

VANCOUVER

CA036882

**MAR 02 2009
COURT OF APPEAL
REGISTRY**

Court of Appeal File No.
Supreme Court File No. 0627521
Supreme Court Registry: Prince
George

COURT OF APPEAL

BETWEEN:

JOAN CLEMENTS, by her Litigation Guardian, DONNA JARDINE

**Respondent
(Plaintiff)**

AND:

JOSEPH CLEMENTS

**Appellant
(Defendant)**

NOTICE OF APPEAL

Take notice that the Appellant, JOSEPH CLEMENTS, hereby appeals to the Court of Appeal for British Columbia from the order of THE HONOURABLE MR. JUSTICE GRAUER of the Supreme Court of British Columbia pronounced the 4th day of February, 2009, at Prince George, British Columbia.

1. The appeal is from a:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Trial Judgment | <input type="checkbox"/> Summary
Trial
Judgment |
| <input type="checkbox"/> Order of a
Statutory Body | <input type="checkbox"/> 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:

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

- | | | |
|---|--|--|
| <input type="checkbox"/> Constitutional/
Administrative | <input type="checkbox"/> Civil
Procedure | <input type="checkbox"/> Commercial |
| <input type="checkbox"/> Family — <input type="checkbox"/>
Divorce | <input type="checkbox"/> <i>Family
Relations
Act</i> | <input type="checkbox"/> Corollary Relief in a
Divorce Proceeding |
| <input type="checkbox"/> Other
Family | | |
| <input checked="" type="checkbox"/> Motor Vehicle
Accidents | <input type="checkbox"/> Municipal
Law | <input type="checkbox"/> Real Property |
| <input type="checkbox"/> Torts | <input type="checkbox"/> Equity | <input type="checkbox"/> Wills and Estates |


(The Divorce Registry will, as applicable, be notified by the Court of Appeal Registry on filing if the appeal involves divorce, corollary relief in divorce proceeding or matters under the *Family Relations Act*)

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

1. The Order of the Supreme Court of British Columbia be set aside and the proceeding dismissed; and
2. Costs.

The trial/hearing of this proceeding occupied 4 days.

Dated at Prince George, British Columbia, this 27th day of February, 2009.



 LORNE A. J. DUNN, Esq.,
 Solicitor for the Appellant

To the respondent: Joan Clements, by her Litigation Guardian, Donna Jardine

And to her solicitor: Dick Byl, Esq.

This Notice of Appeal is given by Lorne A. J. Dunn, whose address for service is 700 - 550 Victoria Street, Prince George, BC V2L 2K1.

To the respondent: Joan Clements, by her Litigation Guardian, Donna Jardine

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