

PROVINCE  
OF  
BRITISH COLUMBIA

*Crown Proceeding Act*  
Report

For the Fiscal Year Ended

March 31, 2012



**PAYMENTS UNDER  
CROWN PROCEEDING ACT  
FOR THE FISCAL YEAR ENDED MARCH 31, 2012**

**Section 13(4)**

<b><u>Court and Case</u></b>	<b><u>Judgments \$</u></b>
In the Matter of an Arbitration	\$ 3,393,977.39
<p>Claimant: WCG International Consultants Limited</p> <p>Respondent: Her Majesty the Queen in right of the Province of British Columbia, as represented by the Ministry of Social Development</p>	
Mar 2012 Payable to Crease Harman LLP in Trust	
Various	\$ 800,207.32
<p>Plaintiffs: Various Abuse Files</p> <p>Defendant: Her Majesty the Queen in right of the Province of British Columbia</p>	
Apr 2011 Payable to Hatter, Thompson, Shumka & McDonagh in Trust	\$ 782,264.33
Jan 2012 Payable to the Public Guardian & Trustee	\$ 17,942.99
SCBC Vernon Registry No.23914	\$ 539,270.14 Costs
<p>Petitioners: Her Majesty the Queen in right of the Province of British Columbia</p> <p>Respondents: Chief Ronnie Jules, in his personal capacity and as representative of the Adams Lake Band et al.</p> <p>In accordance with the Costs Administration Agreement dated June 1, 2006</p>	
Mar 2012 Payable to Mandell Pinder in Trust	
BCCA Vancouver Registry File No. CA037149	\$ 180,097.22
SCBC Smithers Registry No. 13983	
Plaintiff: River Wind Ventures Ltd.	
Defendant: Her Majesty the Queen in right of the Province of British Columbia	
Jun 2011 Payable to Buri Overstall in Trust	\$ 12,500.00(Costs)
Oct 2011 Payable to Buri Overstall in Trust	\$ 167,597.22

**PAYMENTS UNDER  
CROWN PROCEEDING ACT  
FOR THE FISCAL YEAR ENDED MARCH 31, 2012**

**Section 13(4)**

<b><u>Court and Case</u></b>	<b><u>Judgments \$</u></b>
SCBC Vancouver Registry No.L021662  Plaintiffs: British Columbia Teachers' Federation and David Chudnovsky Defendant: Her Majesty the Queen in right of the Province of British Columbia  Mar 2012 Payable to Victory Square Law Office LLP in Trust	\$ 95,000.00 Costs
SCBC Vancouver Registry No.S104016  Plaintiff: Stephanie Vernon Defendant: Her Majesty the Queen in right of the Province of British Columbia  Mar 2012 Payable to Simon Kent Law Corporations in Trust	\$ 89,484.31
SCBC Vancouver Registry No.S098232  Petitioners: Chief James Robert Thomas on his own behalf and on behalf of all members of Halalt First Nation Respondents: Minister of Environment and Minister of Community Development of the Province of British Columbia, District of North Cowichan  Sep 2011 Payable to William J. Andrews in Trust	\$ 76,086.33 Costs
SCBC Cranbrook Registry No. 18601  Plaintiffs: Scott Mynott and Caroline Mynott Defendants: Minister of Transportation of British Columbia and Her Majesty the Queen in right of the Province of British Columbia  Nov 2011 Payable to Yellowhead Road & Bridge (Kootenay) Ltd.	\$ 65,115.68

**PAYMENTS UNDER  
CROWN PROCEEDING ACT  
FOR THE FISCAL YEAR ENDED MARCH 31, 2012**

***Section 13(4)***

<b><u>Court and Case</u></b>	<b><u>Judgments \$</u></b>
<p>SCBC Vancouver Registry No.L043095</p> <p>Petitioners: Judith Sayers on behalf of the Hupacasath First Nation            Respondents: Minister of Forests of the Province of British Columbia,            The Chief Forester and Island Timberlands LP.</p> <p>Jun 2011 Payable to glennsigurdson.com inc.</p>	<p>\$ 56,303.80 Costs</p>
<p>BCCA Vancouver Registry No. CA037570</p> <p>Appellant: Nlaka'pamux Nation Tribal Council            Respondents: Derek Griffin in his capacity as Project Assessment            Director, Environmental Assessment Office, Belkorp            Environmental Services Inc. and Village of Cache            Creek</p> <p>Oct 2011 Camp Fiorante Matthews in Trust</p>	<p>\$ 35,488.70 Costs</p>
<p>BCCA Vancouver Registry No. CA036992</p> <p>Respondents: British Columbia Teachers' Federation, Federation of            Post-Secondary Educators of British Columbia, British            Columbia Division of the Canadian Union of Public            Employees, British Columbia Nurses' Union and            Marcia Toms            Appellant: Attorney General of British Columbia</p> <p>Feb 2012 Payable to Arvay Finlay in Trust</p>	<p>\$ 20,000.00 Costs</p>
<p>BCCA Vancouver Registry No. CA037833</p> <p>Respondent: Coast Capital Savings Credit Union            Appellant: Her Majesty the Queen in right of the Province of            British Columbia</p> <p>May 2011 Fasken Martineau DuMoulin LLP in Trust</p>	<p>\$ 13,405.20 Costs</p>

**PAYMENTS UNDER  
CROWN PROCEEDING ACT  
FOR THE FISCAL YEAR ENDED MARCH 31, 2012**

**Section 13(4)**

<b><u>Court and Case</u></b>	<b><u>Judgments \$</u></b>
SCBC Vancouver Registry No.S056492  Plaintiff: Derrick Smith Defendant: Her Majesty the Queen in right of the Province of British Columbia  Oct 2011      Kajoba & Company in Trust	\$ 12,955.08 Costs
BCCA Vancouver Registry Action No. CA037393  Respondent: Vancouver International Airport Authority Appellant: The Attorney General of British Columbia  Apr 2011      Payable to Fasken Martineau DuMoulin LLP in Trust \$9,064.27 Sep 2011      Payable to Fasken Martineau DuMoulin LLP in Trust \$1,048.48	\$ 10,112.75 Costs
SCBC Vernon Registry No. 46592  Appellant: The Director of Child, Family & Community Service Respondents: Robert Millership and Marnie Millership  Aug 2011      Payable to Nixon Wenger in Trust	\$ 9,174.17 Costs
SCBC Vancouver Registry No. S104474  Petitioner: Island Tug & Barge Ltd. Respondent: Her Majesty the Queen in right of the Province of British Columbia  Jul 2011      Payable Alexander Holburn Beaudin & Lang LLP in Trust	\$ 9,091.17 Costs
BCCA Vancouver Registry Action No. CA38267  Appellant: Attorney General of British Columbia Respondents: Gregory Yanke and City of Salmon Arm  Jul 2011      Payable to Burke Frame in Trust	\$ 8,365.44 Costs

**PAYMENTS UNDER  
CROWN PROCEEDING ACT  
FOR THE FISCAL YEAR ENDED MARCH 31, 2012**

***Section 13(4)***

<b>Court and Case</b>	<b>Judgments \$</b>
<p>SCBC Victoria Registry No. 04-2102</p> <p>Plaintiff: Selina Meghji Defendants: Jamin Lee and Her Majesty the Queen in right of the Province of British Columbia</p> <p>Jan 2012 Payable to Acheson Whitley Sweeney and Foley in Trust</p>	<p>\$ 7,667.00 Costs</p>
<p>BC Human Rights Tribunal, Case No. 5516</p> <p>Complainant: Travis A. Kelly Respondent: Her Majesty the Queen in right of the Province of British Columbia</p> <p>Sep 2011 Payable to Travis A. Kelly</p>	<p>\$ 5,007.00</p>
<p>SCBC Vancouver Registry No. S056492</p> <p>Plaintiff: Derrick Smith Defendant: Her Majesty the Queen in right of the Province of British Columbia</p> <p>Jun 2011 Payable to Kajoba &amp; Company in Trust</p>	<p>\$ 3,840.00</p>
<p>SCBC Vancouver Registry No. 25146</p> <p>Independent Supervising Solicitor Costs Petitioner: James Kyle Bacon Respondent: Debbie Hawbolt, Warden Surrey Pretrial Services Centre</p> <p>Jun 2011 Payable to Harper Grey LLP in Trust \$ 3,249.82 Jan 2012 Payable to Harper Grey LLP in Trust \$ 437.65</p>	<p>\$ 3,687.47 Costs</p>
<p>SCBC Vancouver Registry No. S045856</p> <p>Plaintiffs: Brenda Kelly and Robert Kelly Defendant: Her Majesty the Queen in right of the Province of British Columbia</p> <p>Apr 2011 Payable to Blake Cassels &amp; Graydon LLP in Trust</p>	<p>\$ 1,500.00 Costs</p>

**PAYMENTS UNDER  
CROWN PROCEEDING ACT  
FOR THE FISCAL YEAR ENDED MARCH 31, 2012**

**Section 13(4)**

<b><u>Court and Case</u></b>	<b><u>Judgments \$</u></b>
BCCA Vancouver Registry No. CA038461	\$ 876.40 Costs
Respondent: Robert Michael Angus Appellant: Her Majesty the Queen in right of the Province of British Columbia	
Aug 2011 Payable to Ash, O'Donnell, Hibbert Law Corporation in Trust	
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SCBC Vancouver Registry No. S097276	\$ 675.00 Costs
Plaintiff: Teresita Iezzi Defendant: Her Majesty the Queen in right of the Province of British Columbia	
Jan 2012 Dosanjh, Vertlieb in Trust	
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<b><u>Total Payments made under Section 13 (4 )</u></b>	<b><u>\$ 5,437,387.57</u></b>



**PAYMENTS UNDER  
CROWN PROCEEDING ACT  
FOR THE FISCAL YEAR ENDED MARCH 31, 2012**

**Section 14(4)**

<b>Court and Case</b>	<b>Settlements \$</b>
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Various	\$ 8,779,488.54
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Whereas various plaintiffs have made claims against the Crown for damages sustained as a result of alleged negligence or alleged abuse;  
 And Whereas counsel acting on behalf of the Crown has advised that, in his/her opinion, the plaintiffs might be successful in their claims for damages;  
 This is to certify that:  
 It is in the public interest to settle the claims for the amount of \$ 8,779,488.54.

Apr	2011	Payable to Dives Harper & Stanger in Trust	\$4,120,000.00
Jun	2011	Payable to Berge Hart Cassels in Trust	\$2,675,000.00
Mar	2012	Payable to Klein Lyons	\$ 396,685.11
Mar	2012	Payable to Public Guardian & Trustee of BC	\$ 387,526.73
Nov	2011	Payable to Arvay Finlay in Trust	\$ 300,000.00
Oct	2011	Payable to Murray Jamieson in Trust	\$ 250,000.00
May	2011	Payable to Davison & Co. in Trust	\$ 249,999.00
Aug	2011	Payable to Murray Jamieson in Trust	\$ 249,900.00
Jan	2012	Payable to Megan Ellis Co. in Trust	\$ 40,000.00
Aug	2011	Payable to Patrick Springford Law Corporation in Trust	\$ 35,000.00
Aug	2011	Payable to Patrick Springford Law Corporation in Trust	\$ 35,000.00
Nov	2011	Payable to Carfra Lawton in Trust	\$ 16,004.50
Mar	2012	Payable to Corriveau, Chandra in Trust	\$ 15,000.00
Aug	2011	Payable to Barbara Findlay in Trust	\$ 7,500.00
Jul	2011	Payable to Singleton Urquhart LLP in Trust	\$ 1,873.20

**PAYMENTS UNDER  
CROWN PROCEEDING ACT  
FOR THE FISCAL YEAR ENDED MARCH 31, 2012**

**Section 14(4)**

**Court and Case**

**Settlements \$**

No Actions Filed

\$ 7,856,044.97

Whereas the undernoted claimants have made claims for damages against Her Majesty the Queen in right of the Province of British Columbia as a result of damages and loss they sustained when the earthen dam on Testalinden Creek failed on June 13, 2010, causing a large debris flow;

And Whereas counsel for the Crown has advised that in their opinion the claimants might be successful in their claim for damages;

This is to certify:

1. That the claims herein, if pursued, could result in an Order referred to in S.13 of the *Crown Proceeding Act*, RSBC 1996, c.89 for payment of money by the Crown;
2. That it is in the public interest to settle the claims, inclusive of interest, taxable costs and disbursements for the total amount of \$7,856,044.97.

Derek Donaldson Law Corp. in Trust	\$1,778,266.00
Sidhu, Harjit	\$1,608,081.00
Mercier, Eugene & Kathryn	\$1,314,475.00
Khela, Manjinderpal	\$1,291,732.00
Jentsch, Christopher & Elizabeth	\$1,184,000.00
Intermark Law Corp. in Trust	\$ 217,000.00
McGeachy, Ian & Carol	\$ 183,279.00
Sekhon, Jaswant Singh	\$ 146,215.97
Von Pander, Susan & Peter	\$ 48,000.00
Cambridge, James	\$ 47,457.00
Casselmann, Kirk	\$ 37,539.00

Mar 2012

**PAYMENTS UNDER  
CROWN PROCEEDING ACT  
FOR THE FISCAL YEAR ENDED MARCH 31, 2012**

**Section 14(4)**

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<b>Court and Case</b>	<b>Settlements \$</b>
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SCBC Vancouver Registry Action No. S095239	\$ 3,866,114.98
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Whereas the plaintiff, Lax Kw'alaams Indian Band, has made a claim for damages against Her Majesty the Queen in right of the Province of British Columbia in the Supreme Court of British Columbia, Vancouver Registry Action No. S095239, alleging that the Province breached the contractual terms of a Forest and Range Agreement entered into with the plaintiff and caused economic damages;

And Whereas counsel for the Crown has advised that in his opinion if the plaintiff were to proceed to trial on liability and damages, the Court would likely order the Province to pay damages in excess of the settlement amount proposed below;

This is to certify:

1. That the claim herein, if pursued, could result in an Order referred to in S.13 of the *Crown Proceeding Act*, RSBC 1996, c.89 for payment of money by the Crown;
2. That it is in the public interest to settle the claim against Her Majesty the Queen in right of the Province of British Columbia for the final amount of \$3,723,000.00 plus taxable costs and disbursements of \$143,114.98.

Mar 2012	Payable to Ratcliff & Company in Trust
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**PAYMENTS UNDER  
CROWN PROCEEDING ACT  
FOR THE FISCAL YEAR ENDED MARCH 31, 2012**

**Section 14(4)**

**Court and Case**

**Settlements \$**

SCBC Vancouver Registry Action No. S081891

\$ 3,000,000.00

Whereas the plaintiffs, Christopher Bigelow by his litigation Guardian Kevin Bigelow, and Kevin Bigelow, have made a claim for damages against Her Majesty the Queen in right of the Province of British Columbia in the Supreme Court of British Columbia, Vancouver Registry Action No. M081891, arising from the catastrophic injuries suffered by Christopher Bigelow in a motor vehicle accident on November 3, 2007.

And Whereas counsel for the Crown has advised that in his opinion the plaintiffs might be successful in their claim for damages;

This is to certify:

1. That the challenge herein, if pursued, could result in an Order referred to in S.13 of the *Crown Proceeding Act*, RSBC 1996, c.89 for payment of money by the Crown;
2. That it is in the public interest to settle the claim, inclusive of interest, taxable costs and disbursement for the total amount of \$3,000,000.00.

Dec 2011

Payable to David H. Doig & Associates in Trust

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**PAYMENTS UNDER  
CROWN PROCEEDING ACT  
FOR THE FISCAL YEAR ENDED MARCH 31, 2012**

**Section 14(4)**

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<b>Court and Case</b>	<b>Settlements \$</b>
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SCBC Vancouver Registry Action No. S035977	\$ 2,641,927.01
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Whereas the plaintiff, Randall Hurst, has made a claim for damages against Her Majesty the Queen in right of the Province of British Columbia in the Supreme Court of British Columbia, Vancouver Registry Action No. S035977 as a result of an assault by another inmate causing Mr Hurst to hit his head resulting in a permanent and severe traumatic brain injury. And Whereas counsel for the Crown has advised that in her opinion the plaintiff might be successful in his claim for damages;

This is to certify:

1. That the claim herein, if pursued, could result in an Order referred to in S.13 of the *Crown Proceeding Act*, RSBC 1996, c.89 for payment of money by the Crown;
2. That it is in the public interest to settle the claim, inclusive of interest, taxable costs and disbursements for the total amount of \$2,641,927.01

Dec 2011      Payable to Alexander Holburn Beaudin and Lang LLP in Trust

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**PAYMENTS UNDER  
CROWN PROCEEDING ACT  
FOR THE FISCAL YEAR ENDED MARCH 31, 2012**

**Section 14(4)**

<b><u>Court and Case</u></b>	<b><u>Settlements \$</u></b>
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SCBC Vancouver Registry Action No. C965349	\$ 1,645,572.90
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In accordance with Section 4.04 of the Funding Agreement, being Schedule D of the January 1, 1986 – July 1, 1990 Hepatitis "C" Settlement Agreement made as of June 15, 1999.

Plan Disbursements, (payments to claimants) and Other Fees and Disbursements (generally administrative costs) in respect of Fiscal Year 2011-2012.

Payable to Hepatitis "C" British Columbia, c/o Royal Trust Co.

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BC Human Rights Tribunal Case No. 6830	\$ 205,658.32
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Whereas the complainant has alleged that the Crown, through the British Columbia Public Service Agency and one of its employees, discriminated against her in not fulfilling their duty to accommodate her return to work program;

And Whereas the complainant has filed a complaint against the British Columbia Public Service Agency and its employee with the BC Human Rights Tribunal, Case No. 6830;

And Whereas counsel for the Crown has advised that in his opinion the complainant might be successful in her claim for damages;

And Whereas a confidentiality provision has been included in the settlement agreement;

This is to certify:

1. That the claim herein, if pursued, could result in an Order referred to in S.13 of the *Crown Proceeding Act*, RSBC 1996, c.89 for payment of money by the Crown;
2. That it is in the public interest to settle the claim inclusive of interest, taxable costs and disbursements for the total amount of \$ 205,658.32.

Jan 2012          Payable to Complainant

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**PAYMENTS UNDER  
CROWN PROCEEDING ACT  
FOR THE FISCAL YEAR ENDED MARCH 31, 2012**

**Section 14(4)**

**Court and Case**

**Settlements \$**

SCBC Vancouver Registry Action No. S065185 \$ 60,000.00

Whereas the plaintiff, Kendall McDonald, has made a claim for damages against Her Majesty the Queen in right of the Province of British Columbia in the Supreme Court of British Columbia, Vancouver Registry Action No. S065185. The plaintiff has alleged that he suffered moderate injuries on August 13, 2004, as a result of his helicopter crashing off a helipad constructed by Ministry of Forests, Land and Natural Resource Operations employees.

And Whereas counsel for the Crown has advised that in his opinion the plaintiff might be successful in his claim for damages;

This is to certify:

1. That the claim herein, if pursued, could result in an Order referred to in s.13 of the *Crown Proceeding Act*, R.S.B.C. 1996, c 89 for payment of money by the Crown;
2. That it is in the public interest to settle the claim inclusive of interest, taxable costs and disbursements for the total amount of \$60,000.00.

Dec 2011

Payable to McLeod & Company LLP in Trust

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**PAYMENTS UNDER  
CROWN PROCEEDING ACT  
FOR THE FISCAL YEAR ENDED MARCH 31, 2012**

**Section 14(4)**

**Court and Case**

**Settlements \$**

SCBC Vancouver Registry Action No. M083229 \$ 50,000.00

Whereas the plaintiff, John Coyle, has made a claim for damages against Her Majesty the Queen in right of the Province of British Columbia in the Supreme Court of British Columbia, Vancouver Registry Action No. M083229. The claim arises from injuries the plaintiff sustained in a motor vehicle accident on November 3, 2007 on the Trans Canada Highway.

And Whereas the defendants in this case have made a combined settlement offer of \$350,000.00 of which the Province will contribute \$50,000.00.

And Whereas counsel for the Crown has advised that in his opinion the plaintiff might be successful in his claim for damages;

This is to certify:

1. That the claim herein, if pursued, could result in an Order referred to in s.13 of the *Crown Proceeding Act*, R.S.B.C. 1996, c 89 for payment of money by the Crown;
2. That it is in the public interest to settle the claim inclusive of interest, taxable costs and disbursements for the total amount of \$50,000.00.

Oct 2011 Payable to Jeffery & Calder in Trust

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**PAYMENTS UNDER  
CROWN PROCEEDING ACT  
FOR THE FISCAL YEAR ENDED MARCH 31, 2012**

**Section 14(4)**

**Court and Case**

**Settlements \$**

No Action Filed

\$ 50,000.00

Whereas the claimants, John West and Darlene West, have made a claim for damages against Her Majesty the Queen in right of the Province of British Columbia as a result of loss and damage they sustained when the earthen dam on Testalinden Creek failed on June 13, 2010, causing a large debris flow;  
And Whereas counsel for the Crown has advised that in their opinion the claimants might be successful in their claim for damages;

This is to certify:

1. That the claim herein, if pursued, could result in an Order referred to in S.13 of the *Crown Proceeding Act*, RSBC 1996, c.89 for payment of money by the Crown;
2. That it is in the public interest to make an advance payment of \$50,000.00 to the claimants, which sum will be credited against a final settlement or resolution of their claim.

Dec 2011

Payable to John West & Darlene West

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**PAYMENTS UNDER  
CROWN PROCEEDING ACT  
FOR THE FISCAL YEAR ENDED MARCH 31, 2012**

**Section 14(4)**

**Court and Case**

**Settlements \$**

No Action Filed

\$ 45,552.00

Whereas the Ministry of Forests, Lands and Natural Resource Operations has expended \$45,552.00 to compensate, alleviate and offset damage to affected properties when the earthen dam on Testalinden Creek failed on June 13, 2010, causing a large debris flow;

And Whereas all compensation for damages caused by the debris flow should be accounted for under the *Crown Proceeding Act*; counsel for the Crown have advised that in their opinion the affected owners would have been successful in their claim for damages;

This is to certify:

1. That the claim herein, if pursued, could result in an Order referred to in S.13 of the *Crown Proceeding Act*, RSBC 1996, c.89 for payment of money by the Crown;
2. That it is in the public interest to transfer the amount of \$45,552.00 from the Crown Proceeding Act to the Ministry of Forests, Land and Natural Resource Operations to properly account for the expenditure as damages flowing from a claim for compensation.

Mar 2012

Payable to Ministry of Forests, Land and Natural Resource Operations

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**PAYMENTS UNDER  
CROWN PROCEEDING ACT  
FOR THE FISCAL YEAR ENDED MARCH 31, 2012**

**Section 14(4)**

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<b><u>Court and Case</u></b>	<b><u>Settlements \$</u></b>
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SCBC Vancouver Registry Action No. S055782	\$ 40,000.00
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Whereas the plaintiff, Ben Lynskey, has made a claim for damages against Her Majesty the Queen in right of the Province of British Columbia and retired youth probation officer, Robert Telling, in the Supreme Court of British Columbia, Vancouver Registry Action No. S055782.

And Whereas counsel for the Crown has advised that in her opinion the plaintiff might be successful in his claim for damages;

This is to certify:

1. That the claim herein, if pursued, could result in an Order referred to in s.13 of the *Crown Proceeding Act*, R.S.B.C. 1996, c 89 for payment of money by the Crown;
2. That it is in the public interest to settle the claim inclusive of interest, taxable costs and disbursements for the total amount of \$40,000.00.

Apr 2011

Payable to Rosenberg and Rosenberg in Trust

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**PAYMENTS UNDER  
CROWN PROCEEDING ACT  
FOR THE FISCAL YEAR ENDED MARCH 31, 2012**

**Section 14(4)**

**Court and Case**

**Settlements \$**

SCBC Vancouver Registry Action No. S105951

\$ 34,861.01  
Costs

Whereas the Petitioners, Da'Naxda'xw/Awaetlala First Nation and Kleana Power Corporation, have made a claim for court costs against Her Majesty the Queen in right of the Province of British Columbia in the Supreme Court of British Columbia, Vancouver Registry Action No: S105951.

And Whereas the Petitioners were successful in obtaining an order quashing a decision of the Minister of Environment under the *Park Act*, and are entitled to their costs under the *Rules of Court* unless the court otherwise orders.

And Whereas the Chambers Judge allowed for costs to be spoken to, and for the purposes of settling their costs claim the Petitioners have agreed to forego their claim for special costs or costs at Scale C (more than ordinary difficulty).

And Whereas counsel have advised that, in their opinion, the Petitioners are likely to be successful in their claim for court costs, the amount to which, if taxed, is not likely to be less, or notably less, than the amount they seek to settle for, and could be significantly more if the Petitioners are granted special costs or costs at Scale C.

This document certifies that:

1. That the claim herein, if pursued, could result in an Order referred to in S.13 of the *Crown Proceeding Act*, RSBC 1996, c.89 for payment of money by the Crown;
2. That it is in the public interest to settle the claim inclusive of taxable costs and disbursements for the total sum of \$34,861.01.

Oct 2011

Payable to Arvay Finlay in Trust

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**PAYMENTS UNDER  
CROWN PROCEEDING ACT  
FOR THE FISCAL YEAR ENDED MARCH 31, 2012**

**Section 14(4)**

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<b>Court and Case</b>	<b>Settlements \$</b>
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SCBC Vancouver Registry Action No. S080223	\$ 30,000.00
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Whereas the plaintiff, Svetlana Mushins by her Guardian Ad Litem, Tobor Csaky, has made a claim for damages against Her Majesty the Queen in right of the Province of British Columbia in the Supreme Court of British Columbia, Vancouver Registry Action No. S080223. The plaintiff alleges that British Columbia Ambulance Services failed to exercise appropriate caution in assessing her head injury, which resulted in irreparable brain damage. The matter proceeded to mediation on February 9, 2012 and a tentative settlement was reached, subject to this approval and review by the Public Guardian and Trustee. And Whereas counsel for the Crown has advised that in his opinion the plaintiff might be successful in her claim for damages;

This is to certify:

1. That the claim herein, if pursued, could result in an Order referred to in s.13 of the *Crown Proceeding Act*, R.S.B.C. 1996, c 89 for payment of money by the Crown;
2. That it is in the public interest to settle the claim inclusive of interest, taxable costs and disbursements for the total amount of \$30,000.00.

Mar 2012	Payable to Alexander Holborn Beaudin & Lang LLP In Trust
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**PAYMENTS UNDER  
CROWN PROCEEDING ACT  
FOR THE FISCAL YEAR ENDED MARCH 31, 2012**

**Section 14(4)**

**Court and Case**

**Settlements \$**

No Action Filed

\$ 25,000.00

Whereas the claimant, Melodie Lynn Letendre, proposes to make a claim against Her Majesty the Queen in right of the Province of British Columbia for damages arising from her arrest and detention, based on a conviction that was erroneously recorded against her;

And Whereas the errors leading to the creation of the erroneous record were partly caused by employees of the Provincial Crown, employees of the Royal Canadian Mounted Police and employees of the Insurance Corporation of British Columbia;

And Whereas counsel for the Crown has advised that in his opinion the claimant would likely be successful in her claim for compensation;

This is to certify:

1. That the claim herein, if pursued, could result in an Order referred to in s.13 of the *Crown Proceeding Act*, R.S.B.C. 1996, c 89 for payment of money by the Crown ;
2. That it is in the public interest to settle the claim inclusive of interest, taxable costs and disbursements for the total amount of \$25,000.00.

May 2011

Payable to Jabour Sudeyko in Trust

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**PAYMENTS UNDER  
CROWN PROCEEDING ACT  
FOR THE FISCAL YEAR ENDED MARCH 31, 2012**

**Section 14(4)**

**Court and Case**

**Settlements \$**

No Action Filed

\$ 20,000.00

Whereas Zoltan Farkas has made a claim for damages against Her Majesty the Queen in right of the Province of British Columbia in negligence as a result of being injected with an unknown substance from a used syringe while being transported by British Columbia Ambulance Service staff.

And Whereas Mr Farkas has not yet commenced an action in the Supreme Court of British Columbia;  
And Whereas counsel for the Crown has advised that in her opinion Mr Farkas might be successful in his claim for damages;

This is to certify:

1. That the claim herein, if pursued, could result in an Order referred to in s.13 of the *Crown Proceeding Act*, R.S.B.C. 1996, c 89 for payment of money by the Crown;
2. That it is in the public interest to settle the claim inclusive of interest, taxable costs and disbursements for the total amount of \$20,000.00.

Oct 2011

Payable to Zoltan Farkas

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**PAYMENTS UNDER  
CROWN PROCEEDING ACT  
FOR THE FISCAL YEAR ENDED MARCH 31, 2012**

**Section 14(4)**

**Court and Case**

**Settlements \$**

SCBC Nelson Registry Action No. 12559

\$ 20,000.00

Whereas the plaintiff, William John Roberts, has made a claim for damages against Her Majesty the Queen in right of the Province of British Columbia in the Supreme Court of British Columbia, Nelson Registry Action No. 12559. The claim alleges that as a result of improvements to the highway in front of the plaintiff's property, he has lost safe access to the highway and a representative of the government contracted with him to purchase an adjacent property on the plaintiff's behalf. The plaintiff claims specific performance or damages in lieu.

And Whereas counsel for the Crown has advised that in her opinion the plaintiff might be successful in his claim for damages;

This is to certify:

1. That the claim herein, if pursued, could result in an Order referred to in s. 13 of the *Crown Proceeding Act*, R.S.B.C. 1996, c 89 for payment of money by the Crown;
2. That it is in the public interest to settle the claim inclusive of interest, taxable costs and disbursements for the total amount of \$20,000.00.

Oct 2011

Payable to Timothy W. Pearks Law Corporation in Trust

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**PAYMENTS UNDER  
CROWN PROCEEDING ACT  
FOR THE FISCAL YEAR ENDED MARCH 31, 2012**

**Section 14(4)**

**Court and Case**

**Settlements \$**

SCBC Victoria Registry Action No. 103069

\$ 18,500.00

Whereas the plaintiff, Richard Thomas Galt, has made a claim for damages against Her Majesty the Queen in right of the Province of British Columbia, in the Supreme Court of British Columbia, Victoria Registry No. 103069, based on alleged negligence arising from the plaintiff's assault by other inmates at North Fraser Pre-trial Centre on August 3, 2008;

And Whereas counsel for the Crown has advised that in her opinion the plaintiff might be successful in his claim for damages;

This is to certify:

1. That the claim herein, if pursued, could result in an Order referred to in s.13 of the *Crown Proceeding Act*, R.S.B.C. 1996, c 89 for payment of money by the Crown;
2. That it is in the public interest to settle the claim inclusive of interest, taxable costs and disbursements for the total amount of \$18,500.00.

Jun 2011

Payable to Hemminger Schmid In Trust

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**PAYMENTS UNDER  
CROWN PROCEEDING ACT  
FOR THE FISCAL YEAR ENDED MARCH 31, 2012**

**Section 14(4)**

**Court and Case**

**Settlements \$**

BC Human Rights Tribunal Case No. 8856

\$ 15,000.00

Whereas the complainant, Allison Wynne MacAlpine, has alleged that the Crown discriminated against her in the area of employment on the basis of mental disability. Specifically Ms MacAlpine alleges that the Crown did not fulfill its duty to request further medical information and accept her rescinded resignation. And Whereas Ms MacAlpine has filed a complaint with the BC Human Rights Tribunal against Her Majesty the Queen in right of the Province of British Columbia as represented by the Office of the Representative for Children and Youth, referenced as BCHRT Case No: 8856.

And Whereas counsel for the Crown has advised that in her opinion the complainant might be successful in her claim for damages;

This is to certify:

1. That the claim herein, if pursued, could result in an Order referred to in s.13 of the *Crown Proceeding Act*, R.S.B.C. 1996, c 89 for payment of money by the Crown;
2. That it is in the public interest to settle the claim inclusive of interest, taxable costs and disbursements for the total all-inclusive amount of \$15,000.00.

Jul 2011

Payable to Victoria Square Law Office LLP in Trust

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**PAYMENTS UNDER  
CROWN PROCEEDING ACT  
FOR THE FISCAL YEAR ENDED MARCH 31, 2012**

**Section 14(4)**

<b><u>Court and Case</u></b>	<b><u>Settlements \$</u></b>
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SCBC Victoria Registry Action No. 06 1697	\$ 13,500.00
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Whereas the plaintiff, James Adyeson Hulbert, has made a claim for damages against Her Majesty the Queen in right of the Province of British Columbia in the Supreme Court of British Columbia, Victoria Registry Action No. 06 1697. The plaintiff and the Province have agreed to an all-inclusive settlement of \$13,500.00 with respect to the plaintiff's claims for pain, suffering, loss and damage and all taxable costs as a result of injuries sustained while using a paint stirrer fabricated by a Corrections Officer at the Vancouver Island Regional Correctional Centre. And Whereas counsel for the Crown has advised that in her opinion the plaintiff might be successful in his claim for damages;

This is to certify:

1. That the claim herein, if pursued, could result in an Order referred to in s.13 of the *Crown Proceeding Act*, R.S.B.C. 1996, c 89 for payment of money by the Crown;
2. That it is in the public interest to settle the claim inclusive of interest, taxable costs and disbursements for the total amount of \$13,500.00.

Aug 2011      Payable to MacIsaac and Co. in Trust

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**PAYMENTS UNDER  
CROWN PROCEEDING ACT  
FOR THE FISCAL YEAR ENDED MARCH 31, 2012**

**Section 14(4)**

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<b><u>Court and Case</u></b>	<b><u>Settlements \$</u></b>
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Provincial Court of BC, Victoria Registry Action No. 110433	\$ 10,000.00
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Whereas the plaintiff, Barry Neil Church, has made a claim against Her Majesty the Queen in right of the Province of British Columbia in the Provincial Court of British Columbia, Victoria Registry Action No. 110433. The plaintiff seeks damages for misrepresentation, restitution for wasted expenditures and compensation for expropriation.

And Whereas counsel for the Crown has advised that in his opinion the plaintiff might be successful in his claims.

This is to certify:

1. That the claim herein, if pursued, could result in an Order referred to in s.13 of the *Crown Proceeding Act*, R.S.B.C. 1996, c 89 for payment of money by the Crown;
2. That it is in the public interest to settle the claim inclusive of interest, taxable costs and disbursements for the total amount of \$10,000.00.

Jun 2011 Payable to Barry Neil Church

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**PAYMENTS UNDER  
CROWN PROCEEDING ACT  
FOR THE FISCAL YEAR ENDED MARCH 31, 2012**

**Section 14(4)**

<b>Court and Case</b>	<b>Settlements \$</b>
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No Action Filed	\$ 8,500.00
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Whereas the claimant, Mark Smode, has made a claim for damages against Her Majesty the Queen in right of the Province of British Columbia, arising out of the accident involving a Ministry of Energy, Mines and Petroleum Resources trailer on June 5, 2011, resulting in damage to his retaining wall at 1428 Mount Dufferin Drive, Kamloops, B.C. and his 1978 Prowler trailer at the same location;

And Whereas counsel for the Crown has advised that in her opinion the claimant might be successful in his claim for damages;

This is to certify:

1. That the claim herein, if pursued, could result in an Order referred to in s.13 of the *Crown Proceeding Act*, R.S.B.C. 1996, c 89 for payment of money by the Crown;
2. That it is in the public interest to settle the claim inclusive of interest, taxable costs and disbursements for the total amount of \$8,500.00.

Aug 2011	Payable to Mark Smode	
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Various	\$ 7,500.00
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Whereas two complainants have made claims against the Crown for alleged discrimination against them regarding services and the parties agreed to keep the particulars of the Settlement Agreements confidential; And Whereas counsel acting on behalf of the Crown has advised that, in her opinion, the complainants might be successful in their claims for damages;

This is to certify that:

It is in the public interest to settle the claims for the amount of \$ 7,500.00.

Apr 2011	Payable to Complainant	\$5,000.00
Jun 2011	Payable to Complainant	\$2,500.00

**PAYMENTS UNDER  
CROWN PROCEEDING ACT  
FOR THE FISCAL YEAR ENDED MARCH 31, 2012**

**Section 14(4)**

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<b><u>Court and Case</u></b>	<b><u>Settlements \$</u></b>
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SCBC Vancouver Registry Action No. S115709	\$ 6,000.00
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Whereas the plaintiff, Ibrahim Ali, has made a claim for damages against Her Majesty the Queen in right of the Province of British Columbia in the Supreme Court of British Columbia, Vancouver Registry Action No.

S115709. The plaintiff claims that he was assaulted by other inmates as a result of the negligence of employees of the Fraser Regional Correctional Centre. And Whereas counsel for the Crown has advised that in her opinion the plaintiff would likely succeed in his claim for damages;

This is to certify:

1. That the claim herein, if pursued, could result in an Order referred to in s. 13 of the *Crown Proceeding Act*, R.S.B.C. 1996, c 89 for payment of money by the Crown;
2. That it is in the public interest to settle the claim inclusive of interest, taxable costs and disbursements for the total amount of \$6,000.00.

Jan 2012

Payable to Conroy & Company in Trust

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**PAYMENTS UNDER  
CROWN PROCEEDING ACT  
FOR THE FISCAL YEAR ENDED MARCH 31, 2012**

**Section 14(4)**

**Court and Case**

**Settlements \$**

SCBC Port Coquitlam Registry Action No. COQ-P-C-9654 \$ 5,000.00

Whereas the claimant, Gordon Clair Robinson, has made a claim for damages against Her Majesty the Queen in right of the Province of British Columbia in the Supreme Court of British Columbia, Port Coquitlam Registry Action No. COQ-P-C-9654 for an assault upon him by other inmates on October 27, 2007, while incarcerated at Fraser Regional Correctional Centre.

And Whereas counsel for the Crown has advised that in her opinion the claimant might be successful in his claim for damages;

This is to certify:

3. That the claim herein, if pursued, could result in an Order referred to in s.13 of the *Crown Proceeding Act*, R.S.B.C. 1996, c 89 for payment of money by the Crown;
4. That it is in the public interest to settle the claim inclusive of interest, taxable costs and disbursements for the total amount of \$5,000.00.

May 2011

Payable to McLarty Wolf in Trust

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**PAYMENTS UNDER  
CROWN PROCEEDING ACT  
FOR THE FISCAL YEAR ENDED MARCH 31, 2012**

**Section 14(4)**

**Court and Case**

**Settlements \$**

SCBC Vancouver Registry Action No. S-113120

\$ 5,000.00  
Costs

Whereas McBride Community Forest Corporation commenced a petition under the *Judicial Review Procedure Act*, R.S.B.C. 1996, c. 241 against the Province as represented by the Minister of Forests, Lands and Natural Resource Operations, challenging a decision by a designated official under s. 105.2 of the *Forest Act*, in the Vancouver Registry under Supreme Court Action No. S-113120;

And Whereas counsel acting on behalf of the Respondent decision-maker will consent to an order quashing the s. 105.2 decision and remitting the matter to the decision-maker for rehearing;

And Whereas counsel acting on behalf of the Respondent decision-maker have advised that in their opinion the petitioner may be successful in its claim for costs of the petition;

This is to certify:

1. That the claim herein, if pursued, could result in an Order referred to in s.13 of the *Crown Proceeding Act*, R.S.B.C. 1996, c 89 for payment of money by the Crown;
2. That it is in the public interest to settle the claim for costs in the amount of \$5,000.00.

Oct 2011

Payable to Hunter Litigation Chambers in Trust

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**PAYMENTS UNDER  
CROWN PROCEEDING ACT  
FOR THE FISCAL YEAR ENDED MARCH 31, 2012**

**Section 14(4)**

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<b>Court and Case</b>	<b>Settlements \$</b>
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BC Human Rights Tribunal, Case No. 8487	\$ 5,000.00
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Whereas Denis O'Brien has alleged that the Crown, through the Ministry of Social Development and the BC Public Service Agency discriminated against him in the area of employment on the grounds of ancestry, physical disability and mental disability.

And Whereas Denis O'Brien has filed a complaint against Her Majesty the Queen in right of the Province of British Columbia, as represented by the Ministry of Social Development and the BC Public Service Agency with the BC Human Rights Tribunal, Case No. 8487.

And Whereas counsel for the Crown has advised that in her opinion the complainant might be successful in his claim for damages;

This is to certify:

1. That the claim herein, if pursued, could result in an Order referred to in s.13 of the *Crown Proceeding Act*, R.S.B.C. 1996, c 89 for payment of money by the Crown;
2. That it is in the public interest to settle the claim inclusive of interest, taxable costs and disbursements for the total amount of \$5,000.00.

Jan 2012          Payable to Denis William O'Brien

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**PAYMENTS UNDER  
CROWN PROCEEDING ACT  
FOR THE FISCAL YEAR ENDED MARCH 31, 2012**

**Section 14(4)**

<b><u>Court and Case</u></b>	<b><u>Settlements \$</u></b>
Provincial Court of BC, Prince George Registry Action No. PRG-P-C-1036481	\$ 2,750.00

Whereas the plaintiff, Gilbert Shaw, has made a claim for damages against Her Majesty the Queen in right of the Province of British Columbia in the Provincial Court of BC, Prince George Registry Action No. PRG-P-C-1036481, alleging he was assaulted by other inmates as a result of the negligence of staff at the Prince George Regional Correctional Centre;

And Whereas counsel for the Crown, has advised that in her opinion the plaintiff might be successful in his claim for damages;

This is to certify:

1. That the claim herein, if pursued, could result in an Order referred to in s.13 of the *Crown Proceeding Act*, R.S.B.C. 1996, c 89 for payment of money by the Crown;
2. That it is in the public interest to settle the claim inclusive of interest, taxable costs and disbursements for the total amount of \$2,750.00.

Jul 2011 Payable to Gilbert Shaw.

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**PAYMENTS UNDER  
CROWN PROCEEDING ACT  
FOR THE FISCAL YEAR ENDED MARCH 31, 2012**

**Section 14(4)**

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<b>Court and Case</b>	<b>Settlements \$</b>
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No Action Filed	\$ 1,000.00
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Whereas Daphne McMenemy has made a claim against Her Majesty the Queen in right of the Province of British Columbia for damages arising from an injury she suffered while boarding a British Columbia Ambulance Service ambulance on September 23, 2010;

And Whereas counsel for the Crown has advised that in her opinion the complainant might be successful in her claim for damages;

This is to certify:

1. That the claim herein, if pursued, could result in an Order referred to in s.13 of the *Crown Proceeding Act*, R.S.B.C. 1996, c 89 for payment of money by the Crown;
2. That it is in the public interest to settle the claim inclusive of interest, taxable costs and disbursements for the total amount of \$1,000.00.

Aug 2011      Payable to Daphne McMenemy

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**PAYMENTS UNDER  
CROWN PROCEEDING ACT  
FOR THE FISCAL YEAR ENDED MARCH 31, 2012**

**Section 14(4)**

<b><u>Court and Case</u></b>	<b><u>Settlements \$</u></b>
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SCBC Vernon Registry Action No. 46412	\$ 500.00
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Whereas the plaintiff, Donald Pio, has made a claim for damages against Her Majesty the Queen in right of the Province of British Columbia in the Supreme Court of British Columbia, Vernon Registry Action No. 46412, alleging he was wrongfully detained and arrested by Sheriffs at the Kelowna courthouse;

And Whereas counsel for the Crown has advised that in her opinion the plaintiff might be successful in his claim for damages;

This is to certify:

1. That the claim herein, if pursued, could result in an Order referred to in s.13 of the *Crown Proceeding Act*, R.S.B.C. 1996, c 89 for payment of money by the Crown;
2. That it is in the public interest to settle the claim inclusive of interest, taxable costs and disbursements for the total amount of \$500.00.

Nov 2011 Payable to Donald Pio

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<b><u>Total Payments made under Section 14 (4)</u></b>	<b><u>\$28,468,469.73</u></b>
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**Payments Under  
Crown Proceeding Act  
For the Fiscal Year Ended March 31, 2012**

Total Payment made under Section 13(4)	\$ 5,437,387.57
Total Payment made under Section 14(4)	\$ 28,468,469.73
Adjusting Entry	\$ (1,260.28)
Contingent Liability (Adjusting Entry)	\$ (4,479,234.88)
Paid from HST Account (Adjusting Entry)	\$ (17,431.27)
Paid from GST Account (Adjusting Entry)	\$ <u>(6.81)</u>
	<b><u>\$ 29,407,924.06</u></b>

