

580
NEW WESTMINSTER
Form 32 (Rule 8-1(4))

FEB 28 2012

NO. NEW-S-S133732
NEW WESTMINSTER REGISTRY

CIVIL REGISTRY IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

28FEB12 1203527 RDSA 80.00
35814 9133732

PIETER F. DEKKER, TEUNTJE DEKKER, and
DEKKER POULTRY LTD.

AND:

PLAINTIFFS

JOHN GLAZEMA, GREG WALTON, BC FARM & RANCH REALTY CORP., HENRY
RAAP, MANNING ELLIOTT LLP, EDWARD KAYE AND
SLIMAN STANDER WATERSTONE GROUP LLP, BLAKE BROMLEY,
JOHN BROMLEY, BENEFIC LAW CORPORATION, IAN WORLAND,
LEGACY TAX AND TRUST LAWYERS DOING BUSINESS AS
LEGACY ADVISORS LAW CORPORATION

DEFENDANTS

WITHOUT NOTICE OF APPLICATION

Name(s) of applicant: The Plaintiffs, Pieter F. Dekker, Teuntje Dekker, and Dekker Poultry Ltd.

TAKE NOTICE that an application will be made by the applicant(s) to the presiding judge or master at the courthouse at 651 Carnarvon Street, New Westminster, British Columbia, on the 6th day of March, 2012 at 9:45 a.m. for the order(s) set out in Part 1 below.

Part 1: ORDER(S) SOUGHT

1. An Order that the Notice of Civil claim be renewed for six months to September 15, 2012.
2. Such further and other relief as this Honourable Court may deem just.

Part 2: FACTUAL BASIS

1. This action was commenced on March 15, 2011, but the Notice of Civil Claim has not yet been served on the Defendants.

2. The Plaintiffs' claim is for damages for negligence arising from the organization and execution of various business transactions in which the Plaintiffs sold their business in or about March of 2005 (the "Business Transactions").
3. Following completion of the Business Transactions, the Plaintiffs caused their income tax returns to be filed.
4. Subsequently, Canada Revenue Agency ("CRA") issued notices of reassessment (the "Reassessments"), dated September 24, 2009 in respect of the years 2005, 2006 and 2007, by which CRA reassessed the Plaintiffs and rejected the basis of the income tax returns filed by the Plaintiffs.
5. Pursuant to the CRA Reassessment, the Plaintiffs were assessed with additional taxes, arrears of taxes, penalties and interest.
6. The Plaintiffs, the Defendants are currently exploring potential for settlement of this matter.
7. The Plaintiffs seek an extension of time to serve the Notice of Civil Claim in this action in order to enable the parties to fully explore all potential avenues of settlement before proceeding further with this legal action.

Part 3: LEGAL BASIS

1. In the interest of securing a just, speedy and inexpensive resolution of the claim, the Plaintiffs require an extension of the time for service of the claim on the Defendants.
2. Rule 1-3, Rule 3-2 and Rule 8-1 of the *Supreme Court Civil Rules*.

Part 4: MATERIAL TO BE RELIED ON

1. Affidavit #1 of Mary Lamont sworn on February 28th, 2012.
2. The facts plead in the Notice of Civil Claim filed March 15, 2010 in the herein action.
3. Such further and other materials as counsel may advise.

The applicant(s) estimate(s) that the application will take 5 minutes.

This matter is within the jurisdiction of a master.
 this matter is not within the jurisdiction of a master.

TO THE PERSONS RECEIVING THIS NOTICE OF APPLICATION: If you wish to respond to this notice of application, you must, within 5 business days after

service of this notice of application or, if this application is brought under Rule 9-7, within 8 business days after service of this notice of application.

- (a) file an application response in Form 33,
- (b) file the original of every affidavit, and of every other document, that
 - (i) you intend to refer to at the hearing of this application and
 - (ii) has not already been filed in the proceeding, and
- (c) serve on the applicant 2 copies of the following, and on every other party of record one copy of the following:
 - (i) a copy of the filed application response;
 - (ii) a copy of each of the filed affidavits and other documents that you intend to refer to at the hearing of this application and that has not already been served on that person;
 - (iii) if this application is brought under Rule 9-7, any notice that you are required to give under Rule 9-7 (9).

Date: February 22, 2012

Brian F. Schreiber
Signature of lawyer for applicant(s)

To be completed by the court only:

Order made

[] in the terms requested in paragraphs

Part 1 of this notice of application

[] with the following variations and additional terms:

Date: [dd][mm]yyyy Signature of [] Judge [] Master

APPENDIX

THIS APPLICATION INVOLVES THE FOLLOWING:

[Check the box(es) below for the application type(s) included in this application.]

- discovery: comply with demand for documents
- discovery: production of additional documents
- other matters concerning document discovery
- extend oral discovery
- other matter concerning oral discovery
- amend pleadings
- add/change parties
- summary judgment
- summary trial
- service
- mediation
- adjournments
- proceedings at trial
- case plan orders: amend
- case plan orders: other
- experts