

March 6, 2023

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By Email

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Our file 1041.001

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BC Farm Industry Review Board

Dear Sirs and Mesdames:

**Re: Phase II of the Supervisory Review**

I write this letter further to the BCFIRB Decision dated October 21, 2022 (“Phase II Procedure Decision”), and further to the decision of the court dismissing the judicial review application filed by Prokam Enterprises Ltd. (“Prokam”), to discuss the process and timing for Phase II of the Allegations of Bad Faith and Unlawful Activity Supervisory Review (“Phase II”).

As there was an agreed upon stay of Phase II of the Supervisory Review, it has been on hold pending the outcome of the judicial review. As the court’s decision has now been rendered, Phase II can now continue.

At paragraph 49 of the Phase II Procedure Decision, the Chair set out the process for Phase II as follows:

49. For the reasons set out above, I make the following orders:

- a. The terms of reference will be amended as set out in Appendix A;

- b. MPL and Prokam will be provided an opportunity to provide any additional evidence if they choose to do so;
- c. All participants will then have the opportunity to provide me with written submissions on the following issues:
  - i. what conclusions or inferences should be drawn from the findings in the Decision, together with any additional evidence filed by Prokam and MLP, with respect to Prokam and MPL's motivations for advancing allegations of bad faith and unlawful conduct against the Commissioners and Mr. Solymosi, and
  - ii. in light of any findings that might be made concerning Prokam and MPL's motivations, what, if any, orders or directions does the panel have the authority to make in furtherance of restoring orderly marketing and trust and confidence in the BC regulated vegetable industry.

As you are aware, the order of January 25, 2023 has concluded Phase II for MPL British Columbia Distributors Inc. ("MPL BC"). Accordingly, Phase II now applies only to Prokam.

In accordance with the Phase II Procedure Decision, I suggest the following process and timing for Phase II:

1. Prokam be given until March 17, 2023 to determine whether it wishes to provide any additional evidence and if so to furnish such evidence by March 31, 2023.
2. Hearing counsel will provide, by April 30, 2023, written submissions on items c(i) and c(ii) above as it relates to Prokam, and within the terms of reference as outlined in paragraph "a" above, as amended by letter dated November 2, 2022.
3. The non-complainant participants will provide their written submissions by May 19, 2023.
4. Prokam will provide its written submissions by June 9, 2023.
5. Hearing counsel will provide reply submissions by June 23, 2023.
6. All the submissions will be limited and in the form as set out in paragraph 51 of the Phase II Procedure Decision.

Please let me know if you have any concerns with this process by March 10. Otherwise, I will advise the Panel that there is agreement on how Phase II will proceed forward.

Yours very truly,  
Mitha Law Group

Per:

A handwritten signature in blue ink, appearing to be 'N. Mitha', with a long horizontal flourish underneath.

Nazeer T. Mitha, KC \*  
\* Law Corporation

*NTM/mf*

cc client