

Reply to: Ravi R. Hira, Q.C.  
Direct Line: 604 800 8022  
Direct Fax: 604 800 9022  
E-mail: rhira@hirarowan.com  
Our File No.: 7111-001

January 21, 2022

**VIA EMAIL: Wanda.Gorsuch@gov.bc.ca**

Wanda Gorsuch  
Manager, Issues and Planning  
B.C. Farm Industry Review Board  
780 Blanshard Street  
Victoria, BC V8W 2H1

**Attention: Wanda Gorsuch, Manager, Issues and Planning**

Dear Sirs/Mesdames:

**Re: Supervisory Review re Vegetable Marketing Commission Allegations of Bad Faith and Unlawful Activity**

---

We write to provide written submissions on behalf of Mr. Andre Solymosi in response to the January 17, 2022 submissions made by Prokam Enterprises Ltd. ("**Prokam**") and MPL British Columbia Distributors Inc. ("**MPL**").

1. Mr. Solymosi opposes all of the relief sought by Prokam and MPL.
2. Mr. Solymosi adopts the January 17, 2022 submissions of Mr. Stransky and the January 20, 2022 submissions of Mr. Hrabinsky in their entirety. Mr. Solymosi supplements the submissions of Messrs. Stransky and Hrabinsky as set out below.

**Prokam's Request for Additional Documents**

3. The documents described in paragraph 7(i) of Prokam's submission have already been disclosed by Mr. Solymosi.

**Witnesses**

4. Prokam is seeking leave to call eight witnesses in the oral hearing in this Inquiry: Jim Collins, Tom Demma, Jeavan Hothi, Alf Krause, George Leroux, Terry Michell, Lillian Posch, and John Walsh (the "**Proposed Witnesses**").

5. By its own admission, Prokam has not spoken with six of the Proposed Witnesses.<sup>1</sup>
6. Despite relying upon purported Will Says of the Proposed Witnesses, Prokam does not know what the *actual* evidence of six of the Proposed Witnesses will be. Put simply, Prokam has identified several witnesses—whom Prokam has failed to interview and can only speculate as to what they may say—as material to this Inquiry.

### **Prokam's Request to Assume the Authority of Hearing Counsel**

7. Prokam seeks consequential relief relating to the evidence of the Proposed Witnesses, including permission to demand answers to written questions, interview any of the Proposed Witnesses, and compel the Review Panel to issue a summons to any of the Proposed Witnesses to the oral hearing.
8. Such relief sought by Prokam should be rejected.
9. Prokam has had the opportunity, and indeed the duty, to diligently pursue and gather evidence relating to its allegations since at least March 25, 2021, being the date Prokam's Notice of Civil Claim alleging misfeasance was filed. Prokam could have availed itself of other methods for pre-trial examination of witnesses outside this Inquiry, such as through Rule 7-5 of the *Supreme Court Civil Rules*, in the event witnesses refused to speak with Prokam. Further, Prokam could have interviewed these witnesses since the inception of this Inquiry. These avenues have remained open to Prokam since its claim was filed and the start of this Inquiry.
10. If Prokam's request is granted, a complainant participant will effectively have the same authority as Hearing Counsel in this Inquiry. Mr. Solymosi submits that this will not facilitate a procedurally fair hearing process.

### **Adjournment**

11. Mr. Solymosi opposes an adjournment of the oral hearing in this Inquiry. This proceeding has already been adjourned once. The current January 31 to February 11, 2022 hearing dates were reserved well in advance with sufficient notice to all participants.
12. There are a great number of participants and counsel involved in this Inquiry. If an adjournment is granted, it is uncertain when future dates may be secured which accommodate everyone. Speaking to my own availability, it is unlikely we will be available for an oral hearing until August or November 2022.
13. Further, it is unfair to the general manager of the Commission to have this Inquiry, which involves serious allegations against him, continuing to loom over him as he discharges his duties.

---

<sup>1</sup> See Appendix C of Prokam's January 17, 2022 Notice of Application (only John Walsh and George Leroux have purportedly been interviewed by Prokam's counsel)

14. An adjournment of the oral hearing should not be granted on the basis of Prokam's failure to pursue evidence in an expeditious manner or as a result of MPL's own indecision regarding its participation in this proceeding.

Should you have any questions or require any further information, please do not hesitate to contact me.

Yours very truly,

**HIRA ROWAN LLP**

Per:



**Ravi R. Hira, Q.C.**

RRH/akh

cc: B.C. Farm Industry Review Board, via email: firb@gov.bc.ca  
cc: Rose-Mary Basham, QC, via email: rmbasham@bashamlaw.ca  
cc: Claire E. Hunter, QC, via email: chunter@litigationchambers.com  
cc: J. Kenneth McEwan, QC, via email: kmcewan@mcewanpartners.com  
cc: Nazeer T. Mitha, QC, via email: nmitha@mithalawgroup.ca  
cc: Patti Allen, via email: patti.allen@dlapiper.com  
cc: Ryan Androsoff, via email: randrosoff@litigationchambers.com  
cc: Aubin Calvert, via email: acalvert@litigationchambers.com  
cc: Dean Dalke, via email: dean.dalke@dlapiper.com  
cc: Robert P. Hrabinsky, via email: rhrabinsky@ahb-law.com  
cc: Emma Irving, via email: emma.irving@dentons.com  
cc: Robert J. McDonell, via email: rmcdonell@farris.com  
cc: Kate Phipps, via email: khipps@arvayfinlay.ca  
cc: William Stransky, via email: wstransky@mcewanpartners.com  
cc: Mark Underhill, via email: munderhill@arvayfinlay.ca