



Court File No. A 174-14

FEDERAL COURT OF APPEAL

HER MAJESTY THE QUEEN IN RIGHT OF CANADA

Appellant

and

Neil ALLARD, Tanya BEEMISH, David HEBERT and Shawn DAVEY

Respondents

NOTICE OF APPEAL

TO THE RESPONDENTS:

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the appellant. The relief claimed by the appellant appears on the following page.

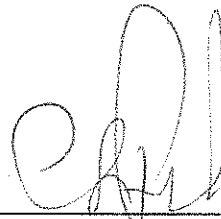
THIS APPEAL will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court directs otherwise, the place of hearing will be as requested by the appellant. The appellant requests that this appeal be heard at Vancouver.

IF YOU WISH TO OPPOSE THIS APPEAL, to receive notice of any step in the appeal or to be served with any documents in the appeal, you or a solicitor acting for you must prepare a notice of appearance in Form 341 prescribed by the *Federal Courts Rules* and serve it on the appellant's solicitor, or where the appellant is self-represented, on the appellant, WITHIN 10 DAYS of being served with this notice of appeal.

IF YOU INTEND TO SEEK A DIFFERENT DISPOSITION of the order appealed from, you must serve and file a notice of cross-appeal in Form 341 prescribed by the *Federal Courts Rules* instead of serving and filing a notice of appearance.

Copies of the *Federal Courts Rules*, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO OPPOSE THIS APPEAL, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.



**CHRISTIAN PRESBER
REGISTRY OFFICER
AGENT DU GREFFE**

Date: March 31, 2014

Issued by:

(Registry Officer)

*Address of
local office:*

Federal Court of Canada
3rd Floor
701 West Georgia Street
Vancouver, British Columbia
V7Y 1B6

TO: Conroy & Company
Barristers and Solicitors
Per: **John W. Conroy, Q.C.**
2459 Pauline Street
Abbotsford, British Columbia
V2S 3S1

**Courts Administration Service
P.O. Box 10065, 3rd Floor
701 West Georgia Street
Vancouver, B.C. V7Y 1B6**

Solicitor for the Respondents

APPEAL

THE APPELLANT APPEALS to the Federal Court of Appeal from the order of the Federal Court (Mr. Justice Manson) dated March 21, 2014 in File No. T-2030-13 by which the Federal Court allowed the Respondents' motion for an interlocutory injunction on the following terms:

1. The [Respondents] who, as of the date of this Order, hold a valid Authorization to Possess pursuant to section 11 of the *Marihuana Medical Access Regulations*, are exempt from the repeal of the *Marihuana Medical Access Regulations* and any other operation of the *Marihuana for Medical Purposes Regulations* which are inconsistent with the operation of the *Marihuana Medical Access Regulations*, to the extent that such an Authorization to Possess shall remain valid until such time as a decision in this case is rendered and subject to the terms in paragraph 2 of this Order;
2. The terms of the exemption for the [Respondents] holding a valid Authorization to Possess pursuant to section 11 of the *Marihuana Medical Access Regulations* shall be in accordance with the terms of the valid Authorization to Possess held by that Applicant as of the date of this Order, notwithstanding the expiry date stated on that Authorization to Possess, except that the maximum quantity of dried marihuana authorized for possession shall be that which is specified by their licence or 150 grams, whichever is less;
3. The [Respondents] who held, as of September 30, 2013, or were issued thereafter a valid Personal-use Production Licence pursuant to section 24 of the *Marihuana Medical Access Regulations*, or a Designated-person Production Licence pursuant to section 34 of the *Marihuana Medical Access Regulations*, are exempt from the repeal of the *Marihuana Medical Access Regulations* and any other operation of the *Marihuana for Medical Purposes Regulations* which is inconsistent with the operation of the *Marihuana Medical Access Regulations*, to the extent that the Designated-person Production Licence or Personal-use Production Licence held by the [Respondent] shall remain valid until such time as a decision in this case is rendered at trial and subject to the terms of paragraph 4 of this Order;
4. The terms of the exemption for [a Respondent] who held, as of September 30, 2013, or was issued thereafter a valid Personal-use Production Licence pursuant to section 24 of the *Marihuana Medical Access Regulations* or a Designated-person Production Licence pursuant to section 34 of the *Marihuana Medical Access Regulations*, shall be in accordance with the terms of their licence, notwithstanding the expiry date stated on that licence;

5. Scheduling directions shall be issued after consultation with counsel for the parties with the view of fixing a trial date as soon as practicable;
6. The [Respondents] are not bound by an undertaking pursuant to r 373(2) of the *Federal Court Rules*; and
7. The parties shall bear their own costs.

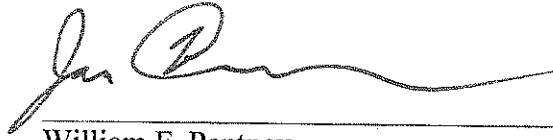
THE APPELLANT ASKS that:

1. this appeal be allowed;
2. the order of the Federal Court be set aside;
3. the Federal Court of Appeal grant the order that the Federal Court should have granted, namely, that the Respondents' motion for an interlocutory injunction be dismissed in its entirety, with costs in the Federal Court of Appeal and the Federal Court.

THE GROUNDS OF APPEAL are as follows:

1. the Federal Court erred in law by employing the wrong standard when it applied the test for an interlocutory injunction to the facts established by the evidence tendered by the parties;
2. the Federal Court erred by wrongly finding that the Respondents had established that, absent an interlocutory injunction pending trial, they would suffer irreparable harm;
3. the Federal Court erred in wrongly finding that the balance of convenience favoured the Respondents;
4. the Federal Court erred by making and relying on palpable and overriding errors of fact in exercising its discretion to grant the injunction;
5. the *Federal Courts Act*, esp. sections 27 and 52;
6. the *Federal Courts Rules*, esp. Rule 373; and
7. such further and other grounds as the Appellant advises and this Honourable Court may permit.

Date: March 31, 2014



William F. Pentney
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