

2024 01G

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
GENERAL DIVISION

BETWEEN:

HIS MAJESTY IN RIGHT OF NEWFOUNDLAND
AND LABRADOR

APPLICANT

AND: JOHN DOES and JANE DOES and other PERSONS UNKNOWN

RESPONDENTS

INTERLOCUTORY APPLICATION
(Inter Partes)

Summary of Current Document

Court File No.:	2024 01G
Date of Filing Document:	March 20 th , 2024
Name of Filing Party:	His Majesty in right of Newfoundland and Labrador
Application to which Document being filed relates:	
Statement of purpose of filing:	Interlocutory Application requesting the issuance of an Interlocutory Injunction pursuant to Rule 22 of the <i>Rules of the Supreme Court, 1986</i>

TO THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR, OR ONE OF THE JUDGES THEREOF:

The Application of His Majesty in right of Newfoundland and Labrador, the Applicant herein, says:

 Mar 20/24 ML

Nature of Application

1. The Applicant (the "Province") has commenced an action by way of Statement of Claim requesting, *inter alia*, an injunction.
2. The Province's address for service is Department of Justice and Public Safety, 4th Floor, Confederation Building, East Block, St. John's, NL A1B 4J6.
3. The Respondents are residents of Newfoundland and Labrador who are engaged in a collective and concerted effort to impeded and block access to the Province's Confederation Building, a place of work. This unlawful conduct is impeding the Province's property rights.
4. The Province is the owner of a building located at 100 Prince Philip Drive in St. John's, Newfoundland and Labrador (known as the Confederation Building). The Confederation Building is home to the provincial legislature, as well as the parliamentary precinct of the legislature as well as the Office of the Premier. It is also used as an office and work space for several government departments including the Department of Justice and Public Safety and the Department of Finance, among others. Hundreds of employees use the Confederation Building every day as their working space.
5. On March 20th, 2024, employees of the Province were prevented from entering the subject property by the Respondents.
6. On this date, the Respondents, in combination or concert, arrived at Confederation Building in an effort to protest the provincial government in relation to the fishery. In doing so, they have blocked access to the building at multiple entrances, thus preventing safe entry or exit to the building for provincial employees, who can no longer access the building to carry out their public duties. Members of the Royal Newfoundland Constabulary (the RNC) are present at the building but cannot guarantee safe entry into the building for employees due to the Respondents' actions.

7. The actions of the Respondents, in combination or concert, or in accordance with a common understanding have caused and continue to cause, a nuisance and an obstruction to the Province by causing people to congregate on or adjacent to the subject property and willfully blocking or deterring persons from approaching and entering the Province's offices.
8. The actions of the Respondents constitute obstruction, mischief, and nuisance, all of which are unlawful and which deny the Province the right to fully carry out the Province's statutory and legislated mandate to conduct the business of the Province.
9. While the number of protestors stationed on or adjacent to the Confederation Building property may vary from time to time, at any given time there are dozens of protestors preventing the entrance of employees to the building.
10. The actions of the Respondents constitute the torts of nuisance and trespass. Furthermore, the actions also constitute the crimes of mischief contrary to s. 430 of the *Criminal Code* and intimidation contrary to s. 423 of the *Criminal Code*.
11. By virtue of the actions of the Respondents, the Province and its employees are unable to carry out the duties required of it by law.
12. The Province is willing to abide by any Order which this Honourable Court may see fit to make as to damages by reason of the granting of an interim injunction if it shall hereafter appear that the Respondents have sustained any damages which the Province ought to pay.
13. The Province is willing to take all steps necessary to enforce, by application for contempt or otherwise, the provisions of any interim or permanent injunction order.
14. The Province repeats the foregoing and states that the actions of the Respondents are likely to cause serious and irreparable harm which is urgent and requires the Court's immediate intervention. Pursuant to Rules 22.01 and 29 of the *Rules of the Supreme Court, 1986*, this Court has the jurisdiction to grant injunctive relief.


AND THE APPLICANT CLAIMS:

An interim order under Rule 22.01 of the Rules of Court to restrain the Respondents and any other person acting under its instruction and anyone having notice of such Order, be strictly enjoined and restrained, until the final disposition of this action or further order of this Court from:

- a. with respect to any person or persons seeking lawful entrance to or exit from the Confederation Building, whether such person or persons is or are on foot or in a vehicle of any type, hindering, delaying, stopping, obstructing or in any other manner interfering with such person or persons, at any time and for any length of time, including by the presence, temporary or otherwise, of one or more persons on and/or the placement, temporary or otherwise, of one or more objects on any portion of any highway, roadway, driveway, parking lot or laneway which is intended or ordinarily used for pedestrian or vehicular access to any portion of the Confederation Building;
- b. Causing a nuisance adjacent to or in the vicinity of the Confederation Building in particular, conduct (other than peaceful persuasion) likely to deter persons with peaceful object from approaching, viewing or entering the Confederation Building property and from molesting, threatening, or intimidating the Province's servants, agents or employees;
- c. Blocking the entrances to the Confederation Building with vehicles or other obstructions;
- d. Positioning protesters in such a position to impede or prevent the Province's servants, employees or agents from entering into or exiting the subject property;

- e. ordering, aiding, abetting, counseling or encouraging in any manner whatsoever, either directly or indirectly, any person to commit the acts enjoined;


DATED at St. John's, Newfoundland and Labrador, this 20th day of March, 2024.



David Rodgers
Department of Justice and Public Safety
Civil Division
Solicitor for the Applicant
 PO Box 8700
 Confederation Building
 East Block, 4th Floor
 St. John's, NL A1B 4J6

TO:
The Respondents

ISSUED at St. John's this 20 day of March, 2024.



 Assistant Deputy Registrar

2024 01G

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
GENERAL DIVISION

BETWEEN:

HIS MAJESTY IN RIGHT OF NEWFOUNDLAND
AND LABRADOR

PLAINTIFF

AND: JOHN and JANE DOES and other PERSONS UNKNOWN

DEFENDANTS

NOTICE TO RESPONDENTS

You are hereby notified that the foregoing Application will be made to the Supreme Court Trial
Division at _____, Newfoundland on _____ the _____ day of _____
_____, 2017 at 10:00 in the forenoon or so soon after as the Application can be heard.

TO:

The Defendants

2024 01G

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
GENERAL DIVISION

BETWEEN:

HIS MAJESTY IN RIGHT OF NEWFOUNDLAND
AND LABRADOR

PLAINTIFF

AND:

JOHN and JANE DOES and other PERSONS UNKNOWN

DEFENDANTS

AFFIDAVIT OF SERVICE

I, _____ of _____, Newfoundland, MAKE
OATH AND SAY that I did on _____ the _____ day of _____, 2024, before the hour of _____ in
the _____ noon, serve the within Interlocutory Application by leaving a true copy of the same with
personally at _____ and that I endorsed the date of service thereon on _____ the
day of _____ 2024.

SWORN TO at St. John's, in the
Province of Newfoundland and Labrador,
this _____ day of _____ 2024 before
me:

202301G
IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
GENERAL DIVISION

BETWEEN:

HIS MAJESTY IN RIGHT OF NEWFOUNDLAND
AND LABRADOR APPLICANT

AND:

JOHN and JANE DOES and other
PERSONS UNKNOWN RESPONDENTS

ORDER

THIS MATTER having come before the Honourable Justice Robert P. Stack of the Supreme Court of Newfoundland and Labrador for a hearing on March 20th, 2024;

AND UPON READING the materials filed by the Applicant;

AND UPON HEARING from David Rodgers, on behalf of the Applicant;

IT IS ORDERED that an Interim Order under Rule 22.01 of the Rules of Court to restrain the Respondents and any other person acting under its instruction and anyone having notice of such Order, be strictly enjoined and restrained, until the file disposition of this action or further order of this Court from:

- a) With respect to any person or persons seeking lawful entrance to or exit from the Confederation Building, whether such person or persons is or are on foot or in a vehicle of any type, stopping, obstructing or in any other manner interfering with such person or persons, at any time and for any length of time, including by the presence, temporary or otherwise, of one or more persons on and/or the placement, temporary or otherwise, of one or more persons on and/or the placement, temporary or otherwise, of one or more objects on any portion of any highway, roadway, driveway, parking lot or laneway which is intended or ordinarily used for pedestrian or vehicular access to any portion of the Confederation Building;
- b) Causing a nuisance adjacent to or in the vicinity of the Confederation Building in particular, conduct (other than peaceful persuasion) likely to deter persons with peaceful object from approaching, viewing or entering the Confederation Building property and from molesting, threatening, assaulting or intimidating the Province's servants, agents or employees;
- c) Blocking the entrances to the Confederation Building with vehicles or other obstructions;

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- d) Ordering, aiding, abetting, counselling or encouraging in any manner whatsoever, either directly or indirectly, any person to commit the acts enjoined.

DATED at St. John's, in the Province of Newfoundland and Labrador, this 20 day of March, 2024.

Katherine Gustis

RPS

2024 01G 164D

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
GENERAL DIVISION

BETWEEN:

HIS MAJESTY IN RIGHT OF NEWFOUNDLAND
AND LABRADOR

PLAINTIFF

AND: JOHN DOES and JANE DOES and other PERSONS UNKNOWN

DEFENDANTS

STATEMENT OF CLAIM

1. The Plaintiff is His Majesty in Right of Newfoundland and Labrador (the "Province") whose address for service is Department of Justice and Public Safety, 4th Floor, Confederation Building, East Block, St. John's, NL A1B 4J6.
2. The Defendants are residents of Newfoundland and Labrador who are engaged in a collective and concerted effort to impeded and block access to the Province's Confederation Building, a place of work. This unlawful conduct is impeding the Province's property rights.
3. The Province is the owner of a building located at 100 Prince Philip Drive in St. John's, Newfoundland and Labrador (known as the Confederation Building). The Confederation Building is home to the provincial legislature as well as the Office of the Premier. It is also used as an office and work space for several government departments including the Department of Justice and Public Safety and the Department of Finance, among others. Hundreds of employees use the Confederation Building every day as their working space.

MN 227 20/24 2024

4. On March 20th, 2024, employees of the Province were prevented from entering the subject property by the Defendants.
5. On this date, the Defendants, in combination or concert, arrived at Confederation Building in an effort to protest the provincial government in relation to the fishery. In doing so, they have blocked access to the building at multiple entrances, thus preventing safe entry or exit to the building for provincial employees, who can no longer access the building to carry out their public duties. Members of the Royal Newfoundland Constabulary (the RNC) are present at the building but cannot guarantee safe entry into the building for employees due to the Defendants' actions.
6. The actions of the Defendants, in combination or concert, or in accordance with a common understanding have caused and continue to cause, a nuisance and an obstruction to the Province by causing people to congregate on or adjacent to the subject property and willfully blocking or deterring persons from approaching and entering the Province's offices.
7. The actions of the Defendants constitute obstruction, mischief, and nuisance, all of which are unlawful and which deny the Province the right to fully carry out the Province's statutory and legislated mandate to conduct the business of the Province.
8. While the number of protestors stationed on or adjacent to the Confederation Building property may vary from time to time, at any given time there are dozens of protestors preventing the entrance of employees to the building.
9. The actions of the Defendants constitute the torts of nuisance and trespass. Furthermore, the actions also constitute the crimes of mischief contrary to s. 430 of the *Criminal Code* and intimidation contrary to s. 423 of the *Criminal Code*.
10. By virtue of the actions of the Defendants, the Province and its employees are unable to carry out the duties required of it by law.

11. The Province therefore claims:

- i) An order abridging any notice requirements to the Defendants under the *Rules of the Supreme Court, 1986*.
- ii) An interim order under Rule 22.01 of the Rules of Court to restrain the Defendants and any other person acting under its instruction and anyone having notice of such Order, be strictly enjoined and restrained, until the final disposition of this action or further order of this Court from:
 - a. with respect to any person or persons seeking lawful entrance to or exit from the Confederation Building, whether such person or persons is or are on foot or in a vehicle of any type, hindering, delaying, stopping, obstructing or in any other manner interfering with such person or persons, at any time and for any length of time, including by the presence, temporary or otherwise, of one or more persons on and/or the placement, temporary or otherwise, of one or more objects on any portion of any highway, roadway, driveway, parking lot or laneway which is intended or ordinarily used for pedestrian or vehicular access to any portion of the Confederation Building;
 - b. Causing a nuisance adjacent to or in the vicinity of the Confederation Building in particular, conduct (other than peaceful persuasion) likely to deter persons with peaceful object from approaching, viewing or entering the Confederation Building property and from molesting, threatening, or intimidating the Province's servants, agents or employees;

- c. Blocking the entrances to the Confederation Building with vehicles or other obstructions;
 - d. Positioning protesters in such a position to impede or prevent the Province's servants, employees or agents from entering into or exiting the subject property;
 - e. ordering, aiding, abetting, counseling or encouraging in any manner whatsoever, either directly or indirectly, any person to commit the acts enjoined;
- iii) a final order under Rule 22.01 of the Rules of Court in terms set out in subparagraph (ii) above.
 - iv) Any other relief this Honourable Court deems just.


DATED at St. John's, Newfoundland and Labrador, this 20th day of March, 2024.



David Rodgers
Department of Justice and Public Safety
Civil Division
Solicitor for the Applicant
PO Box 8700
Confederation Building
East Block, 4th Floor
St. John's, NL A1B 4J6

TO:
The Defendants

ISSUED at St John's this 30 day of March, 2024.



Assistant Deputy Registrar

2024 01G

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
GENERAL DIVISION

BETWEEN:

HIS MAJESTY IN RIGHT OF NEWFOUNDLAND
AND LABRADOR

PLAINTIFF

AND: JOHN and JANE DOES and other PERSONS UNKNOWN

DEFENDANTS

NOTICE TO DEFENDANTS

You are hereby notified that the foregoing Application will be made to the Supreme Court Trial
Division at _____, Newfoundland on _____ the _____ day of _____
_____, 2017 at 10:00 in the forenoon or so soon after as the Application can be heard.

TO:

The Defendants

2024 01G

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
GENERAL DIVISION

BETWEEN:

HIS MAJESTY IN RIGHT OF NEWFOUNDLAND
AND LABRADOR

PLAINTIFF

AND:

JOHN and JANE DOES and other PERSONS UNKNOWN

DEFENDANTS

AFFIDAVIT OF SERVICE

I, _____ of _____, Newfoundland, **MAKE**
OATH AND SAY that I did on _____ the _____ day of _____, 2024, before the hour of _____ in
the _____ noon, serve the within Interlocutory Application by leaving a true copy of the same with
personally at _____ and that I endorsed the date of service thereon on _____ the
day of _____ 2024.

SWORN TO at St. John's, in the
Province of Newfoundland and Labrador,
this _____ day of _____ 2024 before
me:

2024 01G 1042

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
GENERAL DIVISION

BETWEEN:

HIS MAJESTY IN RIGHT OF NEWFOUNDLAND
AND LABRADOR

APPLICANT

AND: JOHN and JANE DOES and other PERSONS UNKNOWN

RESPONDENTS

AFFIDAVIT OF CORY GRANDY


I, Cory Grandy, of the City of St. John's, in the province of Newfoundland and Labrador, Deputy Minister, Department of Transportation and Infrastructure make oath and swear THAT:

1. I am the Deputy Minister with the Department of Transportation and Infrastructure, Government of Newfoundland and Labrador, a position I have held since September of 2020. My office is located in the Confederation Building complex located at 100 Prince Philip Drive, St. John's, NL.
2. I have read the Applications filed by the Applicant in the within matter and the information in these Applications is true to the best of my knowledge and belief.
3. On the morning of March 20th, 2024, I attempted to attend to work at the Confederation Building complex. I observed dozens of persons blocking various entrances to the building in a concerted effort. Several of these protestors physically blocked me from opening the door to the building.

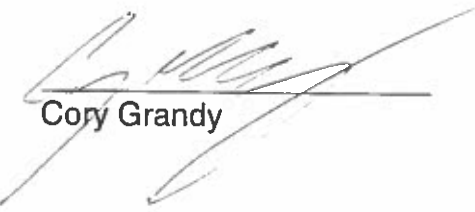
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4. I was unable to enter the building to attend at my office to work. I saw several other employees attempt and fail to enter the building on this date, being physically blocked by the various protestors.
5. The information given in this, my Affidavit, is accurate to the best of my knowledge, information and belief.
6. I give this Affidavit in support of the Province's submission in the within Application and understand it is a criminal offence to swear a false Affidavit.

Sworn before me, in the City of St. John's, in the province of Newfoundland and Labrador on this 20 day of March, 2024.



Paul Kelso
Notary Public



Cory Grandy