



Court of Appeal File No.
Supreme Court File No. 04 3706
Supreme Court Registry Victoria

COURT OF APPEAL

BETWEEN:

FREDERICK BENNETT

Appellant
(Plaintiff)

AND:

HER MAJESTY THE QUEEN
IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA

Respondent
(Defendant)

NOTICE OF APPEAL

TAKE NOTICE that FREDERICK BENNETT hereby appeals to the Court of Appeal for British Columbia from the order of Madam Justice Dorgan of the British Columbia Supreme Court pronounced the 1st day of October, 2009, at Victoria, British Columbia.

1. The appeal is from a:

- Trial Judgment Summary Trial Judgment
- Order of a Statutory Body Chambers Judgment

2. If the appeal is from an appeal under Rule 49 or 53 (6) of the Supreme Court Rules, name the maker of the original decision, direction or order: Not Applicable

3. Please identify which of the following is involved in the appeal:

- Constitutional/Administrative Civil Procedure Commercial
- Family - Divorce Family Relations Act Corollary Relief in a Divorce Proceeding
- Other Family
- Motor Vehicle Accidents Municipal Law Real Property
- Torts Equity Wills and Estates

(The Divorce Registry will, as applicable, be notified by the Court of Appeal Registry on filing if the appeal involves divorce, corollary relief in divorce proceeding or matters under the *Family Relations Act*)

AND FURTHER TAKE NOTICE that the Court of Appeal will be moved at the hearing of this appeal for:

- a) an Order allowing the Appeal; and

b) Such further and other relief as to this Honourable Court may seem just

The trial/hearing of this proceeding occupied 4 days.

Dated at Victoria, British Columbia, this 26th day of October, 2009


Solicitor for the Appellant

To the respondent: **Her Majesty the Queen in Right of the Province of British Columbia**

And to its solicitor: **J. Gareth Morley**

This Notice of Appeal is given by Albert C. Peeling whose address for service is 411-950 Rockland Avenue, Victoria, B.C., V8V 3H4, Tel: (250) 384 9550, Fax: (250) 384 9590

To the respondent(s):

IF YOU INTEND TO PARTICIPATE in this appeal, YOU MUST GIVE NOTICE of your intention by filing a form entitled "Notice of Appearance" (Form 2 of the Court of Appeal Rules) in a Court of Appeal registry and serve the notice of appearance on the appellant WITHIN 10 DAYS of receiving this Notice of Appeal.

IF YOU FAIL TO FILE A NOTICE OF APPEARANCE

- (a) you are deemed to take no position on the appeal, and
- (b) the parties are not obliged to serve any further documents on you.

The filing registries for the British Columbia Court of Appeal are as follows:

Central Registry:
B.C. Court of Appeal
The Law Courts
800 Smithe Street
Vancouver BC V6Z 2E1

Other Registries:
B.C. Court of Appeal
The Law Courts
P.O. Box 9248 STN PROV GOVT
850 Burdett Ave
Victoria BC V8W 1B4

B.C. Court of Appeal
223 -- 455 Columbia Street
Kamloops BC V2C 6K4

Inquiries should be addressed to (604) 660-2468
Fax filings: (604) 660-1951

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BETWEEN:

FREDERICK BENNETT

APPELLANT
(PLAINTIFF)

AND:

HER MAJESTY THE QUEEN IN RIGHT
OF THE PROVINCE OF BRITISH COLUMBIA

RESPONDENT
(DEFENDANT)

Brought under the *Class Proceedings Act*, R.S.B.C. 1996, c. 50

NOTICE OF APPEAL

Albert C. Peeling
Barrister and Solicitor
411 - 950 Rockland Avenue
Victoria, B.C. V8V 3H4

Ph. (250) 384-9550
Fax: (250) 384 - 9590