



BC Farm Industry Review Board

January 5, 2022

File: 44200-60\AREV

DELIVERED BY EMAIL

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Robert McDonell
Farris LLP

Dean Dalke
DLA Piper

Dear all:

PREHEARING SUBMISSIONS SCHEDULE

I write further to the update letter from Hearing Counsel to all participants dated December 24, 2021.

In that letter, three issues were referred to me.

Admissibility

First, I understand an issue has arisen with respect to whether the transcript of the proceedings before the Standing Joint Committee for the Scrutiny of Regulations held on March 13, 2008 is inadmissible in this proceeding as a result of parliamentary privilege. I agree with Hearing Counsel that this is a significant issue, and to avoid undue delay during the hearing, it is my view that the privilege question should be determined in advance of the hearing.

As the BC Vegetable Marketing Commission (Commission) is the party that is asserting privilege, I invite it to provide me with its written submissions on the issue **no later than Tuesday January 11, 2022**.

Any participant wishing to respond to the Commission may do so by way of written submissions **no later than Monday January 17, 2022**.

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Leading Evidence In Chief

Second, in accordance with the Rules of Practice and Procedure Rule 28, I invite any counsel for a participant or witness who wishes to lead their client's evidence in chief to apply for leave to do so by way of written submissions **no later than Tuesday January 11, 2022.**

Hearing counsel or any participant who wish to respond to any application for leave shall provide their written submissions **no later than Monday January 17, 2022.**

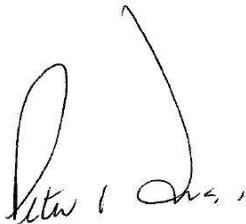
Proposed Witnesses

Finally, Hearing Counsel has determined that he does not propose to call a number of witnesses put forward by Prokam Enterprises Ltd. (Prokam). In accordance with the Rules of Practice and Procedure Rule 30, Prokam may apply for leave to call any of those witnesses by way of written submissions **no later than Tuesday January 11, 2022.**

Hearing counsel or any participant who wish to respond to such an application may provide written submissions **no later than Monday January 17, 2022.**

Please address submissions to myself, and send to Wanda.Gorsuch@gov.bc.ca, copied to firb@gov.bc.ca.

Regards,

A handwritten signature in black ink, appearing to read "Peter Donkers". The signature is written in a cursive style with a large, sweeping initial "P".

Peter Donkers
Chair

cc: Nazeer Mitha, Q.C.
Mark Underhill
Kate Phipps
BCFIRB web site