

COURT FILE NUMBER Q.B.G. No. _____ of 2019
COURT OF QUEEN'S BENCH FOR SASKATCHEWAN
JUDICIAL CENTRE REGINA
APPLICANT (Plaintiff) CONSUMERS' CO-OPERATIVE REFINERIES LIMITED

RESPONDENTS UNIFOR CANADA, LOCAL 594
(Defendants) - and -
 KEVIN BITTMAN, representing himself and all members of Unifor
 Canada, Local 594

DRAFT ORDER

Before the Honourable _____ Justice _____ in chambers the ____ day of _____, 2019.

On the application of Eileen V. Libby, Q.C., lawyer on behalf of the Applicant, Consumers' Co-operative Refineries Limited, and on hearing Crystal Norbeck, lawyer on behalf of the Respondents, Unifor Canada, Local 594 and Kevin Bittman, on reading, all filed: the Notice of Application, Statement of Claim, Affidavits in support, Brief of Law and Undertaking as to Damages of the Applicant; and upon hearing the arguments of both parties:

The Court orders:

1. The Respondents or any of them and all of the agents, officers, representatives and members of the Respondent Unifor Canada, Local 594 and any persons acting pursuant to their counsel, directions or instructions, or anyone aiding or assisting any of them, and any person having notice of this Order, until the trial or other final disposition of this Action, or until further order of the court, are hereby:

(a) Restrained from blocking or obstructing access points, entrances, driveways or gates to the following properties possessed by the Applicant and identified below by their municipal and legal land descriptions (collectively the "CCRL Properties"):

- (i) 234 East 9th Avenue North, Regina, Saskatchewan, legally described as:
 - (1) Blk/Par A Plan No 102044225 Extension 9 as described on Certificate of Title 91R01097F;
 - (2) Blk/Par B Plan No 102044225 Extension 10 as described on Certificate of Title 91R01097F;

- (3) Blk/Par C Plan No 102044225 Extension 11 as described on Certificate of Title 91R01097F;
- (4) SW Sec 04 Twp 18 Rge 19 W 2 Extension 91 as described on Certificate of Title 91R01097D, description 91;
- (5) NW Sec 04 Twp 18 Rge 19 W 2 Extension 90 as described on Certificate of Title 91R01097D, description 90;
- (6) Blk/Par E Plan No 102012848 Extension 0;
- (7) SW Sec 04 Twp 18 Rge 19 W 2 Plan No 68R32582 Extension 1 as described on Certificate of Title 94R56949;
- (8) Blk/Par A Plan No EX4175 Extension 0 as described on Certificate of Title 91R01097B;
- (9) Blk/Par A Plan No 101349424 Extension 93 as described on Certificate of Title 93R34747, description 93;
- (10) Blk/Par A Plan No 101349479 Extension 82 as described on Certificate of Title 91R01097, description 82;
- (11) Blk/Par B Plan No 101349479 Extension 83 as described on Certificate of Title 91R01097, description 83;
- (12) Blk/Par C Plan No 101349479 Extension 84 as described on Certificate of Title 91R01097, description 83;
- (13) Blk/Par D Plan No 81R18925 Extension 0 as described on Certificate of Title 92R50843(1);
- (14) Blk/Par C Plan No 81R18925 Extension 0 as described on Certificate of Title 91R01097C
- (15) Blk/Par C Plan No 101349761 Extension 89 as described on Certificate of Title 91R01097, description 89;
- (16) Blk/Par A Plan No 101349547 Extension 81 as described on Certificate of Title 91R01097E, description 81;

- (17) NW Sec 04 Twp 18 Rge 19 W 2 Plan No 68R32582 Extension 1 as described on Certificate of Title 94R56949;
 - (18) Blk/Par G Plan No 72R27589 Extension 0 as described on Certificate of Title 90R58264(1);
 - (19) SW Sec 05 Twp 18 Rge 19 W 2 Extension 98;
 - (20) SE Sec 05 Twp 18 Rge 19 W 2 Extension 96 as described on certificate of Title 75R28599A, description 96;
 - (21) NE Sec 04 Twp 18 Rge 19 W 2 Extension 61 as shown on Plan 102012848;
 - (22) NE Sec 04 Twp 18 Rge 19 W 2 Extension 59 as described on certificate of Title 74R21787, description 59; and
 - (23) SE Sec 04 Twp 18 Rge 19 W 2 Extension 1 as shown on plan 102012848;
- (ii) 250 McDonald Street, Regina, Saskatchewan, legally described as Blk/Par J Plan No 70R18593 Extension 0 as described on Certificate of Title 93R47981;
- (iii) 580 Park Street, Regina, Saskatchewan, legally described as:
- (1) Lot 9 BLK/Par 11 Plan no 65R29319 Extension 0 as described on Certificate of Title 87R58244; and
 - (2) Lot 10 BLK/Par 11 Plan no 65R29319 Extension 0 as described on Certificate of Title 87R58244; and
- (iv) 90 Kress Street, Regina, Saskatchewan, legally described as Lot 7 Blk/Par U Plan No 79R05543 Extension 0 as described on Certificate of Title 00RA03965;
- (v) 310 Henderson Drive, Regina, Saskatchewan, legally described as Lot F BLK/Par 15 Plan no 75R42926 Extension 3 as described on Certificate of Title 97R11276(1);

- (vi) Victoria Plains Rail Facility, RM of Sherwood, Saskatchewan, legally described as:
 - (1) NW Sec 10 Twp 18 Rge 19 W 2 Plan No CG4875 Extension 1 as described on Certificate of Title 97AMB; and
 - (2) NE Sec 10 Twp 18 Rge 19 W 2 Plan No CG4875 Extension 1 as described on Certificate of Title 5WA;

- (b) Without limiting the generality of clause (a) above, restrained from:
 - (i) impeding, obstructing, blocking, intimidating, threatening, harassing, coercing or in any way interfering with employees, contractors, customers, suppliers, members of the public or any other persons seeking to enter or leave the CCRL Properties;
 - (ii) from trespassing on the CCRL Properties; and
 - (iii) from picketing, parading or congregating in the vicinity of the CCRL Properties within 5 meters of any point of access to the properties;

- (c) Restrained from blocking, obstructing or in any way interfering with the free flow of traffic on any road to which the public has a right of access, including but not limited to the following roads in Regina Saskatchewan: Fleet Street, 9th Avenue North, McDonald Street, Park Street, Henderson Drive or Kress Street;

- (d) Restrained from besetting or watching the places where CCRL employees, contractors and suppliers reside, work, carry on business or happen to be for the purpose of compelling them to doing anything they have a lawful right to abstain from doing, or abstain from doing anything they have a lawful right to do;

- (e) Restrained from intimidating, threatening, persistently following, or in any way interfering with CCRL's employees, contractors, customers, or suppliers, or any person who is travelling to or from the CCRL Properties including, without limitation, by impeding the progress of their vehicles;

- (f) Restrained from ordering, directing, persuading, aiding, abetting, counselling, procuring, inducing or encouraging in any manner whatsoever, whether directly or indirectly, any other person or persons to commit any of the aforesaid acts or conspiring or agreeing to do the same.

2. The Applicant shall immediately deliver a copy of the pleadings in this action and this Order to the Regina Police Service, which police force is hereby directed to enforce the terms of this Order.

3. Any peace officer shall be and is hereby authorized to arrest, or arrest and remove, any person whom has notice or knowledge of this Order and whom the peace officer has reasonable and probable grounds to believe is contravening or has contravened the provisions of this Order, and for the sake of clarity, such a peace officer retains his or her discretion to decide whether to arrest or remove any person pursuant to this Order.

4. Any peace officer who arrests or arrests and removes any person pursuant to this Order shall be and is hereby authorized to:

- (g) Release that person from arrest upon that person agreeing in writing to abide by this Order and to appear before this Court at such time and place as may be fixed for the purpose of being proceeded against for contempt of Court or fixing a date for such proceedings;
- (h) Where such person refuses to give a written undertaking to abide by this Order or to appear before this Court, or where in the circumstances the peace officer considers it appropriate, to bring forthwith such person before this Court in Regina, Saskatchewan, or such other place as the Court may direct, for the purpose of being proceeded against for contempt of Court or for fixing a date for such proceeding; or
- (i) Detain such person in custody until such time as it is possible to bring that person before this Court.

5. The Respondents are hereby order to provide notice of this Order to any persons who participate in picking activities that the Respondents, or either of them, organize or are aware of and which relate to the CCRL Properties, or CCRL's employees, contractors or suppliers.

6. Service of this Order on the Respondents and on each of them and upon other persons affected by this Order shall be made by delivering a copy of the Order to the Respondents' Counsel, Gerrand Rath Johnson LLP.

7. The Applicant is awarded its costs of this application, which are payable by the Respondents forthwith.

ISSUED at the City of Regina, in the Province of Saskatchewan, this ____ day of December, 2019.

(Deputy) Local Registrar

If prepared by a lawyer for the party:

Name of firm:	MLT Aikins LLP
Lawyer in charge of file:	Eileen V. Libby, Q.C.
Address of legal firm:	1500, 1874 Scarth Street Regina, SK S4P 4E9
Telephone number:	306-347-8000
Fax number:	306-352-5250