

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

RAKESH DHUNNA

PLAINTIFF

AND:

STEPHEN BROWN

DEFENDANT

NOTICE OF APPLICATION

Name of applicant: Rakesh Dhunna, the plaintiff / judgment creditor

To: Stephen Brown, the defendant

TAKE NOTICE that an application will be made by the applicant to the presiding judge at the courthouse at 800 Smithe Street, Vancouver, British Columbia, on February 8, 2024 at 9:45 am for the orders set out in Part 1 below.

Part 1: ORDERS SOUGHT

1. An order that Stephen Brown be committed for contempt for his intentional failure to comply with the order of Master Vos pronounced November 22, 2023. Master Vos ordered that:
 - a) Stephen Brown produce and deliver to the solicitors for Rakesh Dhunna the address, phone number and email address of each of Paul Brown, Lindsey Brown and Tanya Larizza on or before December 6, 2023.
 - b) Stephen Brown produce and deliver to the solicitors for Rakesh Dhunna all of the documents and records in his possession, custody and control as set out below on or before December 6, 2023:

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11 2024

35.01

- a. Monthly statements from the following bank accounts from April, 2021 to date:
 - (i) Brown Family Investments Ltd. Bank of Montreal account;
 - (ii) Crank Media Inc. Bank of Montreal account;
 - (iii) TD account No. 96640 004 9011500;
 - (iv) Bank of Montreal account No. 20152 011 3788650.
- b. Records of money loaned by Paul Brown or Lindsey Brown to Stephen Brown and/or to Brown Family Investments Ltd. from April, 2021 to date;
- c. Documents relating to HPIL Holding and Crank Media Inc.;
- d. Share Certificates of HPIL Holding and Crank Media Inc. held by Stephen Brown and/or Brown Family Investments Ltd.;
- e. Documents relating to Stephen Brown's income;
- f. Documents relating to any property owned by Stephen Brown, either legally or beneficially;
- g. Documents relating to debts owed to Stephen Brown;
- h. Documents relating to debts owed by Stephen Brown;
- i. Documents relating to the disposal of any property made by Stephen Brown from September 16, 2021 to date;
- j. Documents relating to the means that Stephen Brown has or may have to satisfy the judgment obtained against him by Rakesh Dhunna;

Part 2: FACTUAL BASIS

Judgment Against Brown

2. On July 18, 2023 the plaintiff/judgment creditor Rakesh Dhunna (“Dhunna”) obtained a judgement against the defendant/judgment debtor Stephen Brown (“Brown”) in the amount of \$4,262,369.40 in this action.

Affidavit #4 of Lisa Christine Ziegler, Exhibit “A”

3. Dhunna’s claim in this action was that Brown agreed in April, 2021 to purchase a house from him for \$18,000,000 and Brown subsequently failed to complete. Dhunna ultimately sold the house for \$14,300,000. Dhunna claimed against Brown for his damages and was successful in obtaining judgment. Brown has been self-represented throughout this proceeding.

Affidavit #1 of William Knutson, para. 2-3

September 11, 2023 Examination in Aid of Execution

4. Brown has not paid any of the judgment amount.

Affidavit #1 of William Knutson, para. 5

5. Dhunna’s counsel conducted an examination in aid of execution of Brown on September 11, 2023.

Affidavit #1 of William Knutson, para. 8

6. The appointment for the examination in aid of execution was served on Brown together with a letter from Dhunna’s counsel dated August 18, 2023.

Affidavit #4 of Lisa Christine Ziegler, Exhibit “C”

7. The August 18, 2023 letter requested that Brown bring with him to the examination in aid of execution various documents relating to his financial circumstances. The requested documents were as follows:

- a) *Documents relating to your income;*
- b) *Documents relating to any property owned by you, either legally or beneficially;*
- c) *Documents relating to debts owed to you;*
- d) *Documents relating to debts owed by you;*
- e) *Documents relating to the disposal of any property made by you from September 16, 2021 to date;*
- f) *The means that you have or may have to satisfy the judgment obtained against you by Mr. Dhunna;*
- g) *All T-1 forms and Notices of Assessment issued to you by Canada Revenue Agency and all full form tax returns filed by you for 2019 – 2022 tax years, inclusive;*
- h) *All bank account, credit card and other financial institution statements for the period 2019 to present held in Canada or elsewhere, including but not limited to accounts with the following financial institutions. This should include statements relating to accounts held jointly by you with others and accounts where you have either a legal or beneficial interest:*
 - (i) *Bank of Montreal;*
 - (ii) *Canadian Imperial Bank of Commerce;*
 - (iii) *Amex Bank of Canada;*
 - (iv) *Royal Bank of Canada;*
 - (v) *Toronto-Dominion Bank;*
 - (vi) *Canaccord Genuity Wealth Management;*
 - (vii) *Auctus Fund LLC.*

- i) *Documents including employment agreements evidencing receipt of income, including employment income, business income, self-employment income and rental income for the period 2019 to present;*
- j) *List of insurance policies held by you and related documents;*
- k) *Registration and insurance documents for any vehicles owned by you, leased by you or owned/leased by others and which you drive;*
- l) *List of all shares legally or beneficially owned by you and documents relating to them including shareholder agreements. This is to include the following corporations as well as any others in which you own shares either legally or beneficially:*
 - (i) *Brown Family Investments Ltd.*
 - (ii) *Crank Media Inc.*
 - (iii) *Appreciated Entertainment Ltd.*

Affidavit #4 of Lisa Christine Ziegler, Exhibit "C"

8. Brown did not take any documents to the examination in aid of execution which was conducted on September 11, 2023.

Affidavit #1 of William Knutson, para. 9

9. Brown's evidence at the September 11, 2023 examination in aid of execution included:
- a) Brown resides at 925 Fairmile Road, West Vancouver, BC (the "Fairmile House"). He lives there with his wife, Mary Brown, and his two children, Christopher Brown, age 24, and Stephen Brown, age 22.

Affidavit #4 of Lisa Christine Ziegler, Exhibit "B", page 10-12

- b) Brown rents the Fairmile house. The monthly rent is \$17,000.

Affidavit #4 of Lisa Christine Ziegler, Exhibit "B", page 47

- c) A photo of the Fairmile House obtained from a Google search is at Exhibit "D" of Affidavit #4 of Lisa Christine Ziegler. The 2023 assessment of the Fairmile House indicates a value of \$12,638,000.

Affidavit #4 of Lisa Christine Ziegler, Exhibit "E"

- d) Brown has no sources of income.

Affidavit #4 of Lisa Christine Ziegler, Exhibit "B", page 36

- e) Brown has not filed income tax returns in any country since 2018.

Affidavit #4 of Lisa Christine Ziegler, Exhibit "B", page 38

- f) Brown does not own any assets.

Affidavit #4 of Lisa Christine Ziegler, Exhibit "B", page 47-48

- g) In order to get by, Brown is borrowing money from his brother, Paul Brown, and his sister, Lindsey Brown.

Affidavit #4 of Lisa Christine Ziegler, Exhibit "B", page 36

- h) Brown's sister, Lindsey Brown, pays the rent on the Fairmile House. She deposits money to a Bank of Montreal account held by Brown Family Investments Ltd.

Affidavit #4 of Lisa Christine Ziegler, Exhibit "B", page 47 and 54-55

- i) The directors of Brown Family Investments Ltd. are Brown's wife and two children.

Affidavit #4 of Lisa Christine Ziegler, Exhibit "F"

- j) In order to pay the \$18,000,000 purchase price of Dhunna's house, Brown was going to borrow against shares owned by Brown Family Investments Ltd. in two companies which were trading on the Over The Counter Exchange (Pink Sheets) in the United States: HPIL Holding and Crank Media Inc.

Affidavit #4 of Lisa Christine Ziegler, Exhibit "B", pages 14-15, 28-29

- k) In 2021 Brown provided Dhunna with a statement from Canaccord Genuity Wealth Management. It showed the holdings of Brown and Brown Family Investments Ltd. in Crank Media Inc. On the face of it, the value of the holdings were approximately \$213,000,000 but in fact the stock was restricted and not tradable.

Affidavit #4 of Lisa Christine Ziegler, Exhibit "G"

and Exhibit "B", pages 33-34

- l) Share certificates of HPIL Holding and Crank Media Inc. owned by Brown Family Investments Ltd. are in a safe at the Fairmile House.

Affidavit #4 of Lisa Christine Ziegler, Exhibit "B", page 48

- m) Brown stated that he had documents in storage relating to HPIL Holding and Crank Media Inc. which he would provide within 14 days.

Affidavit #4 of Lisa Christine Ziegler at para. 7, Exhibit "B", pages 60-61

- n) Tanya Larizza is Brown's assistant. He periodically pays her "on the side".

Affidavit #4 of Lisa Christine Ziegler, Exhibit "B", pages 58-59

- o) Two companies that Brown was a director of were dissolved in 2021: Crank Operations Inc. and Cybernetic Technologies Ltd. BC Company Summaries indicate Tanya Larizza as the person having custody of the dissolved companies' records.

Affidavit #4 of Lisa Christine Ziegler, Exhibit "H"

10. Information regarding bank accounts referred to at the examination in aid of execution includes the following:
- a) Brown does not have a personal bank account – "everything is done through Brown Family".

Affidavit #4 of Lisa Christine Ziegler, Exhibit "B", page 39

- b) Brown Family Investments Ltd. has a Bank of Montreal account.

Affidavit #4 of Lisa Christine Ziegler, Exhibit "B", pages 39 and 54

- c) Crank Media Inc. has a Bank of Montreal account.

Affidavit #4 of Lisa Christine Ziegler, Exhibit "B", page 40

- d) TD Account No. 96640 004 9011500 is a joint account with Brown, his wife and his children.

Affidavit #4 of Lisa Christine Ziegler, Exhibit "I",

Exhibit "B" page 40-41, 54

- e) A Bank of Montreal account in the name of Brown and his wife, No. 20152 001 3788 650, is an account that is closed.

Affidavit #4 of Lisa Christine Ziegler, Exhibit "J",

Exhibit "B" page 45-46

Brown's Failure to Produce Documents

11. At the September 11, 2023 examination in aid in execution Brown was asked to provide the contact information for Paul Brown, Lindsey Brown and Tanya Larizza. He was also asked to produce records including bank statements, documents relating to HPIL Holding, Crank Media Inc. and documents requested in Dhunna's counsel's letter to Brown of August 18, 2023.

Affidavit #4 of Lisa Christine Ziegler, Exhibit "B", page 60-67

12. Following the September 11, 2023 examination in aid of execution Dhunna's counsel wrote letters to Brown requesting production of the requested documents / information. These are dated September 12, 2023, September 26, 2023 and October 10, 2023.

Affidavit #4 of Lisa Christine Ziegler, Exhibit "K",

Exhibit "L" and Exhibit "M"

November 22, 2023 Order of Master Vos

13. Brown did not produce any of the requested information or documents so on October 25, 2023, Dhunna filed an application seeking an order that Brown produce information and documents that had been requested at the September 11, 2023 Examination in Aid of Execution. Specifically, the application sought an order that Brown provide the contact information of Paul Brown, Lindsey Brown and Tanya Larizza and that he produce identified documents and categories of documents (the "Documents Application").

Affidavit #1 of William Knutson, para. 10, Exhibit "D"

14. The Documents Application was scheduled to be heard on November 22, 2023. On that date, Dhunna's counsel attended in Chambers at the Vancouver, B.C. courthouse in order to speak to the Documents Application on behalf of Dhunna. Brown attended in Chambers as well.

Affidavit #1 of William Knutson, para. 11

15. Shortly before noon on November 22, 2023, Brown informed Dhunna's counsel that he was leaving and that he would not be returning to Chambers following the noon break. The Documents Application had not been called at that point.

Affidavit #1 of William Knutson, para. 12

16. Following the noon recess on November 22, 2023, the Documents Application was called in Chambers before Master Vos. Brown did not appear. Dhunna's counsel informed Master Vos of his conversation with Brown earlier that day. Master Vos directed that the application should proceed.

Affidavit #1 of William Knutson, para. 13

17. This same circumstance occurred at the hearing of the damages assessment before Justice Ahmad on July 18, 2023. After some adjournments of the damages assessment application in the Spring of 2023, Justice Walker, on June 13, 2023, set the hearing for July 18, 2023, peremptory on Brown.

Affidavit #1 of William Knutson, para. 6, Exhibit "C"

18. On July 18, 2023, Brown attended in Chambers, but left at noon, prior to the application being called. The application proceeded before Justice Ahmad in Brown's absence.

Affidavit #1 of William Knutson, para. 7

19. On November 22, 2023, in Brown's absence, Master Vos granted an Order in the same form as was sought in the October 25, 2023, Documents Application.

Affidavit #1 of William Knutson, para. 13-14, Exhibit "E"

Brown's Failure to Comply with Master Vos' November 22, 2023 Order

20. On November 23, 2023, Dhunna's counsel emailed a letter to Brown attaching a copy of the proposed form of Master Vos' November 22, 2023 Order which counsel had signed and which had been submitted for entry in the B. C. Supreme Court registry. The letter and attachment were emailed to Brown's email address at sb@crankmedia.ca. That is the email address that Dhunna's counsel has used to communicate with Brown throughout this proceeding.

Affidavit #1 of William Knutson, para. 15, Exhibit "F"

21. The November 22, 2023 Master Vos Order directed that Brown produce and deliver to Dhunna's solicitors specified information and documents on or before December 6, 2023.

Affidavit #1 of William Knutson, para. 16

22. On December 6, 2023, Dhunna's counsel received a telephone message from Brown. The telephone message was transcribed as follows:

“Hi Bill, it’s Stephen Brown. I’m trying to see how do I get this stuff to you. What I have, I just mail it to you or what do I do? Please call me back 236-881-2211. Thank you.”

Affidavit #1 of William Knutson, para. 17, Exhibit “G”

23. In response to Brown’s telephone message, Dhunna’s counsel emailed Brown on December 6, 2023 to address how Brown’s documents could be delivered or picked up.

Affidavit #1 of William Knutson, para. 18, Exhibit “H”

24. On Monday, December 11, 2023, Brown emailed Dhunna’s counsel saying that he would “...have it to you on Wednesday.” Dhunna’s counsel replied by email to Brown on that same date to confirm that the Master Vos November 22, 2023 Order also required that Brown provide the address, phone number and email address of Paul Brown, Lindsey Brown and Tanya Larizza.

Affidavit #1 of William Knutson, para. 19, Exhibit “I”

25. On December 11, 2023, Master Vos’ November 22, 2023 order was entered in the Supreme Court of British Columbia registry. On that day, Dhunna’s counsel emailed a copy of the entered Order to Brown.

Affidavit #1 of William Knutson, para. 20, Exhibit “J”

26. On December 19, 2023, Brown left a telephone message for Dhunna’s counsel. A copy of the transcription of that voice message is as follows:

“Hi Bill, Stephen Brown. I’m not gonna ramble on, I’m not doing well, but I’m going to have documents for you tomorrow what I have and then I’m simply asking for a 10 second courtesy call. That’s all I’m asking, 236-881-2211 to give you the update on the resolve. If so, if you would do that, I’d appreciate it and I will have an e-mail back over to you tomorrow with documents. Thank you.”

Affidavit #1 of William Knutson, para. 21, Exhibit “K”

27. In the voice message Brown asked that Dhunna's counsel telephone him. Dhunna's counsel did not telephone him.

Affidavit #1 of William Knutson, para. 21

28. Throughout this proceeding Brown periodically left telephone messages asking Dhunna's counsel to call him. Dhunna's counsel routinely responded by email to indicate that he would not be returning the call as it was more appropriate that he and Brown communicate only in writing.

Affidavit #1 of William Knutson, para. 21

29. Brown has not delivered to Dhunna's counsel's office any of the information or documents which he was ordered to produce and deliver by Master Vos' November 22, 2023 Order.

Affidavit #1 of William Knutson, para. 22

Part 3: LEGAL BASIS

The Court's Authority to Find Contempt

30. Where a party has intentionally failed to comply with a court order, that may constitute contempt of court.

"Contempt of court "rest[s] on the power of the court to uphold its dignity and process.... The rule of law is directly dependent on the ability of the courts to enforce their process and maintain their dignity and respect" United Nurses of Alberta v. Alberta (Attorney General), [1992] 1 S.C.R. 901, at p. 931. It is well established that the purpose of a contempt order is "first and foremost a declaration that a party has acted in defiance of a court order": Pro Swing Inc v. Elta Golf Inc., 2006 SCC 52 [2006] 2 S.C.R. 612, at para. 35, cited in Bell ExpressVu Limited Partnership v. Torroni, 2009 ONCA 85, 94 O.R. (3d) 614, at para. 20."

Carey v. Laiken [2015] 2 RCS 79, para. 30

31. *British Columbia Supreme Court Civil Rule 22-8* addresses the power of the court to punish for contempt:

(1) Power of court to punish – *The power of the court to punish contempt of court must be exercised by an order of committal or by imposition of a fine or both.*

.....

(5) If person may be guilty of contempt – *If the court is of the opinion that a person may be guilty of contempt of court, it may order, by warrant in Form 115 directed to a sheriff or other officer of the court or to a peace officer, that the person be apprehended and brought before the court.*

(6) Power of court after apprehension – *If a person referred to in subrule (5) is apprehended and brought before the court, the court in a summary manner may adjudge the innocence or guilt of the person and punish the person for the contempt, if any, or may give the directions it thinks fit for the determination of the person's innocence or guilt and punishment.*

.....

(11) Proceeding for contempt – *A party applying for an order for contempt must serve the alleged contemnor with a copy of the filed notice of application and all filed affidavits in support of it at least 7 days before the hearing of the application.; and*

.....

(14) Service of order not necessary – *If the court is satisfied that a person has actual notice of the terms of an order of the court, it may find the person guilty of contempt for disobedience of the order, even though the order has not been served on the person.*

32. The common law recognizes two forms of contempt of court: criminal contempt and civil contempt. Criminal contempt involves an element of public defiance whereas in civil contempt that element is not present.

Carey v. Laiken, supra, para. 31

The Elements of Civil Contempt

33. Civil contempt consists of three elements which must be established beyond a reasonable doubt:

- a) “The order alleged to have been breached must state clearly and unequivocally what should and should not be done”
- b) “The party alleged to have breached the order must have had actual knowledge of it”
- c) “The party allegedly in breach must have intentionally done the act that the order prohibits or intentionally failed to do the act that the order compels”

Carey v. Laiken, supra, para. 32-35

34. In a recent B. C. Court of Appeal decision, the court reiterated this three-part test for a finding of civil contempt.

B & B Barges v. British Columbia [2023] BCCA 98, para. 23

35. The three required elements are established at bar.

A. The order must state clearly what should be done.

36. The order which is said to have been breached must be clear and precise (and not ambiguous) in its direction to the Respondent.

Hama v. Werbes 2000 BCCA 367, para. 8

Peel Financial Holdings Ltd. Western Delta Lands Partnership 2003 BCCA 551, para 18

37. Master Vos' November 22, 2023 Order grants exactly that relief which was sought in the October 25, 2023 Documents Application.

38. There is nothing ambiguous about the November 22, 2023 Order. First, it orders Brown to provide the address, phone number and email address of each of his brother, sister and his assistant. Second, it orders Brown to produce and deliver specific documents or categories of documents and records which are in his possession, custody and control.

B. The Respondent must have had actual knowledge of the order.

39. The party that is alleged to have breached the order must have had actual knowledge of it. This does not necessarily require service of the order on the Respondent.

40. Supreme Court Civil Rule 22-8 (14) provides:

"If the court is satisfied that a person has actual notice of the terms of an order of the court, it may find the person guilty of contempt for disobedience of the order, even though the order has not been served on the person."

41. Knowledge of the order maybe inferred.

Carey v. Laiken, supra, para. 34

Bhatnager v. Canada 1990 2 S.C.R. 217, page 226

42. At bar, it is apparent that Brown had knowledge of November 22, 2023 Order and its terms:

a) Brown knew that the application was taking place on November 22, 2023 and he knew what order was sought. He attended in court that day.

Affidavit #1 of William Knutson, para. 11-13

b) On November 23, 2023, Brown was emailed a copy of the Order that had been submitted for entry.

Affidavit #1 of William Knutson, para. 15, Exhibit "F"

- c) The November 22, 2023 Order required Brown to provide specified information and documents to Dhunna's solicitor by December 6, 2023.

Affidavit #1 of William Knutson, para. 16, Exhibit "E"

- d) On December 6, 2023, Brown left a telephone message with Dhunna's counsel, asking "how do I get this stuff to you."

Affidavit #1 of William Knutson, para. 17, Exhibit "G"

- e) Also on December 6, 2023, Dhunna's counsel responded by email, indicating that the documents could be mailed, delivered or picked up.

Affidavit #1 of William Knutson, para. 18, Exhibit "H"

- f) On Monday, December 11, 2023, Brown emailed Dhunna's counsel to advise that, "I will have it to you on Wednesday."

Affidavit #1 of William Knutson, para. 19, Exhibit "I"

- g) The November 22, 2023 Order was entered on December 11, 2023 and it was emailed to Brown on that day.

Affidavit #1 of William Knutson, para. 20, Exhibit "J"

- h) On December 19, 2023, Brown left a telephone message with Dhunna's counsel, saying "I'm going to have documents for you tomorrow."

Affidavit #1 of William Knutson, para. 21, Exhibit "K"

43. Clearly, Brown had actual knowledge of November 22, 2023 Order and its terms.

C. The Respondent must have intentionally failed to do the act the order compels.

44. The conduct constituting disobedience of the court order must be intentional, and not accidental or unintentional. An intention to breach the order need not be shown. Rather,

what must be shown is deliberate conduct that has the effect of contravening the order. The Respondent's intention may be inferred from the circumstances.

North Vancouver (District) v. Sorrenti 2004 BCCA 316, para. 14

45. Nothing suggests that Brown's failure to provide the information and documents was anything but intentional. He communicated to Dhunna's counsel his intention to comply with the November 22, 2023 Order on 3 occasions (December 6, 11 and 19, 2023), yet he did not follow through. That conduct is not accidental or unintentional.

Penalty

46. Supreme Court Civil Rule 2-8(1) provides that the court may punish contempt of court by an order of committal or by the imposition of a fine or by both.
47. The factors which the court will consider when determining a punishment for contempt include:
- a) Individual and general deterrence;
 - b) The seriousness of the offence;
 - c) The protection of the public;
 - d) The ability to pay a fine;
 - e) The degree of intention in the contemptuous conduct;
 - f) The past record and character of the contemnor;
 - g) Whether there were previous contempts

Law Society of British Columbia v. Gorman 2011 BCSC 1484, at para. 39

48. In *College of Physicians and Surgeons of British Columbia v. Ezzati* 2021 BCCA 422 at para 52-66, the court reviewed the range of sanctions available in contempt proceedings. Noting that the Supreme Court Civil Rules do not exhaust the court's inherent jurisdiction

to fashion an appropriate penalty for contempt, the court addresses the goals which animate the imposition of sanctions for civil contempt. They include:

- a) To secure the contemnor's compliance with the court order;
- b) Deterrence;
- c) Punishment

49. What is being sanctioned is the wilful disregard of the authority of the court.

50. The principle of proportionality must play a role in the determination of a penalty for civil contempt. Here, Brown has chosen to ignore Master Vos' Order. Considering the history of Brown's conduct in this proceeding regarding the production of documents and information, his behavior in ignoring Master Vos' Order should be seen as a flagrant contempt.

51. It is submitted that only a period of committal will fulfill the court's sentencing objectives in this case. The alternative of a fine can be predicted to be an ineffective sanction at bar. Accordingly, Dhunna seeks an order that Brown be committed for contempt.

The Respondent's Attendance is Not Necessary

52. The Court can hear a contempt application whether or not the Respondent attends the hearing.

Law Society of British Columbia v. Gorman, supra, para. 11- 15

Part 4: MATERIAL TO BE RELIED ON

53. The pleadings filed in this action.

54. Affidavit #4 of Lisa Christine Zigler, filed October 25, 2023.

55. Affidavit #1 of William Knutson, filed January 11, 2024.

The Applicant estimates that the application will take 60 minutes.

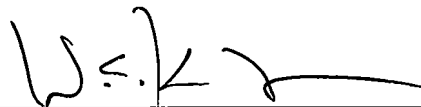
This matter is within the jurisdiction of a master.

This matter is not within the jurisdiction of a master.

TO THE PERSONS RECEIVING THIS NOTICE OF APPLICATION: If you wish to respond to this notice of application, you must, within 5 business days after service of this notice of application or, if this application is brought under Rule 9-7, within 8 business days after service of this notice of application,

- (a) file an application response in Form 33,
- (b) file the original of every affidavit, and of every other document, that
 - (i). you intend to refer to at the hearing of this application, and
 - (ii). has not already been filed in the proceeding, and
- (c) serve on the applicant 2 copies of the following, and on every other party of record one copy of the following:
 - (i). a copy of the filed application response;
 - (ii). a copy of each of the filed affidavits and other documents that you intend to refer to at the hearing of this application and that has not already been served on that person;
 - (iii). If this application is brought under Rule 9-7, any notice that you are required to give under Rule 9-7(9).

Date: January 10, 2024



William E. Knutson, K.C.,
Lawyer for Rakesh Dhunna,
the Plaintiff / Judgment Creditor

This Notice of Application is prepared by **William E. Knutson, K.C.** of the firm of **Clyde & Co Canada LLP**, whose place of business and address for delivery is 700 - 555 Burrard Street, Vancouver, B.C., V7X 1M8 (Tel: 604-684-0727), File No. 10282206.

To be completed by the court only:

Order made

- in the terms requested in paragraph(s) _____ of Part 1 of this Notice of Application
- with the following variations and additional terms:

Date: _____

Signature of

Judge

Master

APPENDIX

THIS APPLICATION INVOLVES THE FOLLOWING:

- discovery; comply with demand for documents
- discovery: production of additional documents
- other matters concerning document discovery
- extend oral discovery
- other matter concerning oral discovery
- amend pleadings
- add/change parties
- summary judgment
- summary trial
- service
- mediation
- adjournments
- proceedings at trial
- case plan orders: amend
- case plan orders: other
- experts
- none of the above