

Court File Number [REDACTED]

IN THE SUPREME COURT OF CANADA

BETWEEN:

Nathan [REDACTED] Dempsey

APPELLANT
(Plaintiff)

AND:

[REDACTED]

RESPONDENTS
(Defendants)

AND:

The Attorney General of Canada

RESPONDENT
(Defendant)

AFFIDAVIT OF SERVICE

I, Nathan [REDACTED] Dempsey, of [REDACTED], MAKE OATH AND SAY
AS FOLLOWS:

1. THAT on the 8th day of January, 2024, I did serve Mr. Daniel Hnatchuk, counsel and agent for [REDACTED] in addition to [REDACTED] additional counsel at the same law firm, and Ms. Loretta Chun, counsel for the Attorney General of Canada, with true copies of my Motion for Reconsideration by email, at 12:52 PM, and at 12:55 PM Atlantic Standard Time respectively.
2. THAT the Motion for Reconsideration, made pursuant to the requirements of Rule 73, contains all the components of the Motion in the same PDF file. These include the Motion for Reconsideration (Rule 73(3)(a)), the Affidavit of Nathan [REDACTED] Dempsey made January 5th, 2024 (Rule 73(3)(b)), the Affidavit of Nathan [REDACTED] Dempsey made November 22nd, 2023 (Rule 73(3)(c)), and a statement of argument (Rule 73(3)(d)).

3. THAT the original printed and bound hardcopy of the Motion for Reconsideration was likewise made in accordance with Rule 73, and contains all of the components listed in the previous paragraph in the same cerlox-bound binder.
4. THAT the original printed and bound hardcopy of the Motion for Reconsideration was shipped via courier (Purolator) to the Supreme Court of Canada Registry on January 8th, 2024, along with two printed and bound copies of the same in accordance with Rule 73(2), and whereas, all three binders were included in the same shipping box, and whereas, successful physical delivery was confirmed by Purolator on January 9th, 2024.

Exhibit Materials

1. Attached to this my Affidavit and marked as Exhibit A are true copies of email correspondence between Mr. Dempsey and both Respondent Parties in the Style of Cause confirming receipt of the Motion for Reconsideration.
2. Attached to this my Affidavit and marked as Exhibit B is a true copy of the physical delivery confirmation by Purolator, and true photographs of the motion binders which were delivered.

AFFIRMED BEFORE ME at

HOWARD J. MACKINNON
Notary Public in and for the
PROVINCE OF NOVA SCOTIA
My commission does not expire

Halifax, Nova Scotia,

On January 10th, 2023

A Notary Public within the
Province of Nova Scotia



Nathan Dempsey

RE: Service of Motion for Reconsideration [REDACTED]

From Loretta [REDACTED]@justice.gc.ca>

To [REDACTED]

CC Nguyen, Hong (il/lui) BCRO <[REDACTED]@justice.gc.ca>,
Rupar, Christopher (he; him | il; lui) [REDACTED]@justice.gc.ca>

Date Monday, January 8th, 2024 at 1:39 PM

Hello Mr. Dempsey,

We confirm receipt of your motion.

Thank you,

Loretta

Loretta Chun

Senior Counsel | Avocat principal

British Columbia Regional Office | Bureau régional de la Colombie-Britannique

Exhibit A referred to in the
affidavit of Nathan Dempsey
affirmed before me on this 10 day
of January, 2024
at Halifax, NS

[REDACTED]
HOWARD J. MACKINNON
Notary Public in and for the
PROVINCE OF NOVA SCOTIA
My commission does not expire

Pronouns: she/her; elle/la

PACIFIC TIME (12:55 PM)
ATLANTIC TIME

From: [REDACTED]

Sent: Monday, January 8, 2024 8:55 AM

To: Rupar, Christopher (he; him | il; lui) [REDACTED]@justice.gc.ca>

Cc: Nguyen, Hong (il/lui) BCRO (he; him | il; lui) [REDACTED]@justice.gc.ca>; Chun, Loretta (she; her | elle; la) [REDACTED]@justice.gc.ca>

Subject: Service of Motion for Reconsideration [REDACTED]

Good morning,

Please find my Motion for Reconsideration in the share folder linked below.

[https://d\[REDACTED\]](https://d[REDACTED])

Please confirm receipt via email.

Best regards,

N. Dempsey

Sent with [Proton Mail](#) secure email.

RE: Service of Motion for Reconsideration

From Hnatchuk, Dan [REDACTED]@osler.com>

To [REDACTED]

Date Tuesday, January 9th, 2024 at 11:44 AM

Confirming receipt of the materials.

Best regards,

Dan Hnatchuk

Associate
[REDACTED]

From [REDACTED]

Sent: Tuesday, January 09, 2024 10:42 AM

To: White, Brad [REDACTED]@osler.com>

Cc: Hnatchuk, Dan [REDACTED]@osler.com>

Subject: RE: Service of Motion for Reconsideration [REDACTED]

Hi Brad,

Thank you for the acknowledgement. I can confirm two downloads of the Motion in the share folder I provided as is pictured below. Can I have either you or Mr. Hnatchuk confirm receipt via email by end-of-day today?

Best regards,

Nathan

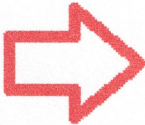
[redacted]

Folder details

Digital signature verified. This folder was securely uploaded by

[redacted]

Name	Motion for Reconsideration Riedl
Uploaded by	[redacted]
Location	/My files
Uploaded	Jan 8, 2024, 12:26 PM
Modified	Jan 8, 2024, 12:26 PM
Shared	Yes
# of downloads ⓘ	2



Close

Sent with [Proton Mail](#) secure email.

On Monday, January 8th, 2024 at 1:15 PM, White, Brad <[REDACTED]> [osler.com](#) wrote:

Thank you. I am copying [@Hnatchuk, Dan](#) who is handling the SCC matters previously handled by Mr. Langen.

Brad

OSLER

J. Bradley White B.Sc., M.Sc.

Partner, Chair National Intellectual Property Department
[REDACTED]

Suite 320, World Exchange Plaza

100 Queen Street

Ottawa, Ontario

K1P 1J9

Reception is located in Suite 600
[REDACTED]

From: [REDACTED]
Sent: Monday, January 08, 2024 11:57 AM
To: White, Brad <[REDACTED]@osler.com>
Subject: Re: Service of Motion for Reconsideration [REDACTED]

Fyi; forwarding this message per the auto-response concerning Mr. Langen.

On Monday, January 8th, 2024 at 12:52 PM, [REDACTED]
wrote:

Good morning,

Please find my Motion for Reconsideration in the share folder linked below.

[https://\[REDACTED\]](https://[REDACTED])

Please confirm receipt via email.

Best regards,

N. Dempsey



Exhibit B referred to in the
affidavit of Nathan Dempsey
affirmed before me on this 10 day
of January, 2024
at Halifax, NS

HOWARD J. MACKINNON
Notary Public in and for the
PROVINCE OF NOVA SCOTIA
My commission does not expire

Shipment: 334497260664



Delivery Date

Tue. Jan. 9, 2024 10:18 a.m.

Last updated
Tue. Jan. 9, 2024

Origin		Service	Purolator Express Box 10:30AM	Receiver's Signature
Destination	Ottawa, ON	Est. Weight	13 lb	
		Shipment Date	Mon. Jan. 8, 2024	
				Received By: cyr

History

Date	City	Description
Tue. Jan. 9, 2024 - 10:18 a.m.	OTTAWA, ON	Shipment delivered to cyr at: Left with Guard/Security 301 WELLINGTON ST,K1A0J1
Tue. Jan. 9, 2024 - 9:05 a.m.	OTTAWA, ON	On vehicle for delivery
Tue. Jan. 9, 2024 - 7:56 a.m.	OTTAWA, ON	Arrived at sort facility
Tue. Jan. 9, 2024 - 3:08 a.m.	MIRABEL , QC	Arrived at sort facility
Tue. Jan. 9, 2024 - 12:50 a.m.	PUROLATOR	Shipment created - final manifest received
Mon. Jan. 8, 2024 - 5:02 p.m.	ENFIELD , NS	Departed sort facility
Mon. Jan. 8, 2024 - 5:01 p.m.	ENFIELD , NS	Arrived at sort facility
Mon. Jan. 8, 2024 - 4:40 p.m.	ENFIELD , NS	Arrived at sort facility
Mon. Jan. 8, 2024 - 4:12 p.m.	DARTMOUTH, NS	Departed sort facility
Mon. Jan. 8, 2024 - 2:58 p.m.	BEDFORD, NS	Picked up by Purolator at 181 DAMASCUS RD,BEDFORD,NS,B4A0Y3
Mon. Jan. 8, 2024 - 10:37 a.m.	PUROLATOR	Shipment created - interim manifest received

1/9/24, 12:28 PM

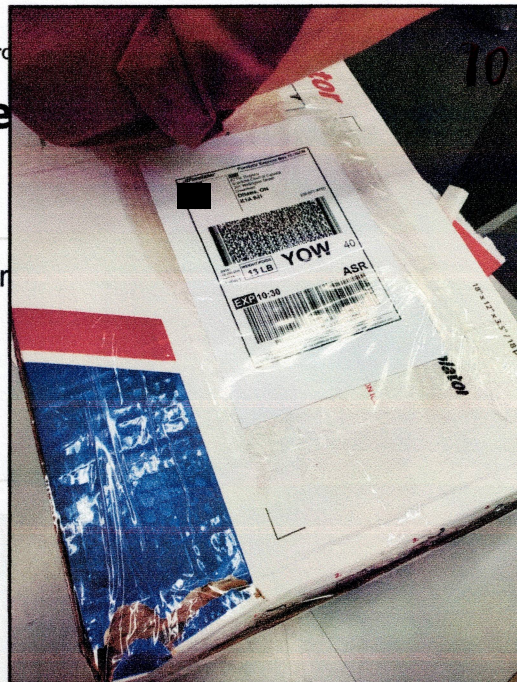
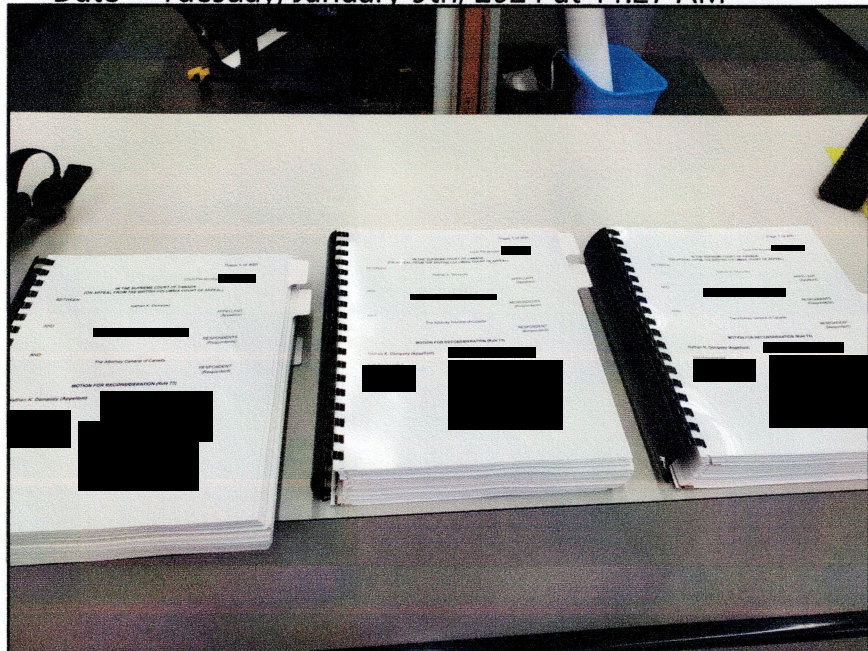
Inbox | [REDACTED] | Pro

Purolator - Your shipment is delivered / Votre PIN/NIC:334497260664

From NotificationService@purolator.com <NotificationService@purolator.com>

To [REDACTED]

Date Tuesday, January 9th, 2024 at 11:27 AM



tor
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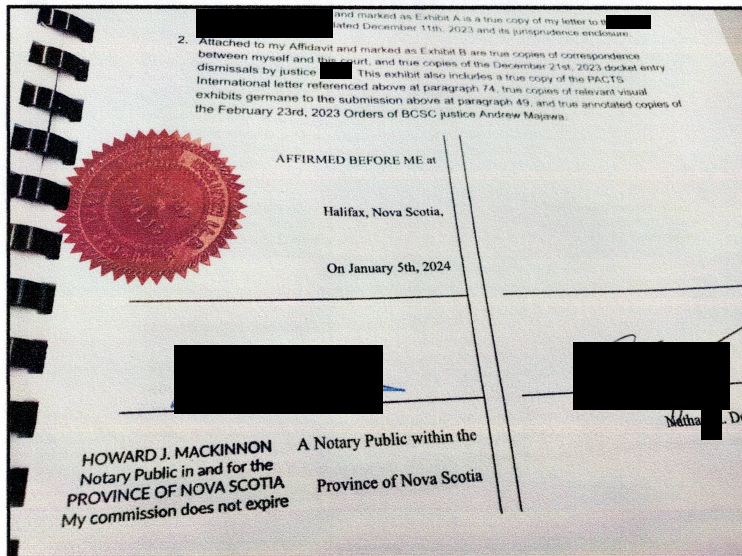
that the shipment(s) have been successfully delivered. We will contact you again in the near future!

PIN: 334497260664

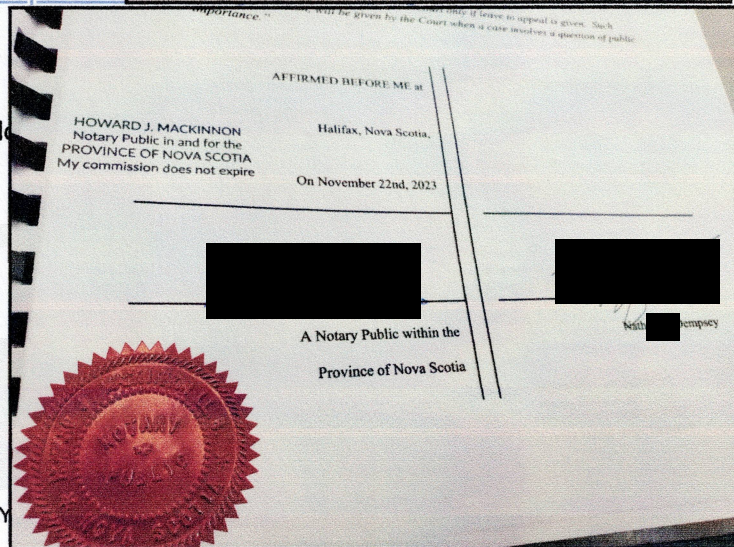
Status: Delivered to COURS SUPRÊME DU CANADA

Delivery Date/Time: January 9, 2024 at 10:18

To: COURS SUPRÊME DU CANADA



n/ship-track





QUESTIONNAIRE FOR A SELF-REPRESENTED PARTY ON AN APPEAL

Style of Cause:

File No.:

1) Will you be participating in the proceedings of this appeal?

YES ☒ NO ☐

2) Have you retained the services of a lawyer?

YES ☐ NO ☒

3) Have you otherwise obtained legal assistance?

YES ☐ NO ☒

4) Will you be representing yourself?

YES ☒ NO ☐


5) If you are representing yourself, will you be making written submissions by filing a factum, a record and/or a book of authorities?


YES ☒ NO ☐

6) If you are representing yourself, will you be making oral arguments at the hearing of the appeal? Please note that you will not be entitled to make oral arguments unless you file a factum.

YES ☒ NO ☐

Please see paragraphs 8-10, and 64 in the body of my January 5th, 2024 Affidavit (pages 7 and 15 in the Motion for Reconsideration) with respect to insight on these, and the exceedingly rare circumstances that occasioned them.

Nathan  Dempsey
(Name in print)


(Signature)

January 8th, 2024
(Date)

CONFLICT OF INTEREST FORM

Complete this form only if it is applicable.

I, Nathan [REDACTED] Dempsey, hereby inform the Court that:
(Your name)

The following Supreme Court of Canada Judge has been previously involved in or connected with this case: Justice [REDACTED]
(Name of the judge)

Please provide details:

Justice [REDACTED] dismissed the Leave to Appeal Application and related motions.

SIGNED BY

[REDACTED]
(Your signature)

January 8th, 2024
(Date)