

From: [FIRB AF:EX](#)
To: [Lafontaine, Justine AF:EX](#); [Gorsuch, Wanda AF:EX](#)
Subject: FW: MPL British Columbia Distributors Inc. Agency Prior Approval Process - Pre-Hearing Procedural Conference
Date: May 5, 2023 11:17:32 AM
Attachments: [image001.png](#)
[image002.png](#)

From: Craig Ferris <cferris@lawsonlundell.com>
Sent: Friday, May 5, 2023 11:14 AM
To: 'Power, Mélanie' <melanie.power@dentons.com>; FIRB AF:EX <FIRB@gov.bc.ca>; Gorsuch, Wanda AF:EX <Wanda.Gorsuch@gov.bc.ca>
Cc: Camley, Morgan <morgan.camley@dentons.com>; Irving, Emma <emma.irving@dentons.com>; Robert Hrabinsky (RHrabinsky@ahb-law.com) <rhrabinsky@ahb-law.com>; Laura Duke <lduke@lawsonlundell.com>; Mitchell Horkoff <mhorkoff@lawsonlundell.com>
Subject: RE: MPL British Columbia Distributors Inc. Agency Prior Approval Process - Pre-Hearing Procedural Conference

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All,

We are surprised by MPL's opposition to a case planning conference intended to make this process as efficient as possible. We are writing to say that MPL's letter makes the need for a case planning conference self-evident and we have no further reply.

Thank you

Craig A.B. Ferris, K.C.* | Partner
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From: Power, Mélanie <melanie.power@dentons.com>
Sent: Wednesday, May 3, 2023 7:04 PM
To: 'FIRB@gov.bc.ca' <FIRB@gov.bc.ca>; Wanda Gorsuch <Wanda.Gorsuch@gov.bc.ca>
Cc: Camley, Morgan <morgan.camley@dentons.com>; Irving, Emma <emma.irving@dentons.com>; Craig Ferris (3197) - 14Flr <cferris@lawsonlundell.com>; Robert Hrabinsky (RHrabinsky@ahb-law.com) <rhrabinsky@ahb-law.com>
Subject: FW: MPL British Columbia Distributors Inc. Agency Prior Approval Process - Pre-Hearing Procedural Conference

[THIS MESSAGE ORIGINATED FROM OUTSIDE OUR FIRM]

Dear Ms. Gorsuch,

In Mr. Ferris' letter of yesterday's date, he requests that a procedural conference be convened in order for BCFIRB to make determinations, in consultation with the parties, on the following:

1. MPL's May 1 request that BCFIRB:
 - a. direct Greenhouse Grown Foods Inc. ("GGFI") and Windset Farms (Canada) Ltd. ("Windset") to particularize their intended arguments with respect to their Book of Documents submitted April 21, 2023; and
 - b. direct the parties to advise in advance of the hearing any witnesses they may call, and provide will say statements for same;
2. a draft schedule for the hearing, including suggested time limits for parties;
3. a complete list of each party's witnesses;
4. BCFIRB's preferences regarding the presentation of evidence; and
5. clarification on any further procedural items in the BCFIRB Terms of Reference.

A case planning conference with respect to these matters is unnecessary and/or premature at this time and it will only detract from the parties' preparation for the May 23, 24, and 26 hearing.

With respect to items 1.b, 2, 3, 4, and 5 above, BCFIRB has already indicated that it will be issuing directives imminently with respect to these items. Page 4 of the Final Terms of Reference (Phase 3: Supervisory Hearing), indicates that BCFIRB will, at the close of the written submission process, "confirm supervisory hearing eligible participants, establish time limits for presentations at the hearing, and address any other hearing-related matters." Given BCFIRB is currently in the 'confirming supervisory hearing eligible participants' stage, it is reasonable to expect that it will next turn to 'establishing time limits for presentations at the hearing' and 'addressing any other hearing-related matters'. This would realistically include directives regarding items 1.b, 2, 3, 4, and 5 above. It is therefore reasonable, and indeed most efficient, to wait until after BCFIRB has made its directions regarding hearing-related matters, to assess whether outstanding matters remain and whether a case planning conference is necessary.

With respect to item 1.a above, a case planning conference is not the appropriate avenue for Windset and GGFI to oppose MPL's request for particulars. All applications to date have proceeded by written submissions and there is no reason why a simple request for particulars should proceed otherwise.

However, should BCFIRB disagree with us, we are available for a case planning conference on the following dates and times (all PDT):

1. Monday May 8, 2:00 pm – 3:00 pm
2. Wednesday, May 10, 11:00 am – 12:00 pm
3. Monday, May 15th 10:00 am – 12:00 pm and 2:00 pm – 3:00 pm
4. Tuesday, May 16th 2:00 pm – 4:00 pm
5. Wednesday, May 17 2:00 pm – 3:00 pm

Warm regards,

Mélanie Power

Senior Associate

My [pronouns](#) are: She/Her/Hers

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From: Patti Lewis <plewis@lawsonlundell.com>

Sent: Tuesday, May 2, 2023 10:26 AM

To: firb@gov.bc.ca

Cc: Camley, Morgan <morgan.camley@dentons.com>; Craig Ferris <cferris@lawsonlundell.com>;
Laura Duke <lduke@lawsonlundell.com>

Subject: MPL British Columbia Distributors Inc. Agency Prior Approval Process - Pre-Hearing
Procedural Conference

[WARNING: EXTERNAL SENDER]

Good morning,

Please see attached correspondence from Craig A.B. Ferris, K.C.

Kind regards,



PATTI LEWIS | Legal Assistant

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