

Thank you to Ben Durnford of McInnes Cooper for copying myself, Cathy Roberts, age 77 and my husband, age 80, with your email of Feb. 9th 2017. Ben I have attempted to copy all of the people that you listed in your email and I did not succeed. Would you be so kind as to forward this email to all the parties that you listed in your Feb. 9th email and confirm same?

Many of the parties copied in Ben Durnford's email will be counsel and thus Officers of the Court.

This email is written to prevail upon all counsel as Officers of the Court to ensure that at the motion scheduled for Feb. 23rd 2017 that our objections and other remarks, as an unrepresented party, are brought to the attention of the Court whereby it is clear that we oppose the relief sought in the motion until such time as our concerns are assuaged.

These objections and remarks pertain specifically to paragraphs 46 and 47 of the 2nd Report of the Receiver by Ernst & Young Senior Vice President George Kinsman.

We seek to have the proposed relief sought by the subject motion delayed until at least such time as our objections and remarks are adequately addressed through the Court and particularly by the law firm Blake Cassels and the Company Marine Harvest.

We respectfully request five weeks to retain Counsel in New Brunswick to, among other things, file a Lis Pendens, regarding the purchase by Marine Harvest of "certain lands situated at or near Hermitage in Newfoundland" referred to in the aforementioned paragraphs 46 and 47 of the second report of the Receiver.

We quote directly from the 2nd report of the Receiver:

"on 12 August 2016 Mr. Wallace Roberts filed a Notice of Appeal, however, no further information in relation to the Appeal has been produced".

With the greatest of respect the above quote from the Receiver is not accurate. The Appeal is proceeding. At considerable expense to us the transcripts for the two-day hearing have been ordered, produced, paid for and obtained. The Court of Appeal has been so advised through the person of its Senior Clerk Yvonne Fleming. A Factum and Appeal Book are being prepared. Should all timelines be met the matter will be heard in the fall of 2019.

The Director of Crown Lands Administration for Newfoundland, Andrew Pike, has issued a written undertaking that the use of the subject parcel of land in Hermitage, that is the subject of the Appeal, will be held in abeyance until such time as the Court of Appeal of Newfoundland makes its decision. This undertaking on behalf of the Newfoundland Government is that no entity whatsoever will be permitted to use the subject parcel in Hermitage until the Newfoundland Court of Appeal renders a decision.

This undertaking by Director of Crown Lands Administration has been conveyed by email to Counsel Joan Chambers and Peter Rubin of Blake Cassels. Counsel Peter Rubin states that he views the effect of the undertaking from Director Andrew Pike as meaning something different from what we believe it to mean.

What we believe the Andrew Pike undertaking to be is that, as noted above, on behalf of the Newfoundland Government, no entity whatsoever will be permitted to use the subject parcel in Hermitage until the Newfoundland Court of Appeal renders a decision. This undertaking is unambiguous.

In practical terms what this means for Blake Cassels and its client Marine Harvest is that 1) because the Blood Water Treatment Plant is located on the subject parcel that no entity including Marine Harvest will be able to use that parcel or any section thereon to operate a fish processing facility until the Newfoundland Court of Appeal renders a decision and 2) because the original Ocean Choice International site (purchased by Gray Aqua Processing, which in turn was purchased by the Government of Newfoundland from our family in 1981) also forms part of the disputed parcel, that therefore no entity, including Marine Harvest, will be able to use that site until a decision of the Newfoundland Court of Appeal is forthcoming.

Crucial to be addressed in the very near future in any motion such as this one that is currently before this Court are the nuances of the issues of 1) the Cook Aqua Lease already discussed with in-house counsel for Cook Aqua last Autumn and 2) the vital and compromising conflict of interest inherent in the legal representation of Ernst Young by Counsel with McInnes Cooper such as Robert Hickey which concern was forcefully conveyed several months ago to all concerned parties including Robert Hickey, George Kinsman, Joan Chambers and Peter Rubin.

For all of the reasons stated above I kindly ask all Counsel to be cognizant of their overarching obligation as officers of the Court to convey the entire substance of our email to the presiding Motion Judge on Feb. 23rd 2017 in Fredericton.

I also kindly ask all recipients of this email to acknowledge receipt.

Kind regards,
Wallace and Catherine Roberts.