

T-2030-13

FEDERAL COURT

SERVICE OF A TRUE COPY  
HEREOF ADMITTED

BETWEEN:

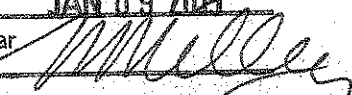
FEDERAL COURT  
COUR FÉDÉRALE  
Copy of Document  
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Filed / Déposé  
Received / Reçu

NEIL ALLARD  
TANYA BEEMISH  
DAVID HEBERT  
SHAWN DAVEY

JAN 09 2015

WILLIAM F. PENTNEY /   
Solicitor for  
A.G.C.

PLAINTIFFS

Date JAN 09 2015  
Registrar   
Greffier

AND:

HER MAJESTY THE QUEEN IN THE RIGHT OF CANADA

DEFENDANT

AFFIDAVIT OF DANIELLE LUKIV

I, Danielle Lukiv, Legal Assistant at the law firm of Conroy & Company, 2459 Pauline Street, Abbotsford, British Columbia, MAKE OATH AND SAY AS FOLLOWS, THAT:

1. I am a legal assistant to John W. Conroy, Q.C., counsel for the Plaintiffs (Respondents/Appellants by way of Cross Appeal) and as such have personal knowledge of the matters and facts hereinafter deposed to, except where stated to be based on information and believe, and where so stated I verily believe them to be true.

2. Now produced and marked as Exhibit "A" this my Affidavit is a copy of a letter dated August 2<sup>nd</sup>, 2014 received from Mary McCarty, registered MMAR patient who was covered by the Court ordered injunction of March 21<sup>st</sup>, 2014 of Mr. Justice Manson, but subsequently had a fire at her home where her production site was also located, but the fire was not caused by her production, but by a clothes dryer. Consequently as a result of the fire she has lost her production site and this has significantly impacted her health and while she has another site as an option she is unable to change the site because the injunction does not permit her to do so. She remains a medically approved patient entitled to reasonable access but cannot afford the Licenced Producer costs and now

produced and marked as Exhibit "B" to this my Affidavit is a letter of August 5<sup>th</sup>, 2014 from Lubnow Restoration (Patrick Laberge) confirming that the fire was caused by the clothes dryer.

3. Now produced and marked as Exhibit "C" to this my Affidavit is an email of August 7<sup>th</sup>, 2014 from Michael McNamara that was copied to numerous others and that essentially is contacting the law firm of Conroy & Company seeking representation with respect to the inability one of the Licenced Producers namely Peace Naturals to essentially provide him as a registered patient with reasonable access to the medicine that he required on a timely basis and his complaints are set out specifically in his email, including references to the problems others have experienced.

4. Now produced and marked as Exhibit "D" to this my Affidavit is an email dated August 5, 2014 from Nicholas Wall who is medically approved but who changed his address due to the Health Canada letter that is the subject of the class action lawsuit alleging a privacy breach and he had a designated grower produce for him, but now has discovered that he was not permitted to move and is not covered by the injunction at his new site because he cannot store at his new residence and therefore his designated grower cannot send his medicine to him anymore or until this issue is resolved.

5. Now produced and marked as Exhibit "E" to this my Affidavit is a copy of an email from Travis Lane on behalf of himself and his wife explaining how they have been impacted by the letter that Health Canada sent to all patients in November 2013 that is the subject of a class action law suit for invasion of privacy and how that caused them concern for their safety so they moved but too late to effect an address change under the change in the Regulations. Consequently they are unable to continue to produce for themselves in accordance with their previous licences and have been resorting to a supply from the illicit market and are concerned about quality of the medication. Further the concern is expressed about the 150 gram a day limit due to the nature of their licences and how it prevents them from going away for more than 3 days.

6. Now produced and marked as Exhibit "F" to this my Affidavit is a copy of an email from Chad Parkins that indicates that as a result of the change in the program his

landlord would not renew his lease believing that all permits were expiring. Consequently he is unable to continue to produce without an ability to change his location or obtain a new location. Further he indicates that the 150 gram possession cap causes problems for him given the nature of his authorization and that he works out of town and consequently cannot take enough with him when he is doing that.

7. Now produced and marked as Exhibit "G" to this my Affidavit is an email dated September 10<sup>th</sup>, 2014 from A. Daniel Muse with respect to his experiences in obtaining his medicine under the *Marihuana for Medical Purposes Regulations (MMPR)* from one of the Licenced Producers. In this case from the Licenced Producer Mettrum. Mr. Muse says that as a result of his inability to obtain an adequate supply from Mettrum he has apparently resorted to a black market source to meet his needs and is concerned as to what will happen if that source's package is intercepted. His complaint is obviously that the *MMPR* system is not providing an ongoing adequate and viable supply for his needs.

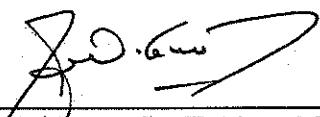
8. Now produced and marked as Exhibit "H" to this my Affidavit is a copy of an email from Lorne Russell Barth dated June 6, 2014 as an example of a couple both of whom had permits and had designated growers who shut down before the injunction was obtained and are now unable to renew to produce for themselves or have a new designated grower or to move their site and outlining the different issues that have arisen impacting them under the injunction that caused them various problems.

9. Now produced and marked as Exhibit "I" to this my Affidavit is a copy of pages 30-33 (questions and answers 71-73) of Exhibit "A" of Affidavit #2 of Jeannine Ritchot, Senior Director of Surveillance and Analysis with the Public Health Agency of Canada setting out her answers to questions dated July 25<sup>th</sup>, 2014 submitted by Plaintiffs in the action and sworn by her on the 13<sup>th</sup> day of August 2014 and these are some of the questions from that Affidavit relating to the status of existing Licenced Producers under the *MMPR* as of that time.

10. That I swear this affidavit as my evidence in chief for the plaintiffs in these proceedings to provide the court with a sampling of the types of complaints, problems

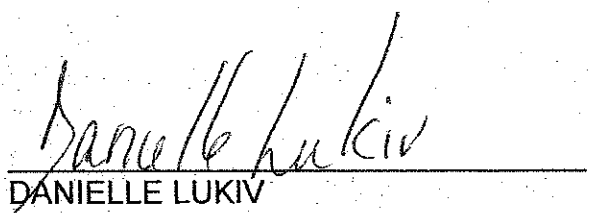
and concerns received by this office since the granting of the interlocutory injunction in these proceedings.

SWORN BEFORE ME at the City )  
of Abbotsford, in the Province of )  
British Columbia, this 7<sup>th</sup> day of )  
January, 2015 )



\_\_\_\_\_)  
A Commissioner for Taking Affidavits in )  
and for the Province of British Columbia )

John W. Conroy, Q.C.  
Barrister & Solicitor  
2459 Pauline Street  
Abbotsford, BC V2S 3S1  
Telephone: (604) 852-5110  
Facsimile: (604) 859-3361

  
\_\_\_\_\_  
DANIELLE LUKIV

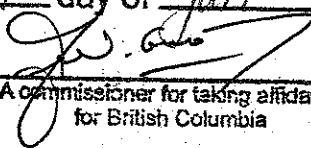
August 2nd

2014

Mary McCarty

██████████  
 ██████████  
 ██████████

This is Exhibit "A" referred to in  
 the affidavit of Danielle Lybo  
 sworn before me at Abbotsford, BC  
 this 7<sup>th</sup> day of Jan 20 15

  
 A Commissioner for taking affidavits  
 for British Columbia

To whom it may concern:

I Mary McCarty, am a registered MMAR patient.

My License number is PPL # APPL-MIM-06-M51131353-57-13A Expires 17 May 2014, and my ATP APP #APPL-mim-06-M5113153-57-13-A Expires May 17 2014. I am one of the few patients that were included into the federal injunction.

I am writing this letter, in response to the restrictions on our carry limit as well as being unable to register a new address.

I've been a business owner in the cosmetology industry for over 30 years , which I've owned and operated 3 hair salons and had a position as a teacher in post-secondary training.

I became unable to work and drive due to Pseudo-seizures triggered by Post Traumatic Stress Disorder. I also suffer from Scoliosis and chronic pain due to severe tendonitis and carpal-tunnel.

I have used Cannabis for a good amount of my life, and without knowing its medicinal benefits it had prevented my seizures since childhood. I didn't fully realize what sort of medicinal effects it had on me until later in my life when I became ill again. I had stopped using Cannabis when I obtained my teaching position, as I had not looked at it as a medicine at that point in time. This was when my seizures started to come back, and my PTSD was really beginning to affect me again. My son had been quite involved in trying to help me get better and had researched the benefits of using Cannabis, hinting towards my illness resurfacing due to no longer consuming Cannabis on a day to day basis. I had been prescribed many anti-seizure medications and suffered greatly from the side affects. I decided to have faith in my son's research ( and some research of my own) and go back to using Cannabis daily. From that day forward my daily amount of seizures decreased exponentially, eventually becoming ZERO. I hadn't had a single seizure in over a year which allowed me to get back my driver's license.

From these great results, I decided to continue my research and pursue a legal possession license - as the risk of continuing to medicate illegally just didn't sit right with me. In the midst of taking an application to possess, I had been educated on the availability of Personal Production Licenses. With the

large cost involved with self-medicating, the benefits of producing my own were great. So, I filed an application for a PPL as well as an ATP with hopes that owning my own home would allow me to be approved for both.

I was officially approved for both licenses. I soon found great therapy in taking care of my room. Also, I felt more secure in using this Cannabis as I knew how it was grown and that it would be healthy for me to consume. I produce my Cannabis organically just as I would my own tomatoes or vegetables.

More recently, shortly after the Federal Injunction took place allowing me to continue to produce my medicine - I experienced a fire in my home. It had absolutely nothing to do with my room as I had ensured everything was up to code and running safely. The cause of my house fire was lint build up in my drier. (determined by a fire origins investigator) I have been told is one of the most common causes of house fires and that you should have this appliance serviced annually to remove lint from inside of it. Thankfully my son woke up to smoke alarms, and reacted quickly saving us from losing our entire home and pets, perhaps even our lives. But, the damage had been sufficient enough for us to need relocation and a full restoration of our home.

Since the incident happened shortly after the Injunction took place I had not been able to set up and produce any more of my medication. I have been struggling to stay healthy from my illness due to being unable to have a consistent source of medication at a low cost. I am unable to work and have a very limited income. Being in this situation has put me in unmeasurable amounts of stress and I have even started to experience minor seizures again. At a great inconvenience to me and my son I have felt it is unsafe for me to drive. I now remain stuck at my hotel unless someone can chaperone me to a friend's place or I decide to go for a long walk which takes a great toll on my body.

I have a friend who would be willing to register their address for me to produce my medicine, but I am unable to due to the change in regulations and the system through the Supreme Court and Health Canada. There are many other patients suffering from the same set back. Our lives and our health are at stake here, and being on a fixed income - the new system and regulations are not a means for reasonable access to our medication. This is a denial of our constitutional rights as Canadian Citizens. I hope and pray that someone in a position to change this will see how much of a failure this new MMAR system is. I understand that there needs to be a controlled program in place but the main point of focus for this program needs to be our right to reasonable access to medication - the MMAR program was much closer to the mark when it came to this focus. Irresponsible use of a substance can exist with anything, and punishment for such actions should not effect the entire group as a whole. My specific situation just goes to show that with the proper equipment and care, you are at a greater risk of a house fire from something as simple as your laundry machine. That being said, risk of fire should not be a controlling factor in the decision to allow patients to produce Cannabis for themselves.

Attached is a document from the restoration company dealing with my home, stating that the origin of the fire was in fact my drier.

Thank you for your time and consideration.

Sincerely,

Mary McCarty

August 5, 2014

Mary McCarty  
[REDACTED]  
[REDACTED]

RE: Fire at above property

Dear Mary McCarty,

We first attended the above property on April 16, 2014 to inspect the damages resulting from a fire. The fire started in the basement utility room and the apparent cause of loss was from an electric clothes dryer. The resulting damages affected every room in the home.

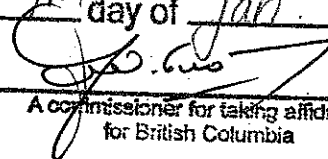
Should you require anything further please let us know.

Regards,

Patrick Laberge



This is Exhibit " B " referred to in  
the affidavit of Danielle Lukic  
sworn before me at Abbotsford, BC  
this 27th day of Jan. 2015

  
A commissioner for taking affidavits  
for British Columbia



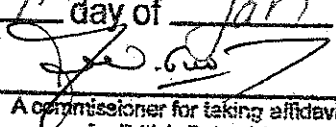
From: Michael McNamara [mailto: [REDACTED]]  
 Sent: Thursday, August 07, 2014 10:15 AM  
 To: John Conroy  
 Cc: 'Mario Jalbert'; [REDACTED]; 'Mark'; 'Mark Leither'; 'D.V'; [REDACTED]; 'Todd Hirsch';  
 Subject: Requesting Personal Injury Case / Mass Tort on Contingency Arrangement  
 Importance: High

Hello Mr. Conroy,

My name is Michael McNamara and I am a current registrant of the MMPR Program (Marijuana for Medical Purposes Regulations). In March of this year, the 40,000 clients were hastily dispersed to new suppliers by Health Canada. This was dubbed, "Transition to New Regime of Suppliers". Health Canada approved 13 suppliers for this phase. Most of them were not prepared and this is where the pain and suffering begins. I am contacting you because I am seeking a firm that can take this case on a contingency basis. Medical clients are not getting their medicine and the parties responsible are not responsive. I have CC'd all the clients we have gotten together up to this point. We have been using my email as a temp hub for communication.

Here's the situation: Peace Naturals, a Licensed Provider (LP) approved by Health Canada's MMPR program, has taken on way more clients than they can medically accommodate. I have been with Peace Naturals since January of this year, and after a slew of problems with this company my membership was unrightfully terminated, like so many others. For 7 months, they have affected everything from my finances to my health, to my personal security. Myself and countless others are now resorting to the street for our medicine, risking our personal security. Numerous attempts by clients to contact both Health Canada, and Peace Naturals were ignored. And because Peace Naturals is attempting to silence the clients, serious complaints are now surfacing all over the internet. Google "Peace Naturals" complaints or "Peace Naturals Reviews". That will give you the motherload. Many of which outline how Peace Naturals affected them MEDICALLY and FINANCIALLY. And we think it's time someone answer to this negligence.

This is Exhibit " C " referred to in  
 the affidavit of Danielle Lukin  
 sworn before me at Abbotsford, BC  
 this 7<sup>th</sup> day of Jan 2015

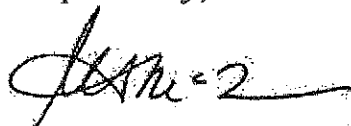
  
 A commissioner for taking affidavits  
 for British Columbia

Naturals (<http://www.cbc.ca/news/canada/nova-scotia/medical-marijuana-users-concerned-about-drug-supply-1.2692509>). Sam suffers from degenerative discs and glaucoma and was sent no product after paying for it. More than a month later, they received only 30 grams of their order. After all that, only a third of their medicine provided. And no compensation. Same sort of thing happened to me, when I returned "bad product". The CEO committed to replacing it, and never did. Instead, he allowed his VP of Client Care to spitefully terminate my membership with Peace Naturals. My only source of medicine mind you.

Peace Naturals could not manage the mounting complaints, so they resorted to getting rid of "difficult" clients. I found others online who were dismissed in this same way. One of them, was a Multiple Sclerosis sufferer, Dan V. He posted a very "expressive" video on YouTube which elicited several comments from current/former clients. (<https://www.youtube.com/watch?v=wgQ9coq15U0>) Dan is also willing to share his experience with you, and is CC'd on this correspondence. His condition worsened during his time with Peace Naturals. And my anxiety and stress was only compounded by back-to-back problems with Peace Naturals for months on end. It's not been an easy road for us this last several months. Draining really...and we need your help.

**The bottom line:** Peace Naturals committed to providing for their medical clients and have not. They are constantly out of stock and most times are not even answering their phones or replying to emails. The numbers of clients NOT getting their medicine is outrageous. And the mistreatment of clients, due to the lack of stock, is now out of control. This transition should never have been allowed to happen his way. I had contacted Peace Naturals several times pleading with them to be more transparent and let the client know what's going on so we can make other arrangements to secure our medicine. Never once were the clients advised of the situation at hand. And this was to maintain the client base until the investors deal was signed. What we have here is a simple case of Mark Gobuty acquiring a significant client base so he could acquire a significant expansion deal with M-Partners: <http://peacenaturals.com/peace-naturals-project-inc-closes-private-placement-offering-of-class-a-shares/> In other words, Mark Gobuty exploited clients of a medical program just so he can become a "leader in the market". A basic investigation into this matter will expose hundreds, maybe even thousands of cases that relate to personal injury, and tort law. I feel that Health Canada is also legally responsible for the position clients of the MMPR program now find themselves in. Not sure how all this works, but both parties (Health Canada AND Peace Naturals Project Inc.) should be held accountable. If you feel that the clients may have a case here, please contact me via email at [REDACTED] or [REDACTED].

Respectfully,



Michael Daniel McNamara

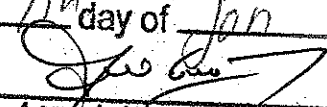
Danielle Lukiv

Subject: FW: Medical marijuana injunction

From: JeebZ [REDACTED]  
Sent: Tuesday, August 05, 2014 3:07 PM  
To: John Conroy  
Subject: Medical marijuana injunction

To whom it may concern,  
My name is Nicholas Wall. I have a rare case of congenital glaucoma and I'm one of the 40,000+ patients involved in the breach of privacy class action lawsuit. This month I changed residence from the address listed on my medical marijuana certificate. Because of this health Canada has informed me that I'm no longer protected by the injunction and because of this cannot continue to receive marijuana from my designated grower. This is a problem as I now have no way of obtaining my medicine and will have to resort to finding illegal means and a highly inflated rate putting my freedom & potential jeopardy. Had I known this would be the outcome I never would have chose to move but now there is no turning back. Is there anyway around this to protect my rights during this injunction? Can I add to my claim the inevitable complete loss of quality of life because of this bureaucratic oversight? I feel hopeless and fearful of the weeks to come when I can't be properly medicated. I patiently await your reply with any information you have to offer.  
Thank you very much for your time today.

Sincerely,  
Nicholas Wall

This is Exhibit " D " referred to in  
the affidavit of Danielle Lukiv  
sworn before me at Abbotsford, BC  
this 7<sup>th</sup> day of Jan 2015  
  
A commissioner for taking affidavits  
for British Columbia

Travis Lane

IP: [REDACTED]

First Name: Travis

Last Name: Lane

Address: [REDACTED]

City: [REDACTED]

Province: BC

Postal Code: [REDACTED]

Phone: [REDACTED]

E-mail: [REDACTED]

MMAR Permit Number: APPL-TML-04-L21901502-79-13-A

This is Exhibit "E" referred to in the affidavit of Danielle Lukiv sworn before me at Abbotsford BC this 7th day of Jan 20 15  
[Signature]  
A commissioner for taking affidavits for British Columbia

Statement:

To whom it may concern,

Both myself and my wife have been affected by the injunction\'s lack of coverage for address change, and the reduction of our carry limits.

We were renting a space from a fellow MMAR patient when the letters that contained the breach of privacy were sent by health Canada. There were at least five separate letters sent to the property with \'Medical Marijuana\' obviously stated on the outside.

Concerned for our safety, we decided to move. We sent in a change of address request by registered mail in late March, but we got the paperwork back from Health Canada unopened.

As of now, we are unable to grow our own meds, which has created a great financial burden. We can produce for about \$1 a gram or less. We use a living soil/organic method that requires no fertilizer or pesticides, which greatly reduces our costs and increases the final quality of the medicine. As of now, we are forced to pay \$5-\$10 per gram for our meds, and we have no idea what they might be fed or sprayed with.

As for the carry limits, we are each licensed for 80 grams per day. We don\'t always consume that much, but we are unable to legally carry more than 3 days worth of meds at a time. Any trip out of town requires that we lower our consumption in order to make it last.

In all, we are both happy that the court has seen it necessary to address the issues created by demolishing the previous, functional system. The injunction has addressed the concerns of many, but it seems that we have fallen through the cracks. Our hope is that the court will understand that the security breach caused by Health Canada was created a dangerous environment for us, so a move was necessary. This should, in our opinion, be addressed by the courts.

Thank you,

Travis Lane

I am aware that I am giving my information to the coalition via John Conroy's Office for this legal matter:  
YES

Signature: \_\_\_\_\_

Travis  
Lane

---

Date:  
M: 06  
D: 30  
Y: 2014

Chad Parkins

IP: [REDACTED]

First Name: Chad

Last Name: Parkins

Address: [REDACTED]

City: [REDACTED]

Province: [REDACTED]

Postal Code: [REDACTED]

Phone: [REDACTED]

E-mail: [REDACTED]

MMAR Permit Number: APPL-CP-12-P25241716-76-13-B

Statement:

I have recently moved because my landlord wouldn't renew the lease due to the permits expiration through health Canada. Also my daily usage is over 5 grams a day so it is hard to manage pain while working out of town, I was able to carry 900 grams before.

I do not exactly know which permit number you are looking for the other is MMAD-112168-13

I am aware that I am giving my information to the coalition via John Conroy's Office for this legal matter:  
yes

Signature:

Chad  
Parkins

Date:

M: 07  
D: 15  
Y: 2014

This is Exhibit "F" referred to/in  
the affidavit of Danielle Lukin  
sworn before me at Abbotsford, BC  
this 17<sup>th</sup> day of Jan 2015

[Signature]  
A commissioner for taking affidavits  
for British Columbia

From: Dan Muisse [redacted]  
Sent: September-10-14 8:01 AM  
To: Reception  
Subject: Inquiry

Mr. Conroy & Associates

My name is A. Daniel Muisse. I possess a prescription for marihuana and was referred to you by a friend who lives on the west coast. I have a concern that I'm hoping you can assist with in terms of informing me of the proper procedure to adapt.

I receive product from Mettrum. Of the 16 strains they advertise only 3 are currently available and that is a true reflection of availability on a regular basis. Whenever the applicable strains for my specific use become available they sell out in moments. I am notified by email when this is about to happen and spend an hour on hold waiting to speak with someone who can take my order. But availability is sporadic at best. The strains suited for my purposes have not been available for months. They are refusing to take on new clients due to restricted amounts of product.

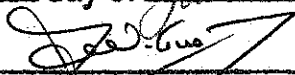
When I speak to a company representative I am told, "That should be available next week," but months go by. I am forced to pursue other options in order to obtain the product I need.

My question is this. If I am forced to obtain product from a source other than with whom I am registered where does this put me "in the eyes of the law?" I obtain this from a licensed grower who cannot be named as my designate but supplies me with organically grown product strains to assist in my ailments. If, during a shipment, this was intercepted what rights do I have to retain possession of the product?

I appreciate any guidance you can offer. The federal government is obviously not providing anywhere near the licenses required to fill the demand for medically grown marihuana and we're the ones suffering because of it.

Kindest regards  
A. Daniel Muisse

This is Exhibit "G" referred to in  
the affidavit of Danielle Lukic  
sworn before me at Abbotsford BC  
this 21<sup>st</sup> day of Jan 20 15

  
A commissioner for taking affidavits  
for British Columbia

**John Conroy**

**From:** Russell Barth <[REDACTED]>  
**Sent:** Friday, June 06, 2014 12:53 PM  
**To:** John Conroy  
**Subject:** How Allard Fails us

John,

Lorne Russell Barth: T-575-14

Christine Lowe: T-576-14

We each had our own grower. They didn't know you'd get an injunction, so Christine's shut down completely, and mine shut down and won't do another thing until he has "permanent" exemption papers.

He is willing to produce for both of us, but we can't move Christine's permit to him. He also wants to move residence. He also wants to produce outdoors at the new place because it won't cost hardly anything, and we can grow enough for the whole year. But then we would not be allowed to store 25 pounds for 6-8 months, so... the whole thing is a mess. Also, we have had an offer from other people to grow for us, so that is a possibility.

Allard fails to help me because

- 1) I cannot change addresses to move my home residence
- 2) I cannot assign a new person as designated grower
- 3) I cannot change location of current designated grower if they wish to move residence
- 4) I cannot change to/combine outdoor growing over the summer, which would save work, time, money. There should be a clause that allows both.
- 5) I sit in violation of allard because my daily dose is 16 a day or 480-496 a month and I have enough for 6 weeks
- 6) MMAR/allard fails to allow for edibles and concentrates
- 7) MMAR had arbitrary storage limits which can cause problems.
- 8) MMAR/allard fail to allow concentrates which disallows use of devices like vaping pens, necessitating the aromatic public use of dried cannabis (when symptoms or timing call for a dose). In Christine's case, rapid-delivery big-dose devices like this are essential to averting seizures when they start to come on. We sit in violation of allard MMAR by possessing the concentrate.
- 9) if/when dealing with police, the expired and crumpled permit I have is difficult to explain without a printout of the allard injunction - which I am not named under.
- 10) having to show police a "special paper" to keep me out of jail because i have a medical condition which requires constant cannabis use makes me feel like a second class citizen. a gross violation of my charter rights. It also make me very very angry.

if you need more, let us know.

Russell

This is Exhibit " H " referred to in  
the affidavit of Danielle Lykiw  
sworn before me at Abbotsford, BC  
this 7<sup>th</sup> day of Jan. 2015

  
A commissioner for taking affidavits  
for British Columbia



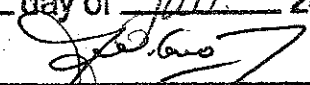
71. *The evidence as of March 21, 2014 indicated that the government mounted a publicity campaign to encourage applications for potential LPs and that as of February 4, 2014. Health Canada had received 454 LP applications, 8 of which had been issued, 10 had been withdrawn, 24 refused and the rest in various stages of review or screening and with an indication that some 25 new applications were being received each week - what has happened since to all of these applications?*

**Response:**

As of July 28, 2014, 21 applicants had obtained licenses from Health Canada under the MMPR.

Since March 21, 2014, the number of applications received has continued to increase steadily with 955 applications having been received as of July 28, 2014. These applications are now at various stages of the process, with some having been either been withdrawn or refused.

This is Exhibit "I" referred to in  
the affidavit of Danielle Lukin  
sworn before me at Abbotsford, BC  
this 7<sup>th</sup> day of Jan 2015

  
A commissioner for taking affidavits  
for British Columbia

72. *How many applications for LP status have been received by HC? Of these, identify: a) how many have been approved; b) how many have been refused; c) how many have resulted in Health Canada issuing a "ready to build" letter to the applicant; d) how many of those applicants have successfully completed the build out and received an LP license?*

**Response:**

As indicated above in response to Question 71, as of July 28, 2014, Health Canada had received 955 license applications, of which 21 have been granted and 183 have been refused.

The "ready to build" letter is not a mandatory step in the application process and applicants with such a letter are not guaranteed a license. Ready to build letters are requested occasionally by applicants under both the *Narcotics Control Regulations* and the *Marihuana for Medical Purposes Regulations* for project management purposes. The letter attests that the physical security requirements, as presented in an applicant's proposal, would meet Health Canada's requirements as of the date of the issuance of the letter. That said, a total of 34 applicants have obtained a ready to build letter. 13 of these 34 became licensed producers.

73. *How many of the existing LPs are actually selling dried marihuana to clients and what is the total production output of saleable dried marihuana for each LP to date? Please provide the answer by individual LP.*

**Response:**

Although there are presently 21 licensed producers, only 13 of these are licensed to sell to clients. Of these 13, 8 had actually made sales to clients by June 30, 2014. These 8 licensed producers had collectively sold a total of 537 kg by that date.

As of June 30, 2014, licensed producers that produced domestically (i.e. as opposed to importation) had 1134 kg of dried marijuana in inventory, out of the 1795 kg that they had collectively produced to date. This total is divided among 10 licensed producers as follows:

LPs with Dried Marijuana Production (kg) as of June 30, 2014	Total Dried Marijuana Production (kg) as of June 30, 2014	Had sales as of June 30, 2014	Notes
LP #1	24	No	Has produced dried marijuana but did not yet have registered clients
LP #2	24	Yes	
LP #3	36	No	Has produced dried marijuana but had license to sell suspended due to issues with good production practices
LP #4	43	Yes	
LP #5	50	No	Was required to conduct a recall and had license to sell suspended due to issues with good production practices
LP #6	72	Yes	
LP #7	163	Yes	
LP #8	175	Yes	
LP #9	266	Yes	
LP #10	942	Yes	
<b>Total</b>	<b>1,795</b>		

In addition, an 11<sup>th</sup> licensed producer has not produced any marijuana domestically, but had imported 116kg of dried marijuana as of June 30, 2014. The total amount of dried marijuana that had been imported and

produced domestically by all licensed producers by June 30, 2014 was 1,910kg.