

Court of Appeal
NOV 27 2009
Victoria Registry

Court of Appeal File No. CA 36792
Supreme Court File No.: S081215
Vancouver Registry

COURT OF APPEAL

BETWEEN:

SIMON FRASER UNIVERSITY

Respondent
(Petitioner)

AND:

THE INFORMATION AND PRIVACY COMMISSIONER FOR BRITISH COLUMBIA

Appellant
(Respondent)

AND:

DAVID NOBLE, SOLSTICE MANAGEMENT GROUP, CREDO INTERACTIVE INC.,
SF UNIVENTRUES CORPORATION and CANADIAN ASSOCIATION OF
UNIVERSITY TEACHERS

Respondent
(Respondents)

NOTICE OF APPEAL

Take notice that The Information and Privacy Commissioner for British Columbia hereby appeals to the Court of Appeal for British Columbia from the Order of the Honourable Judge Leask of the Supreme Court of British Columbia pronounced the 30th day of October, 2009, at Vancouver, 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: NA


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

And further take notice that the Court of Appeal will be moved at the hearing of this appeal for an order that the appeal be allowed and that the Order of the Honourable Judge Leask made October 30, 2009 be set aside. The appellant does not seek costs.

The trial/hearing of this proceeding occupied 2 days.

Dated at Victoria, British Columbia, this 26 day of November, 2009.



Angela R. Westmacott
Appellant/Solicitor for the Appellant

To the respondent(s): Simon Fraser University

And to its solicitor: Eileen E. Vanderburgh
Alexander, Holburn, Beaudin, Lang LLP
Suite 2700-700 West Georgia St.
Vancouver, BC V7Y 1B8

This Notice of Appeal is given by the The Information and Privacy Commissioner for British Columbia, whose address for service is #417-645 Fort Street, Victoria, BC V8W 1G2 Fax: 250-480-7455

To the respondent(s):

David Noble and the Canadian Association of University Teachers
McGrady & Company
Suite 1105, 808 Nelson St.
Vancouver, BC V6Z 2H2

Solstice Management Group
2366 Lawson Avenue
West Vancouver, BC V7V 2E6
Attention: Bart Copeland, President

SF Univentures Corporation
SH 3195, 8888 University Drive
Burnaby, BC V5A 1S6
Attention: Dr. B. Mario Pinto, President

Credo Interactive Inc.
Suite 720-999 W. Broadway
Vancouver, BC V6Z 1K3
Attention: Sang Mah, President and CEO

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

Court of Appeal File No.
Supreme Court File No.: S081215
Vancouver Registry

COURT OF APPEAL

BETWEEN:

SIMON FRASER UNIVERSITY

Respondent
(Petitioner)

AND:

THE INFORMATION AND PRIVACY COMMISSIONER FOR BRITISH
COLUMBIA

Appellant
(Respondent)

AND:

DAVID NOBLE, SOLSTICE MANAGEMENT GROUP, CREDO INTERACTIVE
INC., SF UNIVENTRUES CORPORATION and CANADIAN ASSOCIATION OF
UNIVERSITY TEACHERS

Respondent
(Respondents)

NOTICE OF APPEAL

Lovett & Westmacott
417-645 Fort Street
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/lw

VANCOUVER
NOV 27 2009
COURT OF APPEAL
REGISTRY

CA037689

Court of Appeal No. _____
Supreme Court File No. S-081215
Vancouver Registry

COURT OF APPEAL

On Appeal from the Supreme Court of British Columbia from the Order of
The Honourable Mr. Justice Leask pronounced the 30th day of October, 2009.

Re: In the matter of the *JUDICIAL REVIEW PROCEDURE ACT*, R.S.B.C. 1996,
c. 241, and the *FREEDOM OF INFORMATION AND PROTECTION OF*
PRIVACY ACT, R.S.B.C., 1996, c. 165 (as amended), and in the matter of
Order No. F08-01 of the Delegate of the Information and Privacy
Commissioner of British Columbia

BETWEEN:

SIMON FRASER UNIVERSITY

RESPONDENT
(PETITIONER)

AND:

DAVID NOBLE and CANADIAN ASSOCIATION OF
UNIVERSITY TEACHERS

APPELLANTS
(RESPONDENTS)

AND:

THE INFORMATION AND PRIVACY COMMISSIONER FOR
BRITISH COLUMBIA, SOLSTICE MANAGEMENT GROUP,
CREDO INTERACTIVE INC., and SF UNIVENTURES
CORPORATION

RESPONDENTS
(RESPONDENTS)

NOTICE OF APPEAL

Take notice that the Respondents David Noble and Canadian Association of University
Teachers hereby appeal to the Court of Appeal for British Columbia from the order of
Mr. Justice Leask of the Supreme Court of British Columbia pronounced the 30th day of
October 2009, at Vancouver, British Columbia.

1. The appeal is from a:

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

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

- Constitutional/Administrative Civil Procedure Commercial
 Family Motor Vehicle Accidents Municipal Law
 Real Property Torts Equity
 Wills and Estates

And further take notice that the Court of Appeal will be moved at the hearing of this application for an order that:

1. the decision of the Honourable Mr. Justice Leask pronounced on October 30, 2009 be reversed and the Order issued by the Delegate of the Information and Privacy Commissioner of British Columbia dated January 4, 2008 be restored.
2. costs of this application and the motion in the court below.

The grounds of appeal are that the Learned Chambers Judge erred in law with respect to the issue of piercing the corporate veil; and that the Learned Chambers Judge erred in his reversal of the Delegate's conclusion on the matter of the control of the records at issue.

The hearing of this proceeding occupied 2 days.

Dated at Vancouver, British Columbia, this 27th day of November, 2009.



Leo McGrady Q.C.
Solicitor for the Appellants David Noble and
Canadian Association of University Teachers

To the Respondent:
And to its Solicitor:

Simon Fraser University
Eileen E. Vanderburgh
Alexander Holburn Beaudin & Lang LLP
Barristers and Solicitors
P.O. Box 10057
2700 – 700 West Georgia Street
Vancouver, BC V7Y 1B8
Fax: 604-484-9700

This Notice of Appeal is given by **Leo McGrady Q.C.**, solicitor, whose address for service is:

McGrady & Company
Suite 1105 – 808 Nelson Street
Lawyers
Vancouver, BC V6Z 2H2
Tel: 604-734-7003
Fax: 604-734-7009

IF YOU INTEND TO PARTICIPATE in this proceeding, 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 Application for Leave to Appeal.

IF YOU FAIL TO FILE A NOTICE OF APPEARANCE:

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

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

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The Law Courts
800 Smith Street
Vancouver, BC V6Z 2E1

Other Registries:

B.C. Court of Appeal
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