

VANCOUVER

DEC 08 2004

**COURT OF APPEAL
REGISTRY**

Form 7 (Rule 11 (a))

CA032488

Court of Appeal File No.

Supreme Court File No.: S031838

Supreme Court Registry: Vancouver.

COURT OF APPEAL

BETWEEN:

Peter Gregg

Appellant/Plaintiff

AND:

Freightliner Ltd., doing business as Western Star Trucks

Respondent/Defendant

NOTICE OF APPEAL

Take notice that Peter Gregg hereby appeals to the Court of Appeal for British Columbia from the order of Madam Justice Bennett of the Supreme Court of British Columbia pronounced the 1st day of December, 2004, at Vancouver, British Columbia.

1. The appeal is from a:

☐ Trial Judgment ☒ Summary Trial Judgment

☐ Order of a Statutory Body ☐ 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: Madame Justice Bennett.

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

☐ Constitutional/Administrative ☐ Civil Procedure ☒ Commercial

☐ Family – ☐ Divorce ☐ Family Relations Act ☐ Corollary Relief in a Divorce Proceeding

☐ Motor Vehicle Accidents ☐ Municipal Law ☐ Real Property

☐ Torts ☐ Equity ☐ Wills and Estates

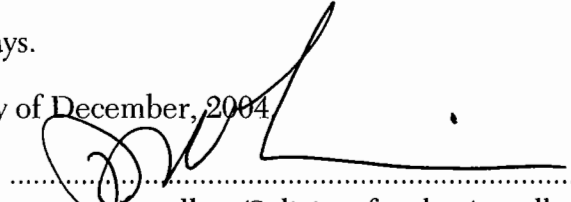
(The Divorce Registry will, as applicable, be notified by the Court of Appeal Registry on filing if the appeal involves divorce, corollary relief in divorce proceeding or matters under the *Family Relations Act*)

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

The judgement of the Learned Trial Judge below be reversed and judgement entered for the Appellant.

The trial/hearing of this proceeding occupied 2 days.

Dated at Vancouver, British Columbia, this 7th day of December, 2004



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Appellant/Solicitor for the Appellant

To the respondent(s): Freightliner Ltd. doing business as Western Star Trucks et al
And to its solicitor: Mark Andrews.

This Notice of Appeal is given by: Murray Tevlin

Whose address for service is: 111 Smithe Street, Vancouver, B.C., V6B 4Z8

To the respondent(s):

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