

September 10, 2021

Nazeer T. Mitha, QC
D/ 604-283-8559

By Email

nmitha@mithalawgroup.ca
Our file 1041.001

BC Farm Industry Review Board
1st Floor, 780 Blanshard Street
Victoria BC V8w 2H1

Attention: Chair Donkers

Dear Sirs and Mesdames:

Re: Supervisory Review concerning allegations of bad faith and unlawful activity

The following provides an update on my investigation as part of the BCFIRB 2021 Review of Allegations of Bad Faith and Unlawful Activities (Review), and a recommendation to adjourn the hearing dates to January 2022.

Investigation Update

As of the directed July 23, 2021 deadline, I received initial document disclosure and potential witness lists from the following parties: Prokam Enterprises Ltd. (Prokam) and Bajwa Farms. BC Fresh Vegetables Inc., and CFP Marketing Corporation (limited participant status) did not provide document disclosure. I received a supplemental book of documents from Prokam on August 6, 2021.

Following your August 13, 2021 production order issued to MPL British Columbia Inc. (MPL), and your subsequent extension approval, I received MPL's document disclosure on August 27, 2021.

After reviewing Prokam's initial and supplemental document disclosures (over 4,000 pages) and list of potential witnesses (18), I met with Mr. Dhillon and Ms. Hunter on August 30, 2021 for a 3.5 hour interview. Mr. Gill was also present. I am following up with Mr. Dhillon and Ms. Hunter with further questions in writing. The interview was initially delayed given the extensive number of documents to review, and subsequently delayed due to Ms. Hunter's availability.

I will be requesting an interview with MPL. Should MPL not grant an interview, I may request an order from you pursuant to the *Natural Products Marketing (BC) Act* s. 7.1(3). I am reviewing Bajwa Farm's document disclosure and will be scheduling an interview.

As per the Review's Rules of Practice and Procedure, and following any investigations, I will be providing all relevant and non-privileged material to legal counsel for all the participants in this Review, including, *inter alia*, documents, witness names, and summaries of evidence, investigations and interviews.

The Commission members and staff subject to the Notice of Civil Claims, and the BC Vegetable Marketing Commission will have fourteen days to provide their witness lists and documents. Upon receiving this material, I will be undertaking further investigations, including interviews as I consider appropriate.

Hearing Dates

The hearing is currently scheduled for the weeks of September 27 and October 4, 2021. I understand the objective is to complete this Review in a timely fashion given the seriousness of the allegations. However, because of the serious nature of these allegations, procedural fairness for all participants is paramount.

Based on the status of the investigation to date, it is my recommendation that you consider adjourning the hearing to allow me to conclude the pre-hearing investigations.

If you do determine the hearing dates should be adjourned, I recommend:

- a) Seeking party input on the adjournment, and canvassing party availability for January and February 2022. I understand Mr. Hira is not available until January 2022.
- b) Parties be asked to retain availability during the weeks of September 27 and October 4, 2021 for any potential applications, interviews and to address any procedural matters that may arise.

I anticipate providing relevant and non-privileged materials to all parties in the next few weeks.

I will be providing yourself and the parties with further details on my investigation schedule shortly. The schedule may be amended depending on party availability, what further investigations may be required, and any procedural matters that may arise.

Yours very truly,
Mitha Law Group

Per:



Nazeer T. Mitha, QC *
* Law Corporation