



No. S-090663
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

Canadian Independent Medical Clinics Association, Cambie Surgeries Corporation, Delbrook Surgical Centre Inc., False Creek Surgical Centre Inc., Okanagan Health Surgical Centre Inc., and Ultima Medical Services Inc.

PLAINTIFFS

AND:

Medical Services Commission of British Columbia, Minister of Health Services of British Columbia and Attorney General of British Columbia

DEFENDANTS

AND:

Specialist Referral Clinic (Vancouver) Inc.

DEFENDANT BY COUNTERCLAIM

NOTICE OF MOTION

To: The Plaintiffs
And to: Their Solicitors

To: The Defendants
And to: Their Solicitors

To: The Defendant by Counterclaim
And to: Its Solicitors

TAKE NOTICE that an application will be made by Mariël Schooff, Daphne Lang, Joyce Hamer, Myrna Allison, Carol Welch and the British Columbia Nurses' Union, to Madam Justice L. Smith at the courthouse at 800 Smithe Street, in the City of Vancouver, in the Province of British Columbia, on March 16, 2010, at 10:00 AM for:

- (1) An Order that Mariël Schooff, Daphne Lang, Joyce Hamer, Myrna Allison and Carol Welch be added as party respondents or, in the alternative, as intervenors in these proceedings;
- (2) An Order that the British Columbia Nurses' Union be added as an intervenor in these proceedings;
- (3) A direction that intervenors added pursuant to this Order:
 - (a) will receive copies of all pleadings and documents exchanged or produced by the parties;
 - (b) may participate in any cross-examinations on affidavits;
 - (c) may submit evidence at the hearing of this action; and
 - (b) may provide written submissions and make oral submissions at the hearing of this action; and
- (4) A direction that any ruling on costs for or against intervenors added pursuant to this Order be deferred until the conclusion of the trial of this action.

The applicant will rely on Rule 15(5)(a)(ii) and (iii), Rule 51(A) and the inherent jurisdiction of the Court.

At the hearing of the application, the applicant will rely on the following affidavit(s) and other documents:

- (1) the Affidavit of Kelly Robinson, sworn December 4, 2008 in Vancouver Registry No. S-088484;
- (2) the Affidavit of Annamaria Pears, sworn December 4, 2008 in Vancouver Registry No. S-088484;
- (3) the Affidavit of Carol Welch, sworn December 4, 2008 in Vancouver Registry No. S-088484;

- (4) the Affidavit of Mariel Schooff, sworn December 4, 2008 in Vancouver Registry No. S-088484;
- (5) the Affidavit of Kelly Robinson #2, sworn December 19, 2008 in Vancouver Registry No. S-088484;
- (6) the Affidavit of Martin Serediak, sworn September 10, 2007 in Vancouver Registry No. S-068256; and
- (7) such other materials as counsel may advise.

The applicant estimates that the application will take one half day.

If you wish to receive notice of the time and date of the hearing or to respond to the application, you must, within the proper time for response,

- (a) deliver to the applicant
 - (i) 2 copies of a response in Form 124, and
 - (ii) 2 copies of each of the affidavits and other documents, not already in the court file, on which you intend to rely at the hearing, and
- (b) deliver to every other party of record
 - (i) one copy of a response in Form 124, and
 - (ii) one copy of each affidavit and other document, not already in the court file, on which you intend to rely at the hearing.

TIME FOR RESPONSE

If the application is for a final judgment under Rule 18A, the response must be delivered on or before the 11th day after the delivery to you of the notice of motion.

In all other cases, the response must be delivered on or before the 8th day after the later of

(a) the last date fixed for entry of appearance by you, and

(b) the date on which the notice of motion was delivered to you.

Dated March 4, 2010

 FOR :

Marjorie Brown, counsel for the Applicants

This Notice of Motion was prepared by Marjorie Brown of the law firm of VICTORY SQUARE LAW OFFICE LLP whose place of business is 500 - 100 West Pender Street, Vancouver, BC, V6B 1R8, Telephone: (604) 684-8421, Fax: (604) 684-8427.