



No. S088484
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA
IN THE MATTER OF THE *JUDICIAL REVIEW PROCEDURE ACT*,
R.S.B.C. 1996, c. 241

BETWEEN:

MARIËL SCHOOFF, DAPHNE LANG, JOYCE HAMER, MYRNA ALLISON
and CAROL WELCH

PETITIONERS

AND:

MEDICAL SERVICES COMMISSION

RESPONDENT

NOTICE OF MOTION

To: The Petitioners
And to: Their Solicitors

To: The Respondent
And to: Its Solicitors

TAKE NOTICE that an application will be made by Dr. Duncan Etches, Glyn Townson, Thomas McGregor, the British Columbia Friends of Medicare Society ("BCHC") and Canadian Doctors for Medicare ("CDM"), to Madam Justice Smith, the Case Management Judge, at the courthouse at 800 Smithe Street, in the City of Vancouver, British Columbia, on October 14, 2009, at 9:45 a.m. for:

1. an order that Dr. Duncan Etches, Glyn Townson and Thomas McGregor be added as party respondents in these proceedings;
2. an order that the BCHC and the CDM be added as party respondents or, in the alternative, as intervenors in these proceedings; and

3. a direction that the intervenors added pursuant to this order:
 - a. shall receive copies of all pleadings and documents exchanged or produced by the parties;
 - b. may participate in any cross-examinations on affidavits by the parties;
 - c. may submit evidence at the hearing of this petition; and
 - d. may submit oral and written submissions to the Court at the hearing of this petition.

The application will rely on Rule 15(5)(a)(ii) ad (iii) and the inherent jurisdiction of the Court.

At the hearing of the application, the applicants will rely on the following affidavits sworn and filed in *Canadian Independent Medical Clinics Assn. et al. v. Medical Services Commission of British Columbia et al.*, Supreme Court of British Columbia, Vancouver Registry No. S090663, and other documents:

1. Affidavit #1 of Dr. Duncan Etches, sworn August 13, 2009;
2. Affidavit #1 of Dr. Robert Woollard, affirmed August 13, 2009;
3. Affidavit #1 of Joyce Jones, sworn August 13, 2009;
4. Affidavit #1 of Thomas McGregor, sworn August 14, 2009;
5. Affidavit #1 of Glyn Townson, sworn August 14, 2009; and
6. such other materials as counsel may advise.

This application will be heard at the same time as the application filed in *Canadian Independent Medical Clinics Assn. et al. v. Medical Services Commission of British Columbia et al.*, Supreme Court of British Columbia, Vancouver Registry No. S090663, which is estimated to take four (4) hours.

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
- (b) deliver to every other party of record
 - (i) one copy of a response in Form 124, and
 - (ii) one copy of each of the affidavits and other documents, 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.

ARVAY FINLAY

Per:

"Joseph J. Arvay, Q.C."

Joseph J. Arvay, Q.C.

Steve Shrybman

Steve Barrett

Counsel for the Applicants

Dated: August 14, 2009

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