

FEDERAL COURT
COUR FÉDÉRALE
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JAN 09 2015

FEDERAL COURT

No. T-2030-13

Date

Registrar

Greffier

W. Miller
BETWEEN:

FEDERAL COURT COUR FÉDÉRALE	
JAN 09 2015	
MELISSA METLEY	
VANCOUVER, BC	

NEIL ALLARD
TANYA BEEMISH
DAVID HEBERT
SHAWN DAVEY

SERVICE OF A TRUE COPY
HEREOF ADMITTED

JAN 09 2015

WILLIAM F. PENTNEY / *W*
Solicitor for
A.G.C.
PLAINTIFFS

AND:

HER MAJESTY THE QUEEN IN RIGHT OF CANADA

DEFENDANTS

AFFIDAVIT OF MIKE KING

1. My name is Mike King and I am a resident of Nanaimo, British Columbia. I make this affidavit of my own personal knowledge, information and belief. Where facts are alleged on information and belief, I so indicate. I make this affidavit for use in the above-captioned case and for no other or improper purpose.

2. On January 6, 2015 I accessed the website of the LP known as Aphria at www.aphria.com. On January 6, 2015 at approximately 4:00PM (PST) I attempted to call Aphria at 844-427-4742 but could not reach a company representative. Based on this research I determined:

- A. It is unclear whether Aphria is currently registering new clients.
- B. Aphria currently has six strains of cannabis for sale.
- C. The price for Aphria's strains vary from \$8.30 to \$10.90 per gram. Shipping is included in all orders.
- D. It appears that Aphria does not offer any discount for low income or disabled individuals.

3. On January 6, 2015 I accessed the website of the LP known as Bedrocan Canada Ltd. at www.bedrocan.ca. On January 6, 2015 at approximately 4:00PM (PST) I attempted to call Bedrocan at 855-420-7887 but could not reach a company representative. Based on this research I determined:

- A. Bedrocan is not currently registering new clients. They are accepting patients for their waiting list.
- B. Bedrocan currently has five strains of cannabis available for sale to previously registered clients.
- C. The price for all five strains is \$7.50 per gram with free shipping on the first

order placed each 30 day period. Subsequent orders are shipped via Canada Post Xpress at an estimated cost of \$17-20 per order.

D. Bedrocan offers a Patient Assistance Program which gives a 20% discount off the first 30 grams ordered each 30 day period to qualified patients. In order to qualify, a patient must be on either provincial or federal disability and/or social assistance and/or be a single income individual or family that makes less than \$30,000 annually or a double income family that makes less than \$50,000 annually. Only three of Bedrocan's five strains can be purchased at the discounted rate.

4. On January 6, 2015 I accessed the website of the LP known as Broken Coast Cannabis Ltd. at www.brokencoast.ca. On January 6, 2015 at approximately 4:00PM (PST) I attempted to call Broken Coast at 855-488-3668 but could not reach a company representative. Based on this research I determined:

A. Broken Coast is currently registering new clients.

B. Broken Coast currently has two strains of cannabis for sale.

C. The price for Broken Coast's strains vary from \$7.00 to \$8.75 per gram.

Shipping is a flat rate of \$15.00 unless the order is a minimum of \$200 in which case shipping is free.

D. Broken Coast does not offer any discount for low income or disabled individuals.

5. On January 6, 2015 I accessed the website of the LP known as Canna Farms Ltd. at www.cannafarms.ca. On January 6, 2015 at approximately 4:00PM (PST) I attempted to call Canna Farms at 855-882-0988 but could not reach a company representative. Based on this research I determined:

A. Canna Farms appears to be currently registering new clients.

B. Canna Farms currently has seven strains of cannabis for sale.

C. The price for Canna Farms' strains vary from \$7.00 to \$13.50 per gram.

Shipping via Canada Post is a flat rate of \$17.50 unless the client orders 150 grams in which case the shipping is free.

D. Canna Farms does not offer any discount for low income or disabled individuals.

6. On January 6, 2015 I accessed the website of the LP known as CanniMed Ltd. at www.cannimed.ca. On January 6, 2015 at approximately 4:00PM (PST) I attempted to call CanniMed at 855-787-1577 but could not reach a company representative. Based on this research I determined:

A. CanniMed is currently registering new clients.

B. CanniMed currently has seven strains of cannabis available for sale.

C. The price for CanniMed's strains vary from \$7.50 to \$13.50 per gram.

Currently, CanniMed offers a discount of 25% for all order placed online and 10% for orders placed by phone. For clients ordering online, CanniMed's strains vary from \$5.25 to \$10.13. Shipping for all orders is an additional \$13.50 for a shipping time of up to four business days, \$17.75 for a shipping time of up to ten business days, and \$25.00 for a shipping time of up to three business days.

Orders over \$400 receive free shipping.

D. CanniMed does not offer any discount specifically for low income or disabled individuals.

7. On January 6, 2015 I accessed the website of the LP known as Delta 9 Bio-Tech Inc. at www.delta9.ca. On January 6, 2015 at approximately 4:00PM (PST) I attempted to call Delta 9 at 855-245-1259 but could not reach a company representative. Based on this research I determined:

A. It is unclear whether Delta 9 is currently registering new clients. Based on their last news update, they are currently only accepting patients for their waiting list.

B. It is unclear exactly how many strains Delta 9 currently has available. It appears they may have approximately 20 strains available.

C. It is unclear what the prices are for Delta 9's strains. A discount of \$1.00 per gram is applied to orders of at least 30 total grams. Shipping is approximately \$15.00 via Canada Post.

D. Delta 9 offers a discount of 50% to qualified low income or disabled clients. Delta 9 does not specify what constitutes low income status or a disability, but rather has a committee that evaluates each client's request for a discount and grants the discount based on the company's capacity to afford the subsidy at the time. For those individuals who qualify, it appears Delta 9's strains would vary from \$2.50 to \$4.50 per gram. As of November 25, 2014, Delta 9's quota for low income or disabled individuals is full; I was not able to determine whether they currently have availability for low income or disabled clients.

8. On January 6, 2015 I accessed the website of the LP known as In The Zone Produce Ltd. at www.inthegzoneproduce.com. On January 6, 2015 at approximately 5:00PM (PST) I attempted to call In The Zone at 800-420-1707 but could not reach a company representative. Based on this research I determined:

A. In The Zone is not currently registering new clients.

B. In The Zone appears to have no strains of cannabis currently available for sale.

C. There is no information of the projected price of In The Zone's strains. There is no information as to whether shipping will be included in In The Zone's prices.

D. There is no information as to whether In The Zone will offer any discount for low income or disabled individuals.

9. On January 6, 2015 I accessed the website of the LP known as MariCann Inc. at www.maricann.ca. On January 6, 2015 at approximately 5:00PM (PST) I called MariCann at 844-627-4226 and spoke with a company representative. Based on this research I determined:

A. MariCann is currently registering new clients.

B. MariCann currently has three strains of cannabis for sale.

C. The price for MariCann's three strains is \$7.00 per gram. Shipping is a flat rate of \$6.00 to B.C.

D. MariCann offers a 30% discount to clients on federal or provincial social assistance or disability programs. For those individuals, MariCann's strains would

cost \$4.90 per gram.

10. On January 6, 2015 I accessed the website of the LP known as Mettrum Ltd. at www.mettrum.com. On January 6, 2015 at approximately 5:00PM (PST) I called Mettrum at 844-638-8786 and spoke with a company representative.

Based on this research I determined:

- A. Mettrum is currently registering new clients.
- B. Mettrum currently has four strains of cannabis available for sale.
- C. The price for Mettrum's strains vary from \$7.60 to \$9.60 per gram. Mettrum also has two varieties of "trim" available for \$3.60 and \$6.60 per gram. Shipping on the first order each month is free as is shipping on all orders over 60 total grams. Shipping for orders under 60 grams that are not the first order of the month is estimated to cost between \$12.00 to \$15.00.
- D. Mettrum offers a 30% discount on the first 30 total grams ordered each month to clients on provincial or federal income assistance or who have a total pre-tax annual income of less than \$30,000.00. For those individuals, it appears the first 30 grams of Mettrum's strains would vary from \$3.92 to \$6.72 per gram.

11. On January 6, 2015 I accessed the website of the LP known as MedReleaf Corp. at www.medreleaf.com. On January 6, 2015 at approximately 5:00PM (PST) I attempted to call MedReleaf at 855-473-5323 but could not reach a company representative. Based on this research I determined:

- A. It is unclear whether MedReleaf is currently registering new clients.
- B. MedReleaf currently has thirteen strains of cannabis available for sale.
- C. The price for MedReleaf's strains vary from \$5.00 to \$15.00 per gram. Only one strain is available for \$5.00 per gram whereas the other twelve strains range from \$10.00 to \$15.00 per gram. MedReleaf offers free shipping on the first order placed each month. Additional orders are a flat rate of \$10.00.
- D. MedReleaf offers a 25% discount to low income or disabled individuals. To qualify, an individual must be registered in a provincial and federal program listed on their website. In BC, there are a combined total of seven federal and provincial programs that may qualify an individual to receive the discount.

12. On January 6, 2015 I accessed the website of the LP known as OrganiGram Inc. at www.organigram.ca. On January 6, 2015 at approximately 5:00PM (PST) I attempted to call OrganiGram at 855-961-9420 but could not reach a company representative. Based on this research I determined:

- A. OrganiGram does not appear to be currently registering new clients. They are accepting patients for their waiting list.
- B. OrganiGram currently has four strains of cannabis available for sale to previously registered clients.
- C. It is unclear what the prices are for OrganiGram's strains. Free shipping is included in all orders.
- D. OrganiGram offers a 25% discount to clients on social assistance or government disability programs.

13. On January 6, 2015 I accessed the website of the LP known as The Peace Naturals Project Inc. at www.peacenaturals.com. On January 6, 2015 at approximately 5:00PM (PST) I attempted to call Peace Naturals at 888-647-3223 but could not reach a company representative. Based on this research I determined:

A. Peace Naturals is not currently registering new clients. Peace Naturals has not been accepting new clients since June 2014. They are accepting patients for their waiting list.

B. Peace Naturals currently has one strain of cannabis available for sale to previously registered clients.

C. The price for Peace Natural's one available strain is \$6.00 per gram. Peace Naturals does not indicate the cost of shipping.

D. Peace Naturals does not appear to offer any discount for low income or disabled individuals.

14. On January 6, 2015 I accessed the website of the LP known as Tilray at www.tilray.ca. On January 6, 2015 at approximately 5:00PM (PST) I called Tilray at 844-845-7291 and spoke with a company representative. Based on this research I determined:

A. Tilray is currently registering new clients.

B. Tilray currently has ten strains of cannabis available for sale.

C. The price for Tilray's strains vary from \$7.00 to \$11.00 per gram. Tilray currently charges a flat rate of \$5.00 for shipping.

D. Tilray does not offer any discount for low income or disabled individuals.

15. On January 6, 2015 I accessed the website of the LP known as Tweed Inc. at www.tweed.com. On January 6, 2015 at approximately 5:00PM (PST) I attempted to call Tweed at 855-558-9333 but could not reach a company representative. Based on this research I determined:

A. Tweed appears to be currently registering new clients.

B. Tweed currently has ten strains of cannabis available for sale.

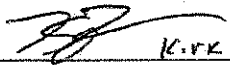
C. The price for Tweed's strains vary from \$6.00 to \$12.00 per gram. Tweed does not indicate the cost of shipping.


D. Tweed offers a "Compassionate Pricing Promise" which stipulates that 10% of their total production will be priced at \$5.00 or less per gram, including shipping. Currently, none of Tweed's strains are less than \$6.00. Tweed also offer a discount of 20% to clients who have are registered in provincial or federal program listed on their website and who have a total pre-tax annual income of less than \$29,000.00. For those individuals, it appears Tweed's strains would cost \$4.80 to \$9.60 per gram.

16. On January 6, 2015 I accessed the website of the LP known as Whistler Medical Marijuana Corp. at www.whistlermedicalmarijuana.com. On January 6, 2015 at approximately 11:00AM (PST) I attempted to call Whistler Medical at 604-962-3440 but could not reach a company representative. Based on this research I determined:

- A. Whistler Medical is not currently registering new clients. They are accepting patients for their waiting list.
- B. Whistler Medical currently has four strains of cannabis available for sale to previously registered clients.
- C. The price for Whistler Medical's strains vary from \$8.00 to \$12.00 per gram including free shipping.
- D. Whistler Medical does not appear to offer any discount for low income or disabled individuals.

SWORN BEFORE ME at the City)
of Duncan, in the Province of)
British Columbia, this 07th day of)
January, 2015)

)
Kirk Tolson, Registrar)
A Commissioner for Taking Affidavits in)
and for the Province of British Columbia)



MIKE KING