



No. S159759  
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

TEAL CEDAR PRODUCTS LTD.

PLAINTIFF

AND:

WESTERN CANADA WILDERNESS COMMITTEE, TORRANCE COSTE, DAVE  
CASCAGNETTE, TREVOR SCHINKEL, JENNIFER WHITEHOUSE, MARLENE  
DOE, JOHN DOE, JANE DOE, AND PERSONS UNKNOWN

DEFENDANTS

ORDER MADE AFTER APPLICATION

BEFORE ) The Honourable MADAM JUSTICE ) January 4, 2016  
) POWER )  
) )  
) )

ON THE APPLICATION of the Plaintiff Teal Cedar Products Ltd., on notice to the Defendants Western Canada Wilderness Committee and Torrance Coste, Dave Cascagnette, Jennifer Whitehouse, and Marlene Doe, and Trevor Schinkel, coming on for hearing at 850 Burdett Avenue, Victoria, British Columbia, on January 4, 2016 and on hearing Roger Lee and Alex Hudson, counsel for Teal Cedar Products Ltd., and Morgan Blakley, counsel for the Defendants Western Canada Wilderness Committee and Torrance Coste, and Marlene Simmons appearing on her own behalf, and no one appearing on behalf of the remaining Defendants.

THIS COURT ORDERS that:

1. An interim injunction lasting until 11:59 p.m. on Thursday, <sup>MARCH 31</sup> ~~September 15~~, 2016 requiring that the Defendants, by themselves, their officers, members, servants, agents, representatives, and anyone having knowledge of the Court's order, are restrained, enjoined and prohibited from:
  - (a) impeding, physically obstructing, or in any way physically interfering with any person, including any member of the public, from gaining access to or egress from, or otherwise making use of any road, road construction site or planned

road construction site situate between (i) the junction of Glad Lake Main Road and GL9 Road and (ii) the Carmanah Walbran Provincial Park boundary;

- (b) obstructing, impeding, or otherwise physically interfering with the safe passage of motor vehicles or aircraft belonging to the Plaintiff, its employees, agents, contractors or suppliers, or others in privity of contract with the Plaintiff (the "Motor Vehicle" or the "Motor Vehicles") operating in the area of the Roads, and any active logging in the area of the Roads.

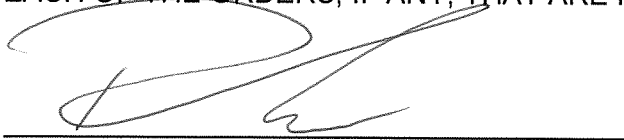
For greater certainty, in the case of any individual with knowledge of the order other than an individual authorized by the Plaintiff:

- (i) being within 50 meters of any Motor Vehicle that is engaged in an active logging or construction operation in the area of the Roads shall in and of itself constitute obstructing, impeding, and physically interfering with the safe passage of that Motor Vehicle;
- (ii) being within 50 meters of any Motor Vehicle that is not engaged in an active logging or construction operation within the area of the Roads shall not in and of itself constitute obstructing, impeding, and physically interfering with the safe passage of that Motor Vehicle; and
- (iii) for the purposes of subparagraphs 1(b)(i) and (ii) of the order, an "active logging or construction operation" shall include only the following activities:
  - A. falling trees;
  - B. constructing, upgrading, or maintaining roads in the immediate vicinity of the road being constructed, upgraded, or maintained;
  - C. loading or unloading a Motor Vehicle;
  - D. performing maintenance on a Motor Vehicle; or
  - E. where the Motor Vehicle is a helicopter, taking off, flying, or landing for any purpose whatsoever;
- (c) obstructing, impeding or otherwise physically interfering with any construction activities conducted in the area of the Roads and any active logging in the area of the Roads by the Plaintiff, its employees, agents, contractors or suppliers, or others in privity of contract with the Plaintiff;
- (d) physically interfering with the business, contractual or economic relationships between the Plaintiff and its employees, agents, contractors or suppliers, or others in privity of contract with the Plaintiff, including blocking access to the Plaintiff's facilities at Duke Point, near Nanaimo;
- (e) threatening, harassing, intimidating, assaulting, obstructing, or physically interfering with the Plaintiff's employees, management staff, agents, contractors or suppliers or others in privity of contract with the Plaintiff or their families;

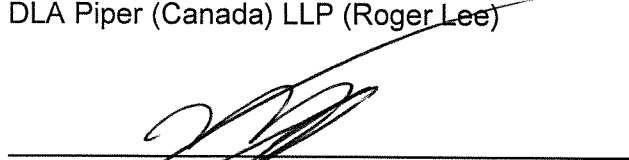
- (f) conspiring to use unlawful means against the Plaintiff and its employees, agents, contractors or suppliers, or others in privity of contract with the Plaintiff, or their families; and
  - (g) ordering, aiding, abetting, counselling or encouraging in any manner whatsoever, either directly or indirectly, any person to commit the acts above mentioned or any of them.
2. An order lasting until 11:59 p.m. on Thursday, <sup>MARCH 31</sup> ~~September 15~~, 2016: <sup>↑ "unlawful"</sup>
- (a) authorizing any police officer with the Royal Canadian Mounted Police, and/or the appropriate police authority in the jurisdiction in question (the "Police"), 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 paragraph 1 of this Order;
  - (b) that the Police shall, subject to their operational discretion, detain any person who the Police have reasonable and probable grounds to believe is contravening or has contravened any provision of paragraph 1 of this Order; and
  - (c) the Police shall not release, but shall detain any person arrested under this order and bring that person forthwith before the British Columbia Supreme Court in Victoria, British Columbia or such other places as directed by the Court.
3. Any person affected by this Order, including the Plaintiff, has liberty to apply to the Court to set aside or vary this Order on twenty-four hours' notice.
4. The Plaintiff shall abide by any order that this Court may make as to damages as a result of obtaining this injunctive relief.
5. If a blockade is in place in the area of the Roads, the Plaintiff shall make all reasonable efforts to serve a copy of this Order on all blockaders present at the blockade site.
6. The Plaintiff shall make reasonable efforts to serve the named Defendants with a copy of the entered Order by electronic means.
7. All further applications in this proceeding shall be brought in the Victoria Supreme Court or such other places as directed by the Court.
8. Approval as to the form of this order is dispensed with, except for the Western Canada Wilderness Committee.

9. Costs of the application in the cause.

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  lawyer for the Plaintiff  
DLA Piper (Canada) LLP (Roger Lee)



\_\_\_\_\_  
Signature of  lawyer for the Defendants  
Western Canada Wilderness Committee  
and Torrance Coste  
ecojustice (Morgan Blakley)

BY THE COURT

\_\_\_\_\_  
REGISTRAR



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