



No. 1854871
Prince George Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

COASTAL GASLINK PIPELINE LTD.

PLAINTIFF

AND:

FREDA HUSON, WARNER NAZIEL, JOHN DOE, JANE DOE
and all other persons unknown to the Plaintiff occupying,
obstructing, blocking, physically impeding or delaying access, at
or in the vicinity of the area in and around the Morice River Bridge
or the area accessed by the Morice West Forest Service Road

DEFENDANTS

ORDER MADE AFTER APPLICATION

BEFORE)
) THE HONOURABLE)
) MADAM JUSTICE CHURCH) December 21, 2018
)
)

ON THE APPLICATION OF the Plaintiff coming on for hearing by telephone at Prince George, British Columbia, on December 21, 2018 and on hearing Kevin O’Callaghan on behalf of the Plaintiff, and on Michael Lee Ross counsel for the Defendants, Freda Huson and Warner Naziel, taking no position and not appearing.

THIS COURT ORDERS that:

1. The December 14, 2018 Order of Madam Justice Church be varied as follows:
 - (a) At paragraph 3(i)(B) delete “and”;
 - (b) At paragraph 3(i)(C) add “; and”;
 - (c) At the end of paragraph 3(i) add “(D) Morice FSR 4656, Road Section 01 (also known as the Morice Forest Service Road)”;
 - (d) At paragraph 4 delete “the Morice West Forest Service Road.” and replace it with “any of the roads mentioned in paragraph 3(i) of this Order.”;

- (e) At paragraph 5 delete “leaving the application materials at the Morice River Bridge 96” and replace it with “email to Freda Huson and Warner Naziel and other Defendants, once they identify in writing to the Court and the Plaintiff as Defendants and make their emails known to the Plaintiff, 72”; and
- (f) At paragraph 6 delete “at or near: (a) the Morice River Bridge; and (b)”.

such that the varied December 14, 2018 order takes the form attached as Schedule A to this Order.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:



Signature of Kevin O'Callaghan
Lawyer for the Plaintiff

**Digitally signed by
Church, J**

BY THE COURT

REGISTRAR

SCHEDULE A - ORDER AS VARIED

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BETWEEN:

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PLAINTIFF

AND:

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and all other persons unknown to the Plaintiff occupying,
obstructing, blocking, physically impeding or delaying access, at
or in the vicinity of the area in and around the Morice River Bridge
or the area accessed by the Morice West Forest Service Road

DEFENDANTS

ORDER MADE AFTER APPLICATION

))
)	THE HONOURABLE)
BEFORE)	MADAM JUSTICE CHURCH)
))
))

December 14, 2018

ON THE APPLICATION OF the Plaintiff coming on for hearing at Prince George, British Columbia, on December 13, 2018 and on hearing Kevin O’Callaghan on behalf of the Plaintiff, and Michael Lee Ross on behalf of the Defendants, Freda Huson and Warner Naziel.

THIS COURT ORDERS that:

1. The Plaintiff’s application for an interlocutory injunction is adjourned to a date to be set, unless the Parties agree otherwise, by no later than May 1, 2019.
2. The Defendants are granted an extension of time to file and serve a response to civil claim and application to January 31, 2019.
3. Until the Plaintiff’s application for an interlocutory injunction is heard and an order of the Court made in that application or a further order of this court, and from and after midnight on the date this Order is issued, the Defendants and anyone having notice of this Order are restrained, enjoined and prohibited from:

- (i) physically preventing, impeding, restricting or in any way physically interfering with, counselling others to prevent, impede, restrict or physically interfere with, any person or vehicle travelling to or accessing the vicinity of the area in and around the Morice River Bridge (being the bridge over the Morice River on the Morice West Forest Service Road) or the area accessed by the Morice West Forest Service Road (also known as Morice FSR West 9785, Road Section 01), including the areas accessed by the following other forestry roads:
 - (A) Shea Creek FSR 9785, Road Section 04;
 - (B) CP 571 R07593 2 0; ~~and~~
 - (C) CP 573 R07593 6 0; and
 - (D) Morice FSR 4656, Road Section 01 (also known as the Morice Forest Service Road)(the “Blockaded Area”);
- (ii) physically preventing, impeding, restricting or in any way physically interfering with, counselling others to prevent, impede, restrict or physically interfere with the Plaintiff, its employees, agents, contractors or subcontractors carrying on its business in furtherance of the Plaintiff’s Coastal GasLink pipeline project (the “Project”), and in particular pre-construction activities and construction of the Project in the Blockaded Area;
- (iii) approaching within 10 metres (or a greater distance if that would otherwise be contrary to paragraph 1(ii) above) of any individual or vehicle, being employed or used by the Plaintiff, its contractors or subcontractors, or their respective employees, servants, agents or other persons in a contractual or economic relationship with the Plaintiff, while that person or vehicle is actively working on pre-construction activities or construction of the Project, in the Blockaded Area;
- (iv) threatening or intimidating the Plaintiff, its contractors or subcontractors and their respective employees, servants, agents or other persons in a contractual or economic relationship with the Plaintiff;
- (v) physically interfering with or counselling others to physically interfere with the performance by the Plaintiff of its contractual relations with its employees, servants, agents or other persons in a contractual or economic relationship with the Plaintiff;
- (vi) physically interfering with or counselling others to physically interfere with the performance by the Plaintiff’s contractors or subcontractors of their contractual relations with the Plaintiff; and

- (vii) creating a nuisance by physically obstructing the Plaintiff, its contractors or subcontractors from carrying on their business;
4. Within 72 hours of this Order and until judgment is rendered in the interlocutory injunction application or a further order of this court, the Defendants and anyone having notice of this Order are ordered to remove any obstructions, including but not limited to gates, they have caused or created on the Morice River Bridge or any of the roads mentioned in paragraph 3(i) of this Order the Morice West Forest Service Road. If such obstructions are not removed within 72 hours, the Plaintiff is at liberty to remove those obstructions, including any gates;
5. Leave to give short notice of any application for a further injunction, or for a variation of this Order, is hereby granted subject to service on the other party's solicitors 48 hours prior to the returnable hour of the application, but if the Defendants do not have a solicitor, subject to service upon the Defendants by email to Freda Huson and Warner Naziel and other Defendants, once they identify in writing to the Court and the Plaintiff as Defendants and make their emails known to the Plaintiff, 72 leaving the application materials at the Morice River Bridge 96 hours prior to the returnable hour of the application; and
6. A copy of this Order is to be posted ~~at or near:~~
- (a) ~~the Morice River Bridge; and~~
 - (b) on the website of the Plaintiff at www.coastalgaslink.com

and such postings shall constitute good and sufficient service of this Order.

THIS COURT FURTHER ORDERS that any peace officer be and is hereby ordered to enforce the injunction order set out in paragraphs 1 and 2 above, and in furtherance of the same:

7. Any police officer with the Royal Canadian Mounted Police, and/or the appropriate police authority in the jurisdiction in question (the "Police") be and is hereby authorized to arrest and remove any person who has knowledge of this Order and who the Police have reasonable and probable grounds to believe is contravening or has contravened any provision of this Order;
8. The Police retain discretion as to timing and manner of enforcement of this Order and specifically retain discretion as to the timing and manner of arrest and removal of any person pursuant to this Order;
9. The Police retain discretion to detain and release any person without arrest who the Police have reasonable and probable grounds to believe is contravening or has contravened any provisions of this Order, upon that person agreeing in writing to abide by this Order;
10. Any peace officer and any member of the Police who arrests or arrests and removes any person pursuant to this Order be authorized to:
- (a) release that person from arrest upon the person agreeing in writing to abide by this Order;

- (b) release that person from arrest upon that person agreeing in writing to abide by this Order and require that person to appear before this Court at such place as may be directed by this Court, on a date to be fixed by this Court;
- (c) bring that person forthwith before this Court at Prince George, British Columbia, or such other place as may be directed by this Court;
- (d) detain that person until such time as it is possible to bring that person before this Court; and/or
- (e) take steps in accordance with Form 11.1 of the *Criminal Code*, R.S.C. 1985, c. C-46; and

11. Provided the terms of this Order are complied with, the Defendants and other persons remain at liberty to engage in a peaceful, lawful and safe protest.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:

Signature of Kevin O'Callaghan
Lawyer for the Plaintiff

Signature of Michael Lee Ross
Lawyer for the Defendants Freda Huson and
Warner Naziel

BY THE COURT

REGISTRAR

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DOE and all other persons unknown to the Plaintiff
occupying, obstructing, blocking, physically impeding or
delaying access, at or in the vicinity of the area in and
around the Morrice River Bridge or the area accessed by the
Morrice West Forest Service Road

DEFENDANTS

ORDER MADE AFTER APPLICATION

FASKEN MARTINEAU DUMOULIN LLP

Barristers & Solicitors
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604 631 3131

Counsel: Kevin O'Callaghan
Matter No: 292356.00016