

No: S-169073
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

KENNETH WAYNE FRANZEN

PLAINTIFF

AND:

JANE DOE, JOHN DOE and all other persons unknown to the Plaintiff occupying, obstructing, blocking, physically impeding or delaying access on the Ealue Lake Road near Highway 37

DEFENDANTS

ORDER MADE AFTER APPLICATION

BEFORE) THE HONOURABLE MR. JUSTICE MACINTOSH) October 4, 2016
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ON THE APPLICATIONS OF THE PLAINTIFF coming on for hearing at The Law Courts, 800 Smithe Street, Vancouver, British Columbia, on October 4, 2016 and on hearing Kevin O'Callaghan and Kerry Kaukinen, counsel for the Plaintiff.

THIS COURT ORDERS that:


1. Until the trial of this Action, 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 on the Ealue Lake Road;
 - (ii) physically preventing, impeding, restricting or in any way physically interfering with, counselling others to prevent, impede, restrict or physically interfere with, any person or entering or leaving the area accessed by the Ealue Lake Road, including motor vehicles;
2. Until the trial of this Action, the Defendants and anyone having notice of this Order are ordered to remove any obstructions to accessing and travelling on the Ealue Lake Road;
3. This Order may be varied on service of an application forty eight (48) hours prior to the returnable hour of the application; and
4. A copy of this Order is to be posted at or near the junction of the Ealue Lake Road and Highway 37 and such notice shall constitute good and sufficient service of this Order.

THIS COURT FURTHER ORDERS, that the Royal Canadian Mounted Police be and is hereby authorized to enforce the injunction order set out in paragraphs 1 and 2 above, and in furtherance of the same:

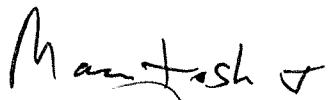

5. Any police officer with the Royal Canadian Mounted Police, and/or the appropriate police authority in the jurisdiction in question (the "Police") be and is hereby authorized to arrest and remove any person who has knowledge of this Order and who the Police have reasonable and probable grounds to believe is contravening or has contravened any provision of this Order;
6. 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.
7. 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 the nearest Supreme Court Registry in 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) takes steps in accordance with Form 11.1 of the *Criminal Code*, R.S.C. 1985, c. C-46

THIS COURT FURTHER ORDERS that approval as to form of this order by the Defendants is dispensed with.

THE FOLLOWING PARTIES APPROVE OF THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS NOTED ABOVE:



Signature of
 Party Lawyer for the Plaintiff

BY THE COURT 


REGISTRAR



No. S-160488
Vancouver Registry

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FASKEN MARTINEAU DU MOULIN LLP

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Matter No: 304470.00001