

COURT OF APPEAL FILE NO. CA49934

Tatlock et al. vs. Attorney General for the Province of British Columbia et al.
Appellant's Factum**COURT OF APPEAL**ON APPEAL FROM the Order of The Honourable Justice Coval of the Supreme Court
B.C. pronounced on May 10, 2024

BETWEEN:

**Phyllis Janet Tatlock, Laura Koop, Monika Bielecki, Scott Macdonald, Ana Lucia
Mateus, Darold Sturgeon, Lori Jane Nelson, Ingeborg Keyser, Lynda June
Hamley, Melinda Joy Parenteau and Dr. Joshua Nordine****APPELLANTS**
(Petitioners)

AND:

**Attorney General for the Province of British Columbia and Dr. Bonnie Henry in
her capacity as Provincial Health Officer for the Province of British Columbia****RESPONDENTS**
(Respondents)**Publication Ban or Anonymity Order (if any): NIL****Sealing Order (if any): NIL****MEMORANDUM OF ARGUMENT OF THE APPELLANTS' APPLICATION FOR
LEAVE TO ADDUCE FRESH EVIDENCE**

Filed by the Appellants

Phyllis Janet Tatlock, Laura Koop,
Monika Bielecki, Scott Macdonald, Ana
Lucia Mateus, Darold Sturgeon, Lori Jane
Nelson, Ingeborg Keyser, Lynda June
Hamley, Melinda Joy Parenteau and Dr.
Joshua Nordine

Allison Pejovic and Marty Moore

Attorney General for the Province of
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Counsel for the Respondents

I. OVERVIEW

A. The Qatar Study

1. The Appellants bring this application pursuant to Rule 59 of the *Court of Appeal Rules* as they wish to put before this Honourable Court a full scientific study that was referred to in an expert report by the Respondent's expert, Dr. Dove,¹ which was itself located in Dr. Emerson's first filed affidavit.² The 2022 study is entitled: "Effects of previous infection and vaccination on symptomatic Omicron infections," and is published in the *New England Journal of Medicine* [the "Qatar Study"].³ In referencing the study, Dr. Dove stated in her expert report:

A national matched, test-negative case control study in Qatar observed similar effectiveness between prior infection and a 2-dose vaccine series in protecting against SARS-CoV-2 infection during the Delta and Omicron waves, **with the combination of vaccination and prior infection yielding the strongest results.**⁴ (emphasis mine)

2. Dr. Dove was asked to opine on this question in her review of relevant literature: "How does vaccination induced immunity compare to infection induced immunity in terms of transmission risk?"⁵ In answering that question, she started off a discussion section with this conclusion: "Immunology and epidemiology studies suggest that a **combination of vaccination before or after SARS-CoV-2 infection may provide the strongest protection against reinfection and extends the duration of that protection.**"⁶ Dr. Dove then listed the studies that she used to arrive at that conclusion,

¹ Evidence Review Conducted by Dr. Naomi Dove entitled "Impacts of Covid-19 Vaccination on Health Care Worker SARS-CoV-2 Transmission", [**"Dove Report"**] September 8, 2022, Joint Appeal Book, pp. 4347-4366.

² Affidavit #1 of Dr. Brian Emerson, sworn September 13, 2022, [**"Emerson Affidavit #1"**] Joint Appeal Book, pp. 1841-4387.

³ Affidavit of Ashley Sexton, sworn April 7, 2025, at para. 6, Exhibit C [**"Sexton Affidavit"**].

⁴ Sexton Affidavit, at Exhibit A, p. 2475; also found in Joint Appeal Book, p. 4357.

⁵ Sexton Affidavit, at Exhibit A, p. 2469; also found in Joint Appeal Book, p. 4351.

⁶ Sexton Affidavit, at Exhibit A, p. 2473; also found in Joint Appeal Book, p. 4355.

and briefly highlighted the main points from those studies. The Qatar Study was one of those studies.

3. The issue of whether or not natural immunity provides sufficient protection against reinfection and hospitalization as compared to natural immunity plus two doses of the Covid-19 vaccine is important, because the Appellants Monika Bielecki,⁷ Darold Sturgeon,⁸ Lori Jane Nelson,⁹ Melinda Joy Parenteau,¹⁰ and Dr. Joshua Nordine,¹¹ had natural immunity from a prior Covid-19 infection, and by September/October 2023, 80% of adults under 80 in British Columbia had natural immunity from prior infection.¹² Yet, the Appellants lost their jobs due to the Orders because they did not receive the Covid-19 vaccine.
4. The Chambers Judge, in addressing why it was reasonable for Dr. Henry's Orders to require those with natural immunity to receive two doses of the Covid-19 vaccine,¹³ relied on Dr. Dove's conclusion that "the combination of vaccination and prior infection appears to provide the most robust protection against infection, particularly during the Omicron wave,"¹⁴ which Dr. Henry also relied on in Recital Z:

The risk of reinfection and hospitalization is significantly higher in people who remain unvaccinated after contracting SARS-CoV-2 than in those who are vaccinated post-infection. Vaccination, even after infection, remains an important measure in protecting against reinfection by providing a more

⁷ Affidavit #1 of Monika Bielecki, sworn May 31, 2022, at para. 12(b), Exhibit H, Joint Appeal Book, pp. 1609, 1672.

⁸ Affidavit #1 of Darold Sturgeon, sworn April 22, 2022, at para. 8, Exhibit A, Joint Appeal Book, pp. 1068, 1071.

⁹ Affidavit #1 of Lori Jane Nelson, sworn May 10, 2022, at para. 15, Exhibit J, Joint Appeal Book, pp. 1482, 1506.

¹⁰ Affidavit #1 of Melinda Joy Parenteau, sworn May 19, 2022, at para. 10, Exhibit D, Joint Appeal Book, pp. 1555, 1584.

¹¹ Affidavit #1 of Dr. Joshua Nordine, sworn September 7, 2022, at para. 20, Exhibits H and I, Joint Appeal Book, pp. 1334, 1364, 1365.

¹² Reasons for Judgment, Coval. J, May 10, 2024, at para. 126 [**"Decision"**].

¹³ *Ibid.*, at paras. 124, 126, 148, 149, 203.

¹⁴ Dove Report, *supra*, at Joint Appeal Book, p. 4374.

consistent and reliable immune response than immunity arising from infection alone.¹⁵

5. Since the Chambers Judge's finding on reasonableness of the Orders' in respect of the naturally immune Appellants depended so heavily on Dr. Henry's Recital Z, and Dr. Dove's conclusions on the superiority of hybrid immunity (2 doses of the Covid-19 vaccine plus natural immunity) over natural immunity alone, it is critical for the administration of justice and the public's confidence in the PHO's Orders to ensure that the science that Dr. Henry relied upon in making her Orders was truly consistent with her Recitals.
6. The issue which the Appellants argue this Honourable Court ought to reconcile is that Dr. Dove's conclusion above at paragraph 1 about the Qatar Study's findings (which Dr. Henry relied on in making her Orders) is inconsistent with the study's actual conclusions, and is also misleading. The Qatar Study does not support Dr. Dove's conclusion at paragraph 1 above, it in fact says the opposite. Dr. Dove writes that the study says that two doses of the vaccine confer similar protection to prior infection. Yet, in its discussion session, the study's authors state that the primary series of the Covid-19 vaccination's protection against Omicron is "short lived", and describe the protection from infection with Omicron from natural immunity as "more durable".¹⁶ Critically, the authors conclude that the protection conferred by *natural immunity alone*, and *natural immunity plus two-dose vaccination*, is about 50% for both scenarios. The authors stated: "[this] suggests that this protection originated from the previous infection and **not** from vaccination."¹⁷
7. So where did Dr. Dove's conclusion that "a combination of vaccination and prior infection yielding the strongest results" come from? The Qatar Study is clear that "the highest effectiveness was seen with hybrid immunity from previous infection and

¹⁵ Affidavit #1 of Haley Miller, sworn November 1, 2023, Exhibits A, B, Hospital and Community Order, and Residential Care Order, Recital Z; Joint Appeal Book at pp. 8437-8488.

¹⁶ Qatar Study, at p. 28.

¹⁷ Qatar Study, at p. 28 (emphasis mine).

recent booster vaccination (approximately 80%). This finding provides evidence for the benefit of vaccination, even for persons with a previous infection.”¹⁸ But this statement is meaningless to the facts of this case. The booster (i.e. 3-doses) was never required by the Orders. The Orders only required two-doses in order for healthcare workers to be able to work, and as the Qatar Study makes clear, “mRNA vaccines have negligible effectiveness against omicron infection 6 or more months after the second dose,” as compared to “protection of 50% for previous infection against reinfection with BA.1.”¹⁹

8. Another critical conclusion from this study was that “**any** form of previous immunity, whether induced by *previous infection or vaccination*, is associated with *strong and durable protection against Covid-19-related hospitalization and death*.”²⁰ Contrast that finding with Dr. Henry’s Recital Z at paragraph 3 above, which states that the risk of hospitalization is “significantly higher” for the unvaccinated with natural immunity as compared to the vaccinated.

B. Petitioners’ (Appellants’) Written Argument Before the Chambers Judge

9. The Appellants also wish to adduce before this Honourable Court their written argument before the Chambers Judge in order to address issues raised by the Respondents in their appeal factum.²¹ The Respondents argue in their factum that “the appellants ... raise new arguments, [and] take positions that are inconsistent with those they advanced before the chambers judge ...”²²
10. The Appellants submit that in order for them to properly address the Respondents’ position about “the proper scope of the appeal” before this Honourable Court, they need this Court to be able to review the various positions on different issues they took coming into the oral hearing, as they argue that they have not raised any new arguments on appeal. The Appellants submit that in providing this written argument to

¹⁸ Qatar Study, at p. 30.

¹⁹ Qatar Study, at p. 31.

²⁰ Qatar Study, at p. 31 (emphasis mine).

²¹ Respondents’ Factum, at paras. 30-37.

²² *Ibid.*, at para. 30.

this Court, they will be able to demonstrate the case that the Respondents were prepared to meet before the Chambers Judge. The Appellants raised arguments about the reasonableness of the Orders and that the Orders violated their *Charter* rights in their written argument.²³

11. The Appellants will not make further submissions here about whether or not their written argument before the Chambers Judge meets the legal test for fresh evidence, as the written argument was before the Chambers Judge. The Appellants request that this Honourable Court admit it in this appeal in the interests of justice so that they may properly respond to the Respondents' concerns raised in their factum. The real dispute between the parties appears to be what position the Appellants' took at the hearing, which the Appellants will address orally before this Honourable Court.

II. ARGUMENT

A. The Qatar Study is Not Fresh Evidence

12. The Respondents oppose the Appellants' motion to put this study before this Honourable Court. They assert in their appeal factum that "the appellants seek to rely on evidence that was not before the PHO in making the Orders" and that the Qatar Study "was cited in an evidence review before the PHO, but was not itself in the record or before the chambers judge".
13. To the contrary, references to the Qatar Study and discussions about this study appear multiple times in the Respondents' own affidavit materials:
 - Dr. Dove's evidence review.²⁴
 - Public Health Agency of Canada "Guidance on an additional Covid-19 booster dose in the spring of 2023 for individuals at high risk of severe illness [2023-03-03]".²⁵

²³ Sexton Affidavit, *supra*, at para. 7, Exhibit D, Appellants' Written Argument before the Chambers Judge, November 16, 2023, at paras. 1, 2, 3.

²⁴ Emerson Affidavit #1, Exhibit 65, Joint Appeal Book, p. 4357.

²⁵ Affidavit #3 of Dr. Emerson, sworn September 27, 2023, at Exhibit T, Joint Appeal Book, p. 6431.

- Public Health Agency of Canada – Omicron Monitoring Report – February 10, 2022²⁶ - with a discussion about natural immunity being robust.²⁷
 - Public Health Agency of Canada – Omicron Monitoring Report – February 17, 2022 - full 1½ page discussion of the main points in the Qatar Study study.²⁸
14. Further, actual graphs from the Qatar Study and a discussion about the study are in Dr. Kalyan’s expert report,²⁹ which was sent directly to counsel for the Respondents in a letter from the co-Petitioners’ legal counsel on August 16, 2022.³⁰ At the end of Dr. Kalyan’s expert report, he lists his references and includes a hyperlink to the Qatar Study for Dr. Henry’s review. Dr. Henry had this study before her, prior to her last Orders.
 15. The Respondents’ assertion that the study was not before the PHO when she made her Orders is baseless and without merit. Some key findings from the study were also in the graphs within Dr. Kalyan’s report which was in the Petition Record before the Chambers Judge.
 16. Given the fundamental misrepresentation of the conclusion about hybrid immunity’s superiority over natural immunity alone - which was vital in Dr. Henry’s reasoning for making her Orders - this Court ought to grant leave to present this fresh evidence, if required under these circumstances to make such an order.

B. Law on admission of fresh evidence

17. The Supreme Court of Canada set out the requirements for admitting fresh evidence on appeal in *R v. Palmer*³¹, which are:

²⁶ *Ibid.* at Exhibit AA, Joint Appeal Book, p. 7108.

²⁷ *Ibid.* at pp. 7124, 7159.

²⁸ *Ibid.* at Exhibit BB, Joint Appeal Book, pp. 7293, 7313, 7359, 7491, 7513, 7570, 7703, 7727, 7793.

²⁹ Affidavit #2 of Sophie Harney, at Exhibit B, Joint Appeal Book p. 1832.

³⁰ *Ibid.* at p. 1829.

³¹ *R v. Palmer*, [1980], 1 S.C.R. 759 at p. 775. See also *Bent v. Platnick*, 2020 SCC 23 at para. 50 [*“Platnick”*].

- i. The evidence should generally not be admitted if, by due diligence, it could have been adduced at trial provided that this general principle will not be applied as strictly in a criminal case as in civil cases...
 - ii. The evidence must be relevant in the sense that it bears upon a decisive or potentially decisive issue in the trial,
 - iii. The evidence must be credible in the sense that it is reasonably capable of belief, and,
 - iv. It must be such that if believed it could reasonably, when taken with the other evidence adduced at trial, be expected to have affected the result.³²
18. Furthermore, the Supreme Court of Canada has held that the *Palmer* test is “...purposive, fact-specific, and driven by an overarching concern for the interests of justice.”³³

i. Due Diligence

19. The Qatar Study was before Dr. Henry when she made her Orders, as discussed above. It was sent to her by email in Dr. Kalyan’s expert report and was referred to and discussed multiple times in the Respondents’ own affidavit evidence. Graphs copied and pasted directly from the study were before the lower court, as they were located within Dr. Kalyan’s expert report, and discussions of the study’s important findings were put before the Chambers Judge in the Respondents’ affidavits as explained above.
20. What the Appellants request is that this Honourable Court permit them to admit the Qatar Study in full.
21. As the Supreme Court of Canada notes in *Barendregt*, this ‘due diligence’ requirement ensures that “...litigants put their best foot forward when first called upon to do so.”³⁴ The Appellants submit that they put their best foot forward in trying to get at the heart

³² *Platnick* at para. 50.

³³ *Barendregt v. Grebliunas*, 2022 SCC 22 at para. 31. [***Barendregt***].

³⁴ *Ibid* at para. 38.

of the scientific questions at issue with their ‘application to cross examine’ Dr. Emerson on his affidavit which contained Dr. Dove’s expert report (wherein the Qatar Study was referenced). The Chambers Judge dismissed their application to cross examine Dr. Emerson on October 11, 2022.³⁵

22. In *Topgro Greenhouse Ltd v. Houweling*³⁶, this Honourable Court allowed fresh evidence despite the appellant failing to explain why he had failed to introduce the evidence at summary trial. The evidence was credible, and had it been before the summary trial judge it could have produced a different result. Thus, the Court allowed the motion for fresh evidence, as it was in the interest of justice.³⁷
23. Additionally, this Honourable Court has stated that, “the Court does...have a discretion to allow fresh evidence to be adduced even when the due diligence aspect of the *Palmer* test is not met, **where the interests of justice demand it.**”³⁸ This Court also stated in respect of the interests of justice:

But it is also a purpose of Rules of Court that justice should be done. By justice I mean that the law should be applied to the true facts of the case. Some of the cases speak of the evidence being conclusive. But evidence must be weighed in two respects: First, its significance if true, and then the question of its truth.³⁹

24. The Appellants respectfully submit that the interests of justice demand that the Qatar Study in full be permitted to be adduced. Dr. Henry’s Recitals were, according to her own words, based on a review of scientific studies including contrary opinions, and there is a direct sequence from her expert Dr. Dove’s (false/misleading) conclusion based on the Qatar Study, to Dr. Henry’s Recitals justifying her Orders, to her Orders, to the Appellants’ losing their employment due to their decision not to take the Covid-

³⁵ Reasons for Judgment on Application to Cross Examine, Coval, J., October 11, 2022.

³⁶ *Topgro Greenhouse Ltd v. Houweling*, 2004 BCCA 39.

³⁷ *Ibid.* at para. 32.

³⁸ *Ratnam v. Priyanthan*, 2017 BCCA 343 at para. 15 (emphasis mine).

³⁹ *Bradbury v. Insurance Corp. of British Columbia*, 1989 CarswellBC 253 at para. 17.

19 vaccine, to the Chambers' Judge's analysis of why her Orders were reasonable and justifiable under the *Charter*.

25. For Dr. Henry's Orders to be reviewed by this Honourable Court without being provided with information *known to Dr. Henry before she made the Orders* that demonstrates that they were based upon her own expert's false and/or misleading conclusion(s) about hybrid immunity being superior to natural immunity - which led to the Chamber's Judge's affirmation of the conclusion that a *prior infection plus two-dose vaccination regime* is superior to *natural immunity alone* – would be an affront to the administration of justice.

26. When Dr. Henry:

- makes Orders that result in health care workers losing their jobs for not taking a novel medical injection,
- does not exempt naturally immune healthcare workers (including the Appellants Monika Bielecki, Darold Sturgeon, Lori Jane Nelson, Melinda Joy Parenteau, Dr. Joshua Nordine) from her Orders,
- produces Affidavits which attach expert reports to justify these Orders,
- relies on a conclusion from her expert which mischaracterizes a study's findings on critical pieces of evidence about whether *vaccination plus natural immunity* is superior to *natural immunity alone*;

and when the Chambers Judge:

- denies the Appellants the ability to cross examine on those Affidavits and challenge the experts on their conclusions and the studies they referenced,
- and relies on an expert opinion (Dr. Dove) which misstated the science on the critical point of whether *natural immunity* is significantly inferior to *natural immunity plus 2-dose vaccination*, and falsely stated that the Qatar Study found that there was no difference between the protection conferred from *2-dose vaccination* as compared to *natural immunity* (when in fact the Study found that *2-dose vaccination* had a negligible protective affect while *natural immunity* had a 50% protective effect)

it is imperative in order to preserve the public's confidence in the administration of justice that this Honourable Court be provided with the information which was the subject of the misleading opinion which led to the PHOs Orders.

ii. The Qatar Study is Relevant

27. The evidence is clearly relevant in the sense that it bears decisively on the matter before this Court. If accepted, the evidence demonstrates that Dr. Henry's Orders were based in part on a study (referenced by her expert Dr. Dove) which contradicted her conclusion on the superiority of hybrid (2-dose vaccination plus natural immunity) immunity over natural immunity alone. It was a study that two of the co-appellants' experts referenced and provided to Dr. Henry in their expert reports.⁴⁰
28. Dr. Henry stated that *two-dose vaccination and natural immunity* provided the most robust protection from Covid-19. The Chambers Judge referred to that rationale in his Decision for why it was reasonable for Dr. Henry to make her Orders.⁴¹ However, one of the very studies she relied on for her Orders (the Qatar Study) concluded that the difference in protection between *2-dose vaccination and natural immunity* versus *natural immunity alone* was negligible. It also found that there was strong protection against hospitalization from Omicron regardless of whether that protection came from natural immunity or vaccination,⁴² which completely contradicts her Recital Z.
29. The evidence is thus clearly relevant and would be decisive to the case, as the justification for the impugned Orders relating to those with natural immunity relies on this conclusion that it was necessary to have vaccination as well. The Appellants argue that the evidence demonstrates that it was not necessary at all.

iii. Credibility

30. The Qatar Study is reasonably capable of belief, since Dr. Henry herself relied upon it as the basis for her Order, through repeating Dr. Dove's misleading and false conclusions about the study. As the SCC stated in *Platnick*, "...evidence may be

⁴⁰ Affidavit #2 of Sophie Harney, sworn August 19, 2022, Exhibit A (July 27, 2022 Report of Dr. Schabas), Joint Appeal Book pp. 1819, 1823; Exhibit B (August 12, 2022 Report of Dr. Shirin Kalyan), Joint Appeal Book pp. 1829, 1832.

⁴¹ Decision, *supra*, at paras. 62, 209.

⁴² Sexton Affidavit, *supra*, at Exhibit C, p. 31.

credible in the sense that it is reasonably capable of belief when viewed in the context of other evidence relevant to that issue.”⁴³

31. Further, the Qatar Study was referenced in the Public Health Agency of Canada’s Omicron Monitoring Reports⁴⁴ and Booster Vaccination Recommendations⁴⁵ provided by the Respondents in their affidavit materials, and by Dr. Kalyan and Dr. Schabas (the former Chief Medical Health Officer of Ontario) in their expert reports.⁴⁶ The Respondents in their appeal factum have also not challenged the Qatar Study’s credibility. Their position is that the Court ought not to review it because it was not before Dr. Henry when she made her Orders, nor was it before the Chambers Judge.⁴⁷ They also argue that it is not this Court’s role on judicial review.⁴⁸

iv. Probative Value

32. The Qatar Study in full could reasonably alter the results of the appeal, as it could lead to a finding on appeal that Dr. Henry’s Orders were unreasonable, and that the infringement of the Appellants’ *Charter* rights was not justified under section 1 of the *Charter*. The Chambers Judge concluded that Dr. Henry’s Order was reasonable to protect healthcare workers and patients. The reasonableness of the Order rested in part on the scientific basis that Dr. Henry relied on about the superiority of *2-dose vaccination plus natural immunity over natural immunity alone* – which included her false interpretation of the Qatar Study. The Qatar Study does not support her purported reasoning that *two doses of vaccine and natural immunity* was better than *natural immunity alone*. In fact, as noted above, the study found that the difference between

⁴³ *Platnick*, at para. 66.

⁴⁴ Emerson Affidavit #3, *supra*, at Exhibit T, Joint Appeal Book, p. 6431; Exhibit AA, Joint Appeal Book, pp. 7108, 7124, 7159; Exhibit BB, Joint Appeal Book, pp. 7293, 7313, 7359, 7491, 7513, 7570, 7703, 7727, 7793.

⁴⁵ *Ibid.*, at Exhibit T, Joint Appeal Book, p. 6431.

⁴⁶ Affidavit #2 of Sophie Harney, sworn August 19, 2022, Exhibit A (July 27, 2022 Report of Dr. Schabas), Joint Appeal Book pp.1819, 1823; Exhibit B (August 12, 2022 Report of Dr. Shirin Kalyan), Joint Appeal Book pp. 1829, 1832.

⁴⁷ Respondents’ Appeal Factum, at para. 40.

⁴⁸ *Ibid.*

the two groups was “negligible,” and concluded that the protection against Omicron came from the natural immunity – not from vaccination.

III. CONCLUSION

33. The full text of the Qatar Study ought to be admitted as fresh evidence. It is relevant, credible and has probative value, and it is in the interest of justice to admit it. This Honourable Court ought to expect that Dr. Henry properly represented the scientific basis she used to curtail constitutional rights, especially against those with natural immunity including the Appellants. The Qatar Study cited by experts for the Appellants and the Respondents patently contradicts her conclusion. The Appellants respectfully submit that it ought to concern this Honourable Court that Dr. Henry now takes the position that this study was not before her when she made the Orders - when clearly it was.⁴⁹ This Court ought to admit the study so that the law is applied to the true facts of this case.

34. All of which is respectfully submitted.

Dated at the City of Calgary, Province of Alberta, this 7th day of April 2025.



Allison Pejovic
Lawyer for the Appellants

⁴⁹ See paras. 13-14 above.

IV. APPENDICES: LIST OF AUTHORITIES

Authorities	Page # in factum	Para # in factum
<i>R v. Palmer</i> , [1980], 1 S.C.R. 759	8, 9, 10	17, 18, 23
<i>Bent v. Platnick</i> , 2020 SCC 23	8, 9, 13	17, 30
<i>Barendregt v. Grebliunas</i> , 2022 SCC 22	9	18, 21
<i>Canadian Society for the Advancement of Science in Public Policy v. British Columbia</i> , 2022 BCSC (Reasons for Judgment on Application to Cross Examine, Coval, J., October 11, 2022)	10	21
<i>Topgro Greenhouse Ltd v. Houweling</i> , 2004 BCCA 39	10	22
<i>Ratnam v. Priyanthan</i> , 2017 BCCA 343	10	23
<i>Bradbury v. Insurance Corp. of British Columbia</i> , 1989 CarswellBC 253	10	23