

# COURT OF APPEAL FOR BRITISH COLUMBIA

## FORM 1

### AMENDED AMENDED NOTICE OF APPEAL (RULE 6(1) )



Court of Appeal File No.  
(For Registry Use Only)

CA49986

Supreme Court File No.

S2210080

The file number can be found on the upper right corner of the Supreme Court documents

Supreme Court Registry Location

Vancouver Registry

#### To the respondent(s)

A court proceeding has been commenced against you in the Court of Appeal. See the final page of this form for details on how to respond.

#### 1. PARTIES TO THE APPEAL

##### Appellant(s)

List the party(ies) appealing the Supreme Court or tribunal order. Identify their roles in the proceeding below in brackets. E.g., Jane Doe (plaintiff, petitioner, etc.)

Noah Alter, Jarryd Jaeger, Cooper Asp and The Free Speech Club Ltd.  
(Plaintiffs)

**Respondent(s)**

List the other party(ies) in the Supreme Court or tribunal order you are appealing who are affected by the appeal. Identify their roles in the proceeding below in brackets. E.g., Jane Doe (defendant).

The University of British Columbia and His Majesty The King in Right of British Columbia  
(Defendants)

## 2. THE ORDER YOU ARE APPEALING

**Is leave to appeal required?**

Court of Appeal Rule 12 explains when you need leave to appeal. If you are unsure, check "Yes."

☐ Yes☒ No**Who made the order?**

Name the justice or other decision maker who pronounced the order you are appealing.

The Honourable Justice Greenwood

**What court and/or tribunal pronounced the order(s)?**☒ Supreme Court☐ Tribunal

Name of tribunal

**Date the order was pronounced**

Include the day, month and year that the order being appealed was pronounced (not the date the order was entered).

04/06/2024

DD/MM/YYYY

**City where the order was pronounced**

Vancouver

**Length of lower court hearing**

Indicate in days or hours the length of the hearing that led to the order you are appealing from. For example, if you are appealing a judgment from a trial that took two hours, enter "two hours."

1.5 days

What type of proceeding are  
you appealing from?  
*Check only one.*

☐ Trial Judgment

☐ Order of a Tribunal

☐ Summary Trial Judgment

☒ Chambers Judgment

### 3. RELIEF SOUGHT

If leave to appeal is not required, fill out Part A. If you are seeking leave to appeal, fill out Part B.

#### PART A: LEAVE NOT REQUIRED

Part of the order being appealed  
*If you only want to appeal one  
part of an order, enter the part  
that is being appealed.*

1. The order striking the amended notice of civil claim ("NCC") as against His Majesty The King in Right of British Columbia's (the "Crown") including defects in the NCC which go to substantive issues (granted in the Crown's application to strike filed March 22, 2024); and
2. The order granting the Crown costs (granted in the Crown's application to strike).

No appeal is advanced in respect of the other orders: a) dismissing the plaintiffs' application for leave to amend; b) granting the University of British Columbia costs in the cause in both the Crown's and the plaintiffs' applications; c) refusing the Crown's request for double-costs; and d) refusing the plaintiffs' request that costs of the applications be made on a public interest basis.

Order(s) you are seeking on  
appeal  
*Briefly list the order(s) you will  
ask this Court to make on appeal.  
For example: "Set aside the trial  
judgment and order a new trial."  
Include any order as to costs.*

1. An order: a) allowing the appeal of the order striking the NCC as against the Crown including defects in the pleading which go to substantive issues; b) reversing such order or, in the alternative, setting it aside; and c) remitting the matter to the Supreme Court of British Columbia for trial on the merits.
2. An order: a) allowing the appeal of the order granting the Crown costs (pronounced in supplemental reasons dated October 10, 2024); and b) reversing such costs.
3. An order: awarding the plaintiffs costs of the appeal.

#### PART B: SEEKING LEAVE TO APPEAL

**Part of the order being appealed**

*If you are only seeking leave to appeal one part of an order, enter the part that you are seeking leave to appeal.*

**Grounds for leave to appeal**

*Be as specific as possible. For example, if you believe the trial judge used an incorrect legal test or otherwise misapplied the law, indicate that here.*

**4. ADDITIONAL INFORMATION****Sealing order**

*Is there an order sealing any part of the trial court or tribunal file? If yes, add date(s).*

☐ Yes☒ No

Date

DD/MM/YYYY

**Anonymity order/publication ban**

*Are there orders that protect the identity of a party or parties? If yes, add date(s).*

☐ Yes☒ No

Date

DD/MM/YYYY

**Areas of law raised in the appeal**

*You may check more than one box if appropriate. For example, you should check "motor vehicle accidents" and "torts" for a personal injury claim involving a motor vehicle accident.*

☒ Constitutional/  
Administrative☐ Civil Procedure☐ Commercial☐ Motor Vehicle  
Accidents☐ Municipal Law☐ Real Property☐ Torts☐ Equity☐ Wills and Estates☐ Divorce Act (Canada)☐ Family Law Act☐ Other**Appeals involving children**

*Does this appeal involve the rights or interests of a child? E.g., parenting order.*

☐ Yes☒ No**5. SERVICE**

**Are you representing yourself?**

☐ Yes☒ No

**Name(s) and address(es)  
within BC for service of  
appellant(s)** *If you have a  
lawyer, include the law firm's  
address; otherwise provide  
your own residential address.*

Glenn Blackett  
Glenn Blackett Law

**Phone number(s) of appellant(s)**

**Email address(es) for service of  
the appellant(s)**  
*If you provide an email address,  
you consent to have documents  
served on you by email.*

Date form completed

25/11/2024

DD/MM/YYYY

Name of lawyer or party  
authorizing filing of this form

Glenn Blackett

**To the appellant(s):**

You must file and serve this form on each respondent named in this document within the timelines required by the *Court of Appeal Act* and Court of Appeal Rules. You must file a Notice of Hearing **not more than one year** after filing this Form 1 or your appeal will be placed on the inactive list (Rule 50(1)(a)).

**To the respondent(s)**

**If you intend to participate** in this proceeding, **you must give notice** of your intention by doing the following **not more than 10 days** after receiving this Notice of Appeal: (1) file a “Notice of Appearance” (Form 2 of the Court of Appeal Rules) in a Court of Appeal registry and; (2) serve the Notice of Appearance on the appellant.

If you fail to file and serve a Notice of Appearance:

- (a) You are presumed to take no position on the appeal, or the application for leave to appeal (if leave is required).
- (b) The parties are not obliged to serve you with any further documents related to the appeal, including an order granting leave to appeal (if leave is required).

**You are presumed to take no position if you fail** to file and serve a Notice of Appearance within the time described above. The filing registries for the British Columbia Court of Appeal are as follows.

**Central Registry:**

B.C. Court of Appeal  
Suite 400, 800 Hornby St.  
Vancouver BC V6Z 2C5

**Other Registries:**

B.C. Court of Appeal  
The Law Courts  
P.O. Box 9248  
STN PROV GOVT  
850 Burdett Ave.  
Victoria BC V8W 1B4

B.C. Court of Appeal  
223 - 455 Columbia St.  
Kamloops BC V2C 6K4

Inquiries should be addressed to (604) 660-2468.