OF APPEARANCE:**

- (a) you are deemed to take no position on this appeal; and
- (b) the parties are not obliged to serve any further documents on you.

The filing registries for the British Columbia Court of Appeal are:

**Central Registry:**

BC Court of Appeal  
The Law Courts  
800 Smithe Street  
Vancouver, BC  
V6Z 2E1

**Other Registries**

BC Court of Appeal  
The Law Courts  
PO Box 9248 Station Provincial Government  
850 Burdett Avenue  
Victoria, BC  
V8W 1B4

BC Court of Appeal  
223 - 455 Columbia Street  
Kamloops, BC  
V2C 6K4

Inquiries should be addressed to (604) 660-2468

Fax filings: 604) 660-1951

**Court of Appeal File No. \_\_\_\_\_**  
**Supreme Court File No. S030038**  
**Supreme Court Registry: Vancouver**

**COURT OF APPEAL**

**BETWEEN:**

**ALAN CAMERON WARD**  
**PLAINTIFF/RESPONDENT**

**and**

**HER MAJESTY THE QUEEN**  
**IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA**  
**DEFENDANT/APPELLANT**

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**NOTICE OF APPEAL**

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**Ministry of Attorney General**  
**Legal Services Branch**  
**PO Box 9280 Stn Prov Govt**  
**1001 Douglas Street**  
**Victoria, BC V8W 9J7**

**J. Edward Gouge, Q.C.**  
**Barrister & Solicitor**