

NO. S089144
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

**CANADIAN FEDERATION OF STUDENTS and
CANADIAN FEDERATION OF STUDENTS – SERVICES**

PLAINTIFFS

AND:

SIMON FRASER STUDENT SOCIETY

DEFENDANT

NOTICE OF MOTION

To: The Defendant

And To: Its Counsel

TAKE NOTICE that an application will be made by the Plaintiffs to the presiding judge or master at the courthouse at 800 Smith Street, in the City of Vancouver, in the Province of British Columbia at a date and time to be set for an order that:

- (a) any Unremitted Fees, as that term is defined in paragraph 13 of the Statement of Claim herein, be forthwith paid into Court pending further order of this Court; and
- (b) pending further order of this Court, the Defendant continue to collect Fees, as that term is defined in paragraph 11 of the Statement of Claim herein, from Simon Fraser University students, either directly or indirectly through Simon Fraser University and, as such Fees are collected, forthwith pay such Fees into Court; and
- (c) costs of this application.

The applicant will rely on Rules 45 and 46 of the Supreme Court Rules, Section 39 of the *Law and Equity Act* (British Columbia), Section 21 of the *College and Institute Act* (British Columbia) 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 Writ and Statement of Claim filed herein;
2. Affidavit of Lucy Watson #1 sworn December 30, 2008 and filed herein; and
3. such further and other material as counsel may put before the Court and the Court may allow.

The applicant estimates that the application will take 30 minutes.

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: January 5th, 2009



Solicitor for the Applicant

THIS NOTICE OF MOTION was prepared by Martin L. Palleson, of the law firm of Gowling Lafleur Henderson LLP, whose place of business is P.O. Box 30, 2300 - 550 Burrard Street, Vancouver, B.C. V6C 2B5 (Telephone: 604-683-6498).

NO. S090331
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

CANADIAN FEDERATION OF STUDENTS –
BRITISH COLUMBIA COMPONENT

PLAINTIFF

AND:

SIMON FRASER STUDENT SOCIETY

DEFENDANT

NOTICE OF MOTION

TO: The Defendant
AND TO: Its Solicitor

TAKE NOTICE that an application will be made by the Plaintiff to the presiding judge or master at the Courthouse at 800 Smithe Street, Vancouver, British Columbia, at a date and time to be set, for an order that:

- (a) any Unremitted Fees, as that term is defined in paragraph 12 of the Statement of Claim herein, be forthwith paid into Court pending further order of this Court;
- (b) pending further order of this Court, the Defendant continue to collect Fees, as that term is defined in paragraph 10 of the Statement of Claim herein, from Simon Fraser University students, either directly or indirectly through Simon Fraser University and, as such Fees are collected, forthwith pay such Fees into Court; and
- (c) costs of this application.

The applicant will rely on Rules 45 and 46 of the *Rules of Court*, Section 39 of the *Law and Equity Act* (British Columbia), Section 21 of the *College and Institute Act* (British Columbia) and the inherent jurisdiction of the Court.

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

1. Affidavit #1 of Jacqueline Lalande, sworn January 15, 2009;
2. The Writ and Statement of Claim filed herein; and
3. Such further and other material as counsel may put before the Court and the Court may allow.

The applicant estimates that the application will take 30 minutes.

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

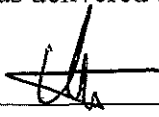
TIME FOR RESPONSE

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.

DATED: January 15, 2009


 Solicitor for the Plaintiff

This NOTICE OF MOTION is filed and delivered by Mark G. Underhill, solicitor for the Plaintiff, whose place of business and address for service is Suite 1640 – 401 West Georgia Street, Vancouver, BC V6B 5A1. Tel. (604) 696-9828 – Fax (604) 632-9950. File No. 10170.