VANCOUVER
14-Aug-26
COURT OF APPEAL REGISTRY

COURT OF APPEAL FILE NOS. CA51536 / CA51535

COURT OF APPEAL

BETWEEN:

LAW SOCIETY OF BRITISH COLUMBIA, TRIAL LAWYERS ASSOCIATION OF BRITISH COLUMBIA, and KEVIN WESTELL

APPELLANTS (Plaintiffs)

AND:

HIS MAJESTY THE KING IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA, ATTORNEY GENERAL OF BRITISH COLUMBIA, and LIEUTENANT GOVERNOR IN COUNCIL OF BRITISH COLUMBIA

RESPONDENTS (Defendants)

MEMORANDUM OF ARGUMENT FOR LEAVE TO INTERVENE

Appellants (LSBC & TLABC)	Respondents (AGBC & LGIC)
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Applicant for Intervener Status

Part 1: Argument

A. Interest in the Appeal

1. It is respectfully submitted that the within Notice of Application (the "NOA" or "Application") for intervener status is brought to proffer the requisite legislative, technological, and immutable historical context absolutely essential for the comprehensive resolution of the profound constitutional questions raised herein. The wholesale invalidation of the *Legal Professions Act*, S.B.C. 2024, c. 26 (the "**LPA 2024**" or "**Bill 21**") was sought *in toto* by the appellants. The LSBC and TLABC's civil claims were dismissed in toto.
2. A profound, direct, and vested interest in the survival of the *LPA 2024* and the successful, statutorily mandated transition to Legal Professions British Columbia (the "**LPBC**") is possessed by the **Applicant**. As a former member of the soon to be defunct LSBC, a documented subject of the historical investigatory overreach and opaque financial practices of the Law Society of British Columbia (the "**LSBC**"), and a person directly affected by the transitional provisions delineated within the *LPA 2024*, the **Applicant** inherently holds a direct, quantifiable interest in the modernized, democratic oversight that the new legislative framework introduces. It is submitted that the statutorily mandated transition of documentary repositories necessitates rigorous, unrelenting appellate scrutiny when evaluated against the profound technological failures, surreptitious surveillance mechanisms, and active evidentiary spoliation that characterized the *status quo ante*. The **Applicant**'s ongoing legal and privacy interests are inextricably tethered to the successful implementation of a regulatory framework that is structurally, technologically, and ethically capable of securing digital assets and providing transparent accountability for historical incursions.
3. Furthermore, a broad base and incontrovertible public interest is represented herein. It is submitted that the authentic public interest—the very mandate the LSBC claims as its paramount duty to protect, yet has demonstrably failed to uphold through systematic obfuscation—is championed by this Intervention Application. Historically, the LSBC was operated behind an impenetrable veil of perceived constitutional immunity and absolute administrative opacity. It is mathematically and empirically demonstrable that an insurmountable two-thirds special majority voting structure, rigorously utilized and zealously defended by the LSBC, operated as a structural paradigm engineered to perpetuate regulatory stasis. This voting threshold effectively guaranteed that no systemic reform, meaningful public accountability, or modernization of investigatory protocols could ever be enacted internally against the self-interest of the regulatory cartel. The *status quo ante* was thus rendered structurally, politically, and legally incapable of self-correction. The Intervention Application is actively sought to ensure that this self-interested, archaic

structure is not judicially reinstated at the direct expense of public accountability, digital privacy, and the modernized, democratically responsive administration of justice.

B. Position on the Appeal

4. The respondents, His Majesty the King in Right of the Province of British Columbia and the Attorney General of British Columbia, are wholly and unequivocally supported in seeking the outright dismissal of the Appeals which the Applicant submits were intentionally bifurcated by the LSBC and TLABC. It is forcefully submitted, consistent with the binding findings of the Chief Justice Skolrood that the enactment of the *LPA 2024* constitutes a constitutionally valid, proportionate, and deeply necessary exercise of the province's exclusive legislative competence under subsection 92(13) and subsection 92(14) of the *Constitution Act, 1867*. The legislative transition to a diversified, simple-majority governance structure represents a measured, rational, and constitutionally required response to systemic institutional paralysis and documented administrative malfeasance.
5. The unwritten constitutional principle of the independence of the bar is purposively designed and jurisprudentially recognized to protect the client, guaranteeing that an advocate may fearlessly represent citizens against the state without reprisal, coercion, or intimidation. It is forcefully advanced that this principle does not, and constitutionally cannot, be interpreted to grant a corporate regulatory entity absolute immunity to operate a multi-million-dollar shadow-banking endowment fund entirely beyond the purview of appropriate provincial financial oversight. Nor, *ipso facto*, is the unfettered right to conduct warrantless volatile memory seizures under the guise of professional discipline granted to a self-regulating body, particularly when those highly invasive, dragnet seizures are actively concealed from its own internal oversight mechanisms and the judiciary. The independence of the bar operates as a shield for the citizen, not as a jurisdictional sword to be wielded by an unaccountable regulatory monopoly seeking to insulate itself from the consequences of its own ultra vires actions.
6. The legislative intervention effectuated by the *LPA 2024* must be recognized not as an unconstitutional infringement upon the independence of the bar, but rather as a mandatory, restorative measure of democratic accountability. Minimum standards of governance are designed to be imposed upon an entity that had fundamentally abrogated its fiduciary duties to both its membership and the public at large. Standard, modernized governance practices that fortify, rather than diminish, the administration of justice are reflected by the abolition of the archaic two-thirds special majority structure and the implementation of a diversified, simple-majority board. The transition to the LPBC is thereby definitively established as an *intra vires* legislative response to systemic, entrenched regulatory failure, rectifying an environment

where institutional abuses were permitted to thrive entirely unchecked by either internal dissent or external review.

C. Utility to the Court and Unique Perspective

7. In deciding whether to grant public interest intervener status under Rule 61, the Court is paramountly concerned with ensuring that important, divergent perspectives are not overlooked (*British Columbia Civil Liberties Association v. Canada (Attorney General)*, 2018 BCCA 282). It is highly anticipated that the *LPA 2024* shall be defended by the Attorney General by relying primarily upon abstract principles of statutory interpretation, federalism, the separation of powers, and the democratic mandate of the Legislature. Conversely, 156 years of idealized, theoretical history regarding the supposed nobility and absolute necessity of unsupervised self-regulation shall be heavily relied upon by the appellants.
8. The ground-level, systemic realities of the LSBC's modern operations—and the severe technological deficiencies therein—shall not be provided to this Honourable Court by either core party. During the summary trial below, the Honourable Chief Justice Skolrood formally noted a "glaring absence of a clear rationale" for ending 150 years of lawyer self-regulation. This vital evidentiary void is definitively filled herein. Indispensable assistance shall be provided to the Court by demonstrating specific, catastrophic institutional failures of the LSBC that render the governance reforms contained in the *LPA 2024* not only constitutionally justified, but urgently required. The empirical, technological, and financial context is uniquely supplied to demonstrate *prima facie* exactly why the legislative intervention was necessitated to protect the public from its own protector.

Part 1(C)(I): The Financial Forensics of the LIF and Internal Regulatory Arbitrage

9. The proposition that they must remain entirely self-regulated to protect the public is advanced by the appellants. In direct, empirical contradiction to this idealized narrative, rigorous forensic analysis of the Lawyers Indemnity Fund (the "**LIF**") spanning the period of 2021 to 2025 demonstrates a gross, systemic departure from its statutory mandate. Rather than the operation of a conservative, duration-matched indemnification pool strictly designed to protect the public from professional negligence, the LIF was quietly metamorphosed into a highly leveraged, aggressive endowment model functioning entirely *ultra vires* its core indemnification purpose. The indemnification operations survived not through sustainable insurance premium pricing or prudent underwriting, but exclusively through the assumption of systemic liquidity and market risks in alternative asset classes.
10. By the culmination of the 2025 fiscal year, it is documented that an astonishing 88.84 percent of the LIF's 296 million dollar portfolio was aggressively deployed into high-risk equities, private infrastructure, and

illiquid mortgage funds. Such an allocation is fundamentally antagonistic to the liquidity requirements of a statutory insurance fund. To mask the mathematical reality that the LIF operated at a staggering, insolvent combined ratio of 213.5 percent in 2024, systemic internal regulatory arbitrage was engaged in. Tens of millions of dollars in mandatory regulatory fees (peaking at 23.6 million dollars) were routinely parked by the LSBC General Fund inside the LIF as an internal depository loan at nominal, sub-market yields (ranging from 3.61 percent to 4.46 percent). The LIF concurrently harvested the 7 percent to 10.6 percent equity and illiquidity premiums for itself in the open market. This opaque financial manipulation, reliant upon arbitrary actuarial mechanisms such as “appraisal smoothing” and discretionary margin adjustments, artificially inflated unrestricted net assets whilst the core underwriting operations severely hemorrhaged capital. The Court must be apprised that the LSBC’s unassailable independence was actively utilized as an opaque shield to conceal a massive, unregulated shadow-banking operation from appropriate regulatory scrutiny.

*Part 1(C)(II): The **Concealed RAM Dump**, the Nullity of Internal Oversight, and Digital Spoliation*

11. It is averred by the TLABC appellants that the *LPA 2024* theoretically violates Section 8 of the *Canadian Charter of Rights and Freedoms* because warrantless searches could theoretically be conducted by the new regulator. It is respectfully submitted that catastrophic, unconstitutional searches were *already* executed by the LSBC under the banner of absolute self-regulation. In 2014, a concealed volatile memory extraction (a random access memory or “RAM” dump) was executed by the LSBC purportedly utilizing third-party contractors and highly invasive extraction software. Unlike a static forensic hard drive copy, which is bounded, stable, and capable of being quarantined for privilege review, volatile memory is ephemeral and pulsating. This indiscriminate dragnet extraction swept up highly sensitive personal health information, running processes, active communications, and unencrypted cryptographic keys, creating a devastating privacy exposure that transcends standard documentary seizure.
12. Crucially, this highly invasive volatile memory extraction was deliberately and methodically concealed by the LSBC from its own internal oversight mechanism, the independent supervising solicitor, and subsequently from the British Columbia Supreme Court (*McLean v. The Law Society of British Columbia*, 2017 BCSC 987). Because the adjudicative body was intentionally deprived of the requisite knowledge to assess privilege over the volatile memory, the extraction must be classified in law not as a mere procedural irregularity, but as an absolute *nullity ab initio*. When the digital file was abruptly produced seven years later in October 2021 via a foreign-hosted Sharefile link, objective metadata betrayed active digital spoliation. The file was purposefully obfuscated utilizing Deflate64 compression algorithms, intentionally masking the original binary state and permanently preventing independent forensic hash-

matching, thereby destroying the evidentiary chain of custody. Certainly, as can be seen in Appendix #3 herein, the duration and complexity of forensic analysis was at a premium. Decoding of hexadecimal language, inputting and cross-referencing of the blocks in Ethereum and to later determine how underlying unregistered securities were transferred cross-chain to an EVM compatible blockchain in BSC along with on-chain and off-chain personal information and personal health information of the Applicant was not only arduous but required a vast amount of resources. However, metadata never lies.

13. Upon inflation of the hexadecimal output, the deployment of **Windows Management Instrumentation** (WMI) persistence mechanisms and sophisticated "**Living off the Land**" tactics were unmasked. This fileless backdoor, embedded within the system's core logical architecture via a hijacked BVTConsumer trigger, facilitated unauthorized remote entry attempts documented on the **Applicant**'s computer processing unit ("CPU") (not 'hard drive per se) in March 2016, shortly before the hearing of the 2016 BCCA Appeal in *McLean v. LSBC et al*. This cross-jurisdictional surveillance apparatus was operated entirely outside democratic accountability, proving *prima facie* that the prior regulatory framework was utterly deficient in protecting the privacy rights of practitioners and functioned as a continuous surveillance apparatus. It is forcefully advanced that institutional malfeasance cannot be cured by the mere substitution of executive personnel (from Mr. McGee to Mr. Avison to the interim and then permanent leadership); the overarching corporate entity maintained the obfuscation continuously, thereby rendering the argument of executive turnover entirely devoid of legal merit.

Part 1(C)(III): The Immutable Digital Trail on the Blockchain

14. The severity of the aforementioned privacy breaches were and are, in perpetuity due to the immutability of blockchain (hence its namesake), exponentially compounded by the subsequent mishandling and expropriation of the seized digital assets. Immutable Ethereum blockchain and Binance Smart Chain tracking metadata definitively demonstrated and demonstrates that the unencrypted cryptographic keys seized in the **Concealed RAM Dump** were subsequently exposed, utilized, and monetized across decentralized networks. The expropriated data was embedded within transaction payloads (msg.data) to bypass **Know Your Customer** protocols, incubate unregistered cryptographic assets (Kinglory), and facilitate cross-chain token swaps. When expropriated digital assets are permitted by a self-regulating body to bleed into decentralized networks, any presumption that the LSBC is ***uniquely qualified*** to govern the legal profession in the modern digital age is entirely obliterated by the demonstrated technological incompetence and subsequent obfuscation. This perspective from the Applicant should not only be welcomed but is needed. During the legislative debates preceding the enactment of Bill 21, several members of the opposition offered commentary that consisted largely of generalized slogans

and non-substantive aphorisms—such as the repeated assertion that there is “never a wrong time to do the right thing.” Such remarks, while rhetorically appealing, did not meaningfully engage with the structural, constitutional, or institutional issues raised by the legislation. The superficial nature of this discourse underscores the necessity of ensuring that the Court is fully apprised of the factual and historical context that was absent from the legislative record.

D. Fraud by Omission, the Obligation of Candour, and Inherent Jurisdiction

15. Officers of the court are burdened with a heightened, positive, and unrelenting obligation of candour. This obligation is particularly acute when constitutional inquiries under the *Charter* are engaged, which necessitate a robust, complete, and unblemished evidentiary record. By deliberately omitting and actively withholding the technological reality of the **Concealed RAM Dump** and the LIF’s financial maneuvers from Madam Justice Gropper and the Honourable Chief Justice Skolrood during the recent constitutional proceedings below, a profound fraudulent misrepresentation by omission was perpetrated by the LSBC. By advancing abstract, theoretical *Charter* claims regarding the sanctity of self-regulation and the peril of state search and seizure, whilst actively suppressing the empirical history of unconstitutional technological incursions committed by its own agents, a profound fraud was committed upon the court.
16. The jurisprudence governing silence, omission, and half-truths as mechanisms of deceit is unequivocal. Active concealment of a material fact is legally equivalent to an affirmative misrepresentation (Halton v. Rezaizadeh, 2004 CanLII 6236 (ON SC); *Sidhu Estate v. Bains*, 1996 CanLII 3332 (BCCA); *Alevizos v. Nirula*, 2003 MBCA 148; *Leeson v. Darlow*, 1926 CanLII 407 (ONCA)). In the proceedings below—both interlocutory and final—the constitutional adjudicators were deprived of critical historical and technological context necessary for a complete and accurate constitutional analysis. The LSBC bore a positive obligation of candour to disclose these matters. Instead, even when seeking extraordinary interlocutory relief, the LSBC and TLABC directed attention away from their own institutional conduct, thereby obscuring facts essential to the Court’s assessment.
17. Had full disclosure been made, the evidentiary record before The Honourable Madam Justice Gropper and Chief Justice Skolrood would have materially differed. Such disclosure would have provided the factual foundation necessary to contextualize the legislative response embodied in the LPA 2024, and would have informed findings relevant to judicial comity, the avoidance of collateral attack, and the necessity of legislative intervention. The absence of this disclosure impaired the ability of the courts below to fully apprehend the systemic failures that precipitated the statutory reforms. Invoking constitutional protections while simultaneously concealing prior, serious constitutional infringements

committed by the same regulatory body constitutes a profound abuse of process. Such conduct is tantamount to bad faith, fraud by omission, and a breach of the duty of candour owed to the Court.

18. It is advanced that the British Columbia Court of Appeal is expressly continued as a superior court of record pursuant to Section 2 of the *Court of Appeal Act*. As an immutable consequence of this statutory designation, absolute inherent jurisdiction is possessed by this Honourable Court to control its own process and to summarily quash proceedings that constitute an abuse of process (*MacMillan Bloedel Ltd. v. Simpson*, [1995] 3 S.C.R. 725; *Toronto (City) v. C.U.P.E., Local 79*, 2003 SCC 63). Section 21 of the *Court of Appeal Act* and Rule 60 of the *Court of Appeal Rules* empower the summary dismissal of appeals that are frivolous, vexatious, or otherwise constitute an abuse of process, creating a dual-track mechanism for summary determination (*Yang v. Shi*, 2022 BCCA 2563). The evidentiary record—including the Applicant's sworn affidavits from 2021–2022 and the documentary trail involving multiple law firms and entities—demonstrates a pattern of omission and concealment by the LSBC that directly engages these summary-dismissal powers.

19. The jurisprudential axiom strictly dictates that bad-faith actors forfeit their entitlement to discretionary court remedies (*Cock v. British Columbia (Labour Relations Board)*, 1960 CanLII 293 (BCCA); *Surrey Memorial Hospital and H.E.U. (Rose) (Re)*, 2005 CanLII 94087 (BC LA)). Given the LSBC's omissions and misrepresentations before the courts below—conduct that materially affected the constitutional record—it is submitted that the LSBC's appellate standing should be revoked and its appeal dismissed in limine. This consequence would apply only to the LSBC as the predecessor regulator, and not to the LPBC, which is structurally distinct and not implicated in the historical misconduct. In *Hill v. Church of Scientology of Toronto*, 1995 CanLII 59 (SCC) at para. 80, the Supreme Court of Canada reiterated that alleged *Charter* violations should not be determined in the absence of a proper evidentiary record. Courts should be reluctant to engage in *Charter* analysis in a factual vacuum. Each case must be considered on its own facts or *lack of facts*: *Danson v. Ontario* (Attorney General), 1990 CanLII 93 (SCC); *MacKay v. Manitoba*, 1989 CanLII 26 (SCC). (see: *McLean v. Law Society of British Columbia*, 2015 BCSC 661 (CanLII), at para 12).

E. Application of the Law to the Facts: The Test for Public Interest Intervention

20. An order granting leave to intervene is discretionary and may be made upon any terms the Court considers appropriate (*Carter v. Canada (Attorney General)*, 2012 BCCA 502). The substantive considerations applicable to intervener applications remain unaltered from those developed under the predecessor rules, as confirmed by the continuity of *stare decisis*.[i] A justice's discretion is governed by the principles set out in *Halalt First Nation v. British Columbia (Environment)*, 2012 BCCA 191, requiring

either a direct interest or a public interest coupled with a valuable, divergent perspective. The underlying incontrovertible facts on motion (Form 4 Notice of Application) engage a broad representative base.

21. In deciding whether to grant public interest intervener status, the Court is paramountly concerned with ensuring that important perspectives are **not** overlooked (*British Columbia v. Friends of Beacon Hill Park*, 2022 BCCA 383). The strict criteria from *British Columbia Civil Liberties Association v. Canada (Attorney General)*, 2018 BCCA 282 are flawlessly discharged *prima facie* herein:

    b. **Whether the case legitimately engages the interests of the proposed intervener in the public law issue raised on appeal:**
        1. It is proffered that the public law issues inextricably intertwined with this appellate proceeding are plentiful and profound. The constitutional validity of the *LPA 2024*, the structural integrity of professional self-regulation, the safeguarding of digital privacy rights against warrantless technological incursions, the unconstitutional expropriation of digital assets via decentralized blockchains, and the fiduciary obligations owed by regulatory bodies to the public are squarely engaged. The historical subjugation of these rights under the predecessor regime renders the intervention categorically legitimate.

    c. **Whether the proposed intervener has a unique and different perspective that will assist the Court in the resolution of the issues:**
        1. It is anticipated that the perspective proffered herein shall afford indispensable assistance to the Court. As queried by the Honourable Chief Justice Skolrood in the court below regarding the genesis of this legislative overhaul, the historical context of unchecked regulatory overreach constitutes a foundational rationale for the enactment. This had to be one of the foundational reasons when the Honourable David Eby was the Attorney General. Moreover, the *status quo ante* could not be permitted to carry on. While it is a recognized axiom that a democratically elected Legislature requires no explicit justification to enact statutory reform, the empirical context is uniquely supplied herein to demonstrate *prima facie* exactly why the legislative intervention was necessitated.

    d. **Whether the proposed intervener seeks to expand the scope of the appeal by raising issues not raised by the parties:**
        1. It is formally averred that an expansion of the appellate scope is strictly eschewed. No novel *lis* is introduced, nor is repetitive argumentation advanced. However, for the true independence of the bar to occur and be structurally verified, it is mandatory that divergent, consumer-centric voices be heard. This guarantees that an entrenched, archaic upper crust does not arbitrarily reign and sweep systemic failures under the rug. Strict accountability is thereby championed, ensuring the public interest is definitively achieved.

22. The Applicant does not seek to expand the scope of the appeal; he seeks to narrow it. Court time is valuable, and the LSBC has repeatedly consumed judicial resources through unmeritorious litigation—first in *McLean v. LSBC*, then before the BCSC, and now again in this Court. Fraud is often proven by inference and circumstance. Here, the LSBC and TLABC were unsuccessful on every order sought below. The remaining remedy available to this Court is to dismiss the appeals under Rule 60 and s. 21, and to revoke the LSBC's standing in light of the full factual matrix now before the Court. Whether Madam

Justice Gropper or Chief Justice Skolrood would have considered these facts relevant to the legislative process or to the LSBC's submissions is immaterial. It was not for the LSBC to unilaterally decide what the triers of fact should or should not know.

F. Adherence to Appellate Constraints for an Intervener

23. The Applicant acknowledges that an intervener's role is confined to principled submissions on points of law. He does not seek adjudication of the 2014 privacy breaches or the LIF's financial practices. The empirical record is provided solely to illuminate the legislative and historical context demonstrating why the LPA 2024 was necessary. Rather than advancing unmeritorious constitutional challenges, the LSBC should direct its institutional resources toward addressing its own historical misconduct before amalgamation. Accountability requires acknowledgment of the harm caused by the Concealed RAM Dump and related technological incursions. The TLABC's theoretical concerns regarding future searches under the new regime are misplaced; it is the old regime that produced the unconstitutional conduct. The modernized framework ensures diverse, accountable governance and abuse repetitions.

Part 2: Order Sought

24. The Applicant seeks the relief in his Form 4 Notice of Application of August 12, 2026, with specific reference to Order number three (An Order granting leave to Mr. Kevin A. McLean (BA, JD, CIM) to intervene as a Party in the Appeals herein and all consequential relief flowing from the granting of such an Order).
25. All of which is respectfully submitted

Dated at the City of Toronto, Province of Ontario, this August 12, 2026.

Mr. Kevin A. McLean (BA, JD, CIM)
Applicant for Intervener Status

APPENDICES

APPENDIX 1: LIST OF AUTHORITIES

Authority	Citation
2122157 Ontario Inc. v. Tarion Warranty Corporation	2016 ONSC 851
Baker et al. v. Board of Education of District No. 7 - Burin	1999 CanLII 19822 (NL SC)
Beaudoin v. British Columbia (Attorney General)	2022 BCCA 66
Borowski v. Canada (Attorney General)	1989 CanLII 123 (SCC), [1989] 1 S.C.R. 342
British Columbia Civil Liberties Assn. v. Canada (Attorney General)	2018 BCCA 282
British Columbia v. Friends of Beacon Hill Park	2022 BCCA 383
Chippewas of Sarnia Band v. Canada (Attorney General)	(2000), 51 O.R. (3d) 641 (C.A.)
Cock v. British Columbia (Labour Relations Board)	1960 CanLII 293 (BCCA)
Contreras v. Thomson	2024 BCCA 357
Danson v. Ontario (Attorney General)	1990 CanLII 93 (SCC), [1990] 2 S.C.R. 1086
Equustek Solutions Inc. v. Google Inc.	2014 BCCA 448
Friedmann v. MacGarvie	2012 BCCA 109
Halalt First Nation v. British Columbia (Environment)	2012 BCCA 191
Henry v. A.B.	2026 BCCA 207
Hill v. Church of Scientology of Toronto	1995 CanLII 59 (SCC), [1995] 2 S.C.R. 1130
Homex Realty & Development v. Village of Wyoming	[1980] 2 S.C.R. 1011
J.P. v. British Columbia (Child, Family and Community Services)	2016 BCCA 124
Jadavji v. Yin	2023 BCCA 248
Jones v. Tsige	2012 ONCA 32
Landreville v. Town of Boucherville	[1978] 2 S.C.R. 801

Authority	Citation
Linkletter v. Proctorio, Incorporated	2022 BCCA 313
MacKay v. Manitoba	1989 CanLII 26 (SCC), [1989] 2 S.C.R. 357
MacMillan Bloedel Ltd. v. Simpson	[1995] 4 S.C.R. 725
Masjoody v. Trotignon	2023 BCCA 220
McLean v. Law Society of British Columbia	2015 BCSC 661
McLean v. Law Society of British Columbia	2015 BCSC 1431
McLean v. Law Society of British Columbia	2017 BCSC 987
McNeil v. Elizabeth Fry Society of Greater Vancouver	2023 BCCA 231
NHK Spring Co., Ltd. v. Cheung	2023 BCCA 243
Nisga'a Nation v. Malii	2024 BCCA 206
R. v. Spencer	2014 SCC 43
R. v. Vu	2013 SCC 60
R.R. v. Vancouver Aboriginal Child and Family Services Society	2024 BCCA 342
Snaw-Naw-As First Nation v. Canada (Attorney General)	2021 BCCA 89
Surrey Memorial Hospital and H.E.U. (Rose) (Re)	2005 CanLII 94087 (BC LA)
Thomas v. Rio Tinto Alcan Inc.	2022 BCCA 415
Toronto (City) v. C.U.P.E., Local 79	2003 SCC 63
Webb v. Genaille	2023 BCCA 372
Wu v. Murray	2023 BCCA 270
Yang v. Shi	2022 BCCA 317
Yang v. Shi	2023 BCCA 146

APPENDIX #2: STATUTES AND REGULATIONS

Enactment	Relevant Provision(s)
Competition Act, R.S.C. 1985, c. C-34	ss. 2(1), 36, 52, 52.1
Constitution Act, 1867	ss. 92(13), 92(14), 96-101
Court of Appeal Act, S.B.C. 2021, c. 6	ss. 1, 2, 21, 30(f)
Court of Appeal Rules, B.C. Reg. 120/2022	*Rules* 60, 61
Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c. 165	ss. 4, 6(1), 6(2), 8, 10, 30.1, 42
Interpretation Act, R.S.B.C. 1996, c. 238	ss. 27(7), 35
Law and Equity Act, R.S.B.C. 1996, c. 253	s. 8
Legal Profession Act, S.B.C. 1998, c. 9	ss. 3, 37, *Rule* 4-43
Legal Professions Act, S.B.C. 2024, c. 26	ss. 3, 215-241 (Part 18, Transitional Provisions)
Personal Information Protection and Electronic Documents Act, S.C. 2000, c. 5	ss. 2, 4, 5, 6.1

APPENDIX #3 (SEVEN SUB-APPENDICES)

Appendix / Reference	Topic / Subject	Description of Evidence	Key Findings / Implications
Appendices 1 & 2	Admissions of Delayed Production	Letters from Nathanson, Schachter & Thompson LLP (NST LLP), acting for the LSBC, dated October 18 and October 25, 2021.	Definitively establishes that the purported “RAM capture” from June 2014 was withheld from the Applicant and the Courts for over seven years, only to be ultimately produced via an unsecure, cloud-based ShareFile hyperlink.
Appendix 4	Cryptographic Spoliation and the “Creator” Anomaly	Screenshots of the digital properties for the file KEVIN-PC-20140604-182544.zip and the underlying .raw extraction.	Provides visual, objective proof of spoliation: • **Post-extraction alteration:** Displays a “Last updated” timestamp of 10/25/2021 12:28PM. • **Destruction of evidentiary architecture:** Utilized the Deflated 64 compression method, making independent hash-verification impossible. • **Broken chain of custody:** The digital “Creator” is listed as Kimm Otto (a former assistant at NST LLP), completely contradicting claims of a pristine, third-party forensic chain of custody from 2014.
Appendices 5 & 6	Corporate Impersonation and Deceptive Portals	Side-by-side visual comparisons of ShareFile login portals. Contrasts NST LLP's legitimate, branded portal against the Lawyers Indemnity Fund (lif.sharefile.com).	Proves the ongoing use of a deceptive corporate shell identity. Shows the Lawyers Indemnity Fund operating behind a fabricated “Evolve Partner labs” logo for a statutory fund's secure communications network.
Appendix 7	Blockchain Migration and	Images in the public domain cross-referenced to affidavit	Serves as visual “fingerprints” proving the migration of the

	Corresponding Images	material regarding extracted visual data from BscScan and Etherscan. Identifies specific genesis blocks and token swaps associated with the Kinglory Network (0x328e...).	Applicant's expropriated data into the Binance Smart Chain. Directly links the initial local breach to the deployment of centralized, unregistered securities (0x502f...) containing *Pausable* and *onlyOwner* backdoor mechanics.

[i] (*Linkletter v. Proctorio, Incorporated, 2022 BCCA 313; R.R. v. Vancouver Aboriginal Child and Family Services Society, 2024 BCCA 342; Nisga'a Nation v. Malii, 2024 BCCA 206; McNeil v. Elizabeth Fry Society of Greater Vancouver, 2023 BCCA 231; Jadavji v. Yin, 2023 BCCA 248; NHK Spring Co., Ltd. v. Cheung, 2023 BCCA 243; Thomas v. Rio Tinto Alcan Inc., 2022 BCCA 415; Henry v. A.B., 2026 BCCA 207; Webb v. Genaille, 2023 BCCA 372).*

Appendix #1

NATHANSON, SCHACHTER & THOMPSON LLP

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Kevin D. Loo
James C. MacInnis, Q.C.
Irwin G. Nathanson, Q.C.*
M. Caitlin Ohama-Darcus
James P. Parker
Peter J. Reardon*
Julia W. Riddle
Stephen R. Schachter, Q.C.*
Peter R. Senkpiel
Kayla K. Strong

Ardella A. Thompson (Ret.)

*Denotes Law Corporation

File: 10009-39
Reply to: Julia K. Lockhart
Email: jlockhart@nst.ca
Direct Line: 778-945-1481

18 October 2021

Kevin McLean
Unknown Address

VIA EMAIL

mclean@searchandseizure.ca

Dear Mr. McLean:

Re: Matters raised in your emails from October 8, 2021 to date

Over the weekend, you continued to send emails to me and others at the Law Society, including lengthy attachments raising arguments that are largely indecipherable. I confirm that if you wish to raise additional FOI requests, you need to send these to me by physical mail.

I further confirm that I continue to expect to be in a position to provide a copy of the RAM capture in the last week of October. However, in order to provide this to you, I require that you provide me with a mailing address to which the USB can be delivered. To avoid delay, I recommend that you provide that address to me as soon as possible.

Yours truly,

Nathanson, Schachter & Thompson LLP

Per:

JKL:mc
cc: Client

Appendix #2

NATHANSON, SCHACHTER & THOMPSON LLP

Karen L.M. Carteri
Murray A. Clemens, Q.C., FCIArb*
Heather E. Doi
Emily L. Hansen
R.J. Randall Hordo, Q.C., FCIArb*
Julia E. Lawn
Julia K. Lockhart
Kevin D. Loo
James C. MacInnis, Q.C.
Irwin G. Nathanson, Q.C.*
M. Caitlin Ohama-Darcus
James P. Parker
Peter J. Reardon*
Julia W. Riddle
Stephen R. Schachter, Q.C.*
Peter R. Senkpiel
Kayla K. Strong

Ardella A. Thompson (Ret.)

*Denotes Law Corporation

File: 10009-39
Reply to: Julia K. Lockhart
Email: *jlockhart@nst.ca*
Direct Line: *778-945-1481*

25 October 2021

Kevin McLean
Unknown Address

VIA EMAIL

mclean@searchandseizure.ca

Dear Mr. McLean:

Re: Copy of RAM Capture

We are writing to respond to the request you confirmed on October 8, 2021 under the *Freedom of Information and Protection of Privacy Act* ("FIPPA") on the Law Society of British Columbia.

Further to that request for a copy of the RAM capture made from your computer in June 2014, I enclose a link to download that file.

Under section 52 of the FIPPA, you may apply to the Information and Privacy Commissioner for a review of the Law Society's response to your request. You have 30 business days to request a review by writing to the Office of the Information and Privacy Commissioner at the contact information provided below.

If you wish to request a review under section 52, please provide the Commissioner's office with the following information:

1. Your name, address and telephone number;
2. A copy of your request;
3. A copy of this letter; and
4. The specific reasons for requesting a review.

The Office of the Information and Privacy Commissioner can be reached at the contact information provided below:

Office of the Information and Privacy

Commissioner for British Columbia
PO Box 9038, Stn Prov Govt
Victoria, BC V8W 9A4
Tel: (250) 387-5629 Fax: (250) 387-1696
Website address: www.oipc.bc.ca

If you have any questions regarding this response, you may contact me, by way of the contact information provided in this letter.

Yours truly,

Nathanson, Schachter & Thompson LLP

Per:

JKL:mc
cc: Client

Appendix #3

KEVIN-PC-20140604-182544... | res1.txt

Offset	0	1	2	3	4	5	6	7	8	9	A	B	C	D	E	F	ANSI ASCII
000030B50	3F	41	43	50	49	44	65	76	69	63	65	4D	61	74	63	68	?ACPIDeviceMatch
000030B60	28	30	29	28	29	28	30	29	0D	0A	0D	0A	3B	0D	0A	3B	(0)()(0) ; ;
000030B70	20	50	43	49	20	64	65	76	69	63	65	20	68	61	63	6B	PCI device hack
000030B80	20	66	6C	61	67	73	20	72	75	6C	65	0D	0A	3B	0D	0A	flags rule ;
000030B90	50	43	49	44	65	76	69	63	65	48	61	63	6B	20	3D	20	PCIDeviceHack =
000030BA0	3F	50	43	49	44	65	76	69	63	65	4D	61	74	63	68	28	?PCIDeviceMatch(
000030BB0	30	29	28	30	2E	31	2E	32	2E	33	2E	34	29	28	30	29	0)(0.1.2.3.4)(0)
000030BC0	2C	3F	50	43	49	44	65	76	69	63	65	53	65	74	48	61	,?PCIDeviceSetHa
000030BD0	63	6B	66	6C	61	67	73	28	29	28	35	2E	36	29	28	30	ckflags()(5.6)(0
000030BE0	29	2C	26	0D	0A	0D	0A	3B	0D	0A	3B	20	50	43	49	20	),& ; ; PCI
000030BF0	64	65	76	69	63	65	20	68	61	63	6B	20	66	6C	61	67	device hack flag
000030C00	73	20	62	61	73	65	64	20	6F	6E	20	62	69	6F	73	20	s based on bios
000030C10	6D	61	74	63	68	69	6E	67	20	72	75	6C	65	0D	0A	3B	matching rule ;
000030C20	0D	0A	50	43	49	44	65	76	69	63	65	48	61	63	6B	42	PCIDeviceHackB
000030C30	69	6F	73	4D	61	74	63	68	20	3D	20	25	42	61	73	69	iosMatch = %Basi
000030C40	63	4D	61	63	68	69	6E	65	49	44	28	30	2E	31	2E	30	cMachineID(0.1.0
000030C50	2E	32	2E	33	2E	30	2E	34	2E	30	2E	35	2E	30	2E	36	.2.3.0.4.0.5.0.6
000030C60	29	28	30	2E	31	2E	32	2E	33	2E	34	2E	35	29	28	29	)(0.1.2.3.4.5)()
000030C70	2C	20	5C	0D	0A	20	20	20	20	20	20	20	20	20	20	20	, \
000030C80	20	20	20	20	20	20	20	20	20	20	20	20	20	20	25	50	%P
000030C90	43	49	44	65	76	69	63	65	48	61	63	6B	28	37	29	28	CIDeviceHack(7)(
000030CA0	36	2E	37	2E	38	2E	39	2E	31	30	2E	31	31	2E	31	32	6.7.8.9.10.11.12
000030CB0	29	28	30	29	2C	26	0D	0A	0D	0A	3B	0D	0A	3B	20	50	)(0),& ; ; P
000030CC0	43	49	20	64	65	76	69	63	65	20	68	61	63	6B	20	66	CI device hack f
000030CD0	6C	61	67	73	20	62	61	73	65	64	20	6F	6E	20	43	50	lags based on CP
000030CE0	55	20	6D	61	74	63	68	69	6E	67	20	72	75	6C	65	0D	U matching rule
000030CF0	0A	3B	0D	0A	50	43	49	44	65	76	69	63	65	48	61	63	; PCIDeviceHac
000030D00	6B	43	70	75	4D	61	74	63	68	20	3D	20	3F	43	70	75	kCpuMatch = ?Cpu
000030D10	54	79	70	65	28	30	2E	31	2E	32	2E	33	29	28	30	2E	Type(0.1.2.3)(0.
000030D20	31	2E	32	2E	33	29	2C	20	5C	0D	0A	20	20	20	20	20	1.2.3), \
000030D30	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	
000030D40	20	20	20	25	50	43	49	44	65	76	69	63	65	48	61	63	%PCIDeviceHac
000030D50	6B	28	34	29	28	34	2E	35	2E	36	2E	37	2E	38	2E	39	k(4)(4.5.6.7.8.9
000030D60	2E	31	30	29	28	30	29	2C	26	0D	0A	0D	0A	3B	0D	0A	.10)(0),& ;
000030D70	3B	20	44	69	73	61	62	6C	65	20	41	53	50	4D	20	6F	; Disable ASPM o
000030D80	6E	20	73	79	73	74	65	6D	73	20	77	69	74	68	20	73	n systems with s
000030D90	70	65	63	69	66	69	63	20	75	6E	73	75	70	70	6F	72	pecific unsuppor
000030DA0	74	65	64	20	50	43	49	20	65	78	70	72	65	73	73	20	ted PCI express
000030DB0	68	75	62	73	0D	0A	3B	0D	0A	50	43	49	44	65	76	69	hubs ; PCIDevi
000030DC0	63	65	44	69	73	61	62	6C	65	50	63	69	45	78	70	72	ceDisablePciExpr
000030DD0	65	73	73	41	53	50	4D	20	3D	20	3F	50	43	49	44	65	essASPM = ?PCIDe
000030DE0	76	69	63	65	4D	61	74	63	68	28	30	29	28	30	2E	31	viceMatch(0)(0.1
000030DF0	2E	32	2E	33	2E	34	29	28	30	29	2C	20	5C	0D	0A	20	.2.3.4)(0), \

Apps | Upwork | Freelancer | GitHub | Stack Overflow | ethereum.org | » | Reading list

grep "FREE MEMORY" Win2TranslatedStrings.txt > Win2UnallocatedStrings.txt

grep "metasploit" Win2StringsTranslated.txt
147782654 [kernel:99379bfe] metasploit
When the consoles volatility was used, and powershell was used to create a script, and postgres was running with a lot of listeners, it was thought that maybe metasploit should be searched for.

Not sure if it has anything to do with the malware, but this was found in unallocated memory. Usually Antivirus Scanners skip this region.

198051 [FREE MEMORY] ; PCI device hack flags rule
198084 [FREE MEMORY] PCIDeviceHack = ?PCIDeviceMatch(0)(0.1.2.3.4)(0),?PCIDeviceSetHackflags()(5.6)(0),&
198174 [FREE MEMORY] ; PCI device hack flags based on bios matching rule
198230 [FREE MEMORY] PCIDeviceHackBiosMatch = %BasicMachineID(0.1.0.2.3.0.4.0.5.0.6)(0.1.2.3.4.5)(), \
198313 [FREE MEMORY] %PCIDeviceHack(7)(6.7.8.9.10.11.12)(0),&
198385 [FREE MEMORY] ; PCI device hack flags based on CPU matching rule
198440 [FREE MEMORY] PCIDeviceHackCpuMatch = ?CpuType(0.1.2.3)(0.1.2.3), \
198495 [FREE MEMORY] %PCIDeviceHack(4)(4.5.6.7.8.9.10)(0),&
198564 [FREE MEMORY] ; Disable ASPM on systems with specific unsupported PCI express hubs
198637 [FREE MEMORY] PCIDeviceDisablePciExpressASPM = ?PCIDeviceMatch(0)(0.1.2.3.4)(0), \
198707 [FREE MEMORY] ?AcpiFADTBootArch()(5),|
198769 [FREE MEMORY] ; Disable MSI on a system where FADT Boot Arch flags are set
198834 [FREE MEMORY] DisableMSI = ?AcpiFADTBootArch()(0)
198876 [FREE MEMORY] ; Work around unreported memory at F8 for PCI arbiters
198935 [FREE MEMORY] PciBrokenMemAtF8 = \
198957 [FREE MEMORY] %BasicMachineID(0.1.0.2.3.0.4.0.5.0.6)(0.1.2.3.4.5)()
199021 [FREE MEMORY] ; Match cpu type for AMD
199050 [FREE MEMORY] CpuTypeAmd = \

Timers:
No timers found.

Threads:

The same method was used as for the first memory image. The addresses were different, but there was one orphan thread found. Again, the executable found near the orphan thread was exported. This one was also detected as malware by one scanner on VirusTotal.

https://www.virustotal.com/en/file/9747945ce4e27af052cd72b0c95bc22284b9a489e6e607d5146717e0fb00cf97/analysis/1464208780/

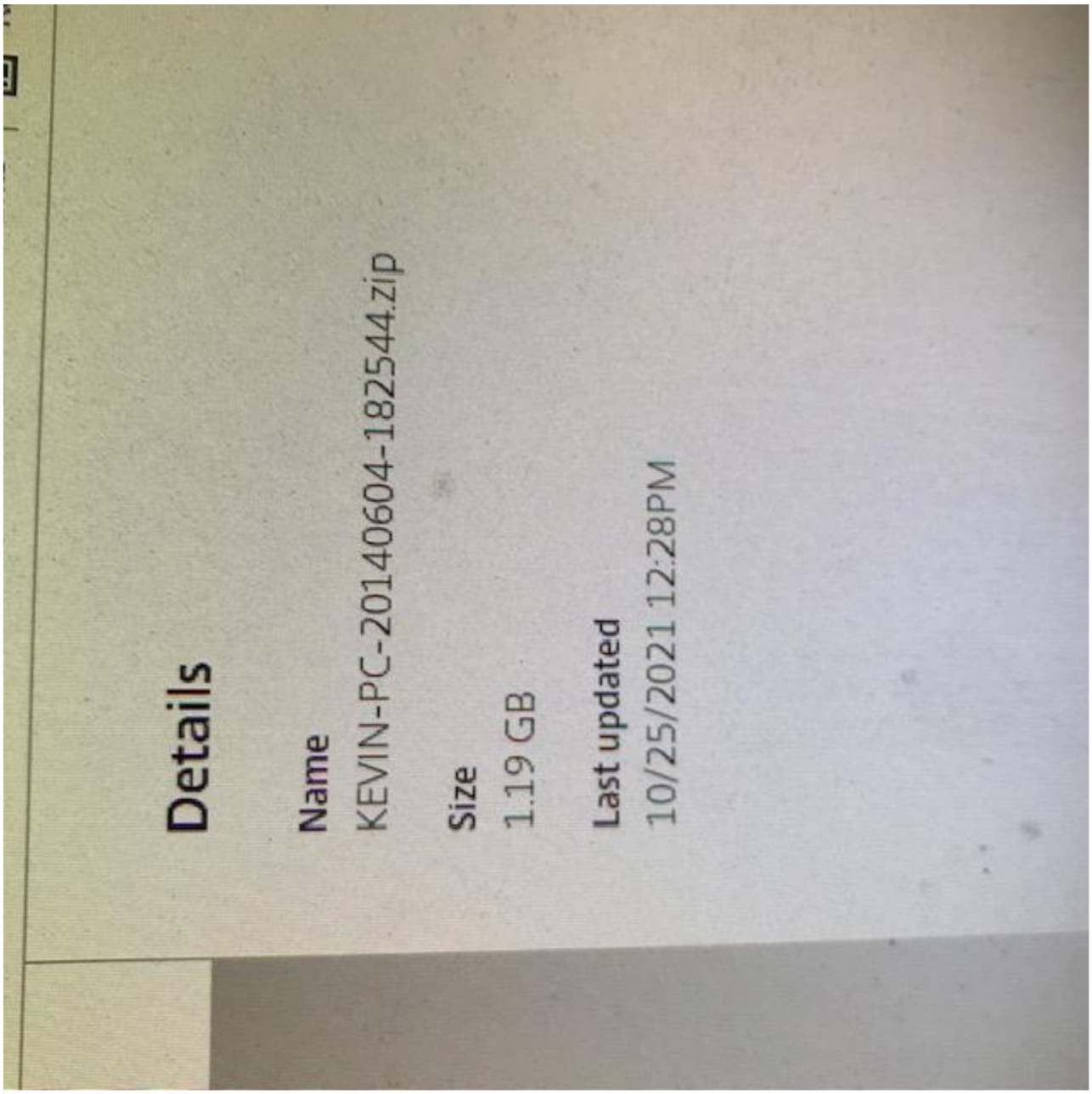
Unloaded Modules:

dump_dumpfve.sys 0x008361a000 0x8362b000 2016-03-02 16:09:08
dump_LSI_SCSI.sys 0x0083600000 0x8361a000 2016-03-02 16:09:08
dump_storport.sys 0x00879f6000 0x87a00000 2016-03-02 16:09:08
crashdmp.sys 0x0087627000 0x87634000 2016-03-02 16:09:08
rimspe86.sys 0x00a10c7000 0xa10dc000 2016-03-02 16:09:20
risdpe86.sys 0x00a10dc000 0xa10ed000 2016-03-02 16:09:20
spsys.sys 0x00a1187000 0xa11f1000 2016-03-02 16:16:39
kbdhid.sys 0x00a1010000 0xa101c000 2016-03-02 16:34:54

Appendix #4

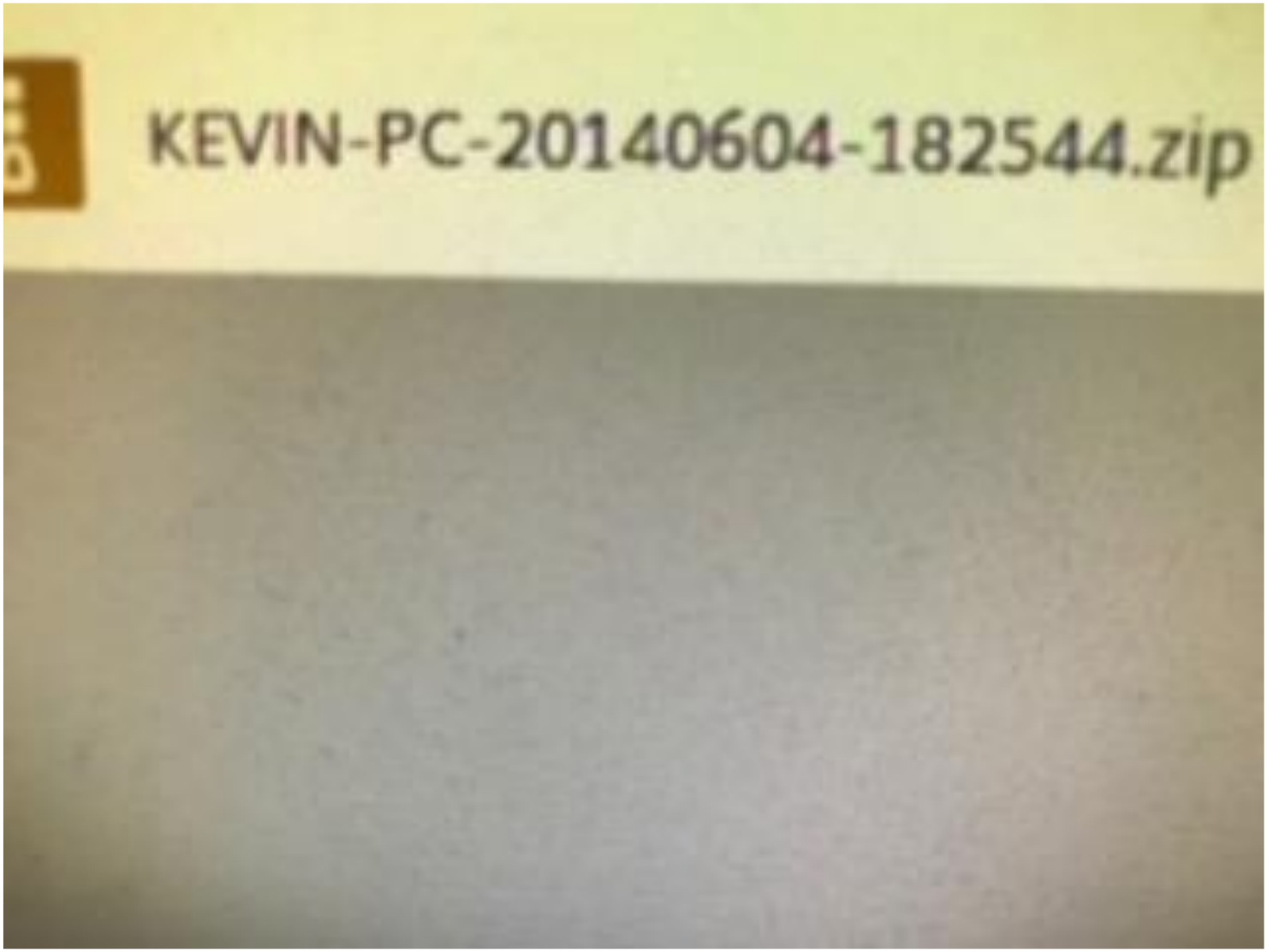
(nota bene: the June 4, 2014 (Tuesday)

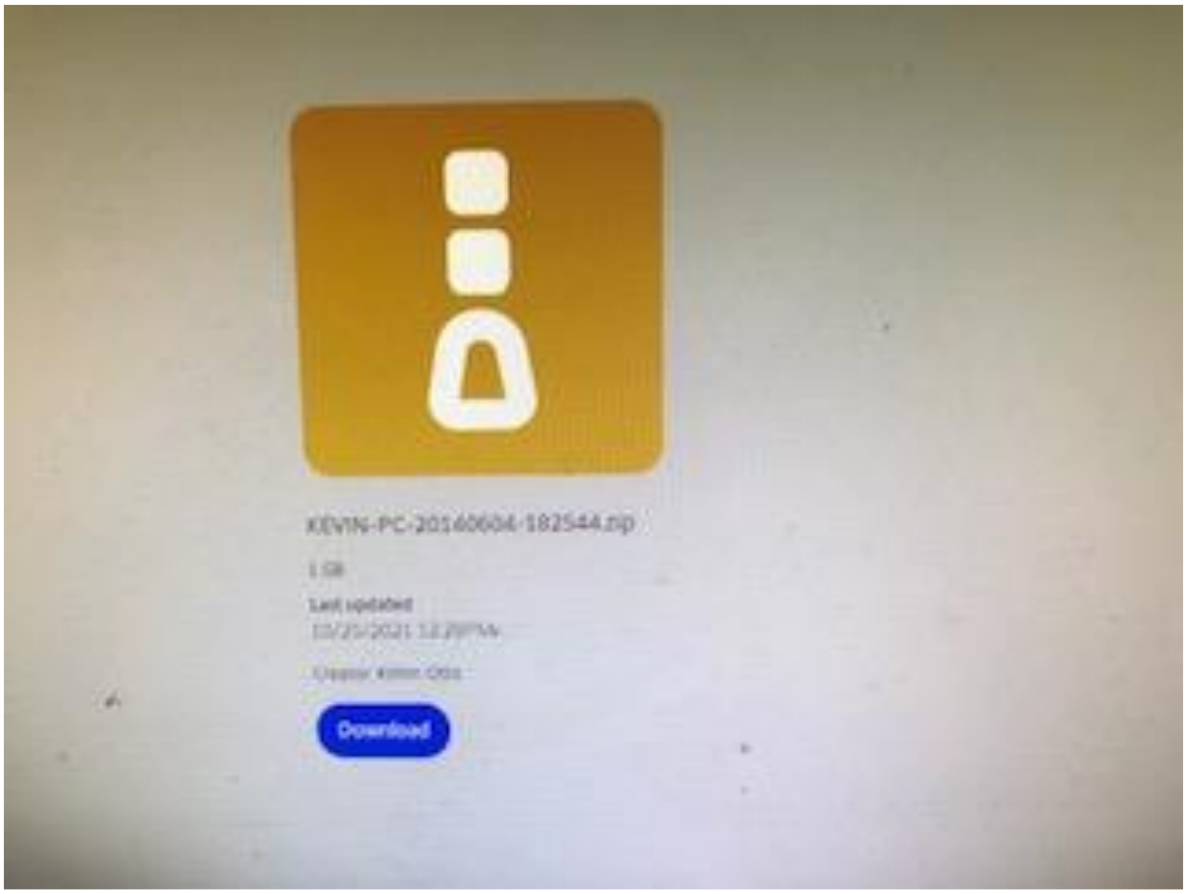
(nota bene #2: it references the PC (not the Hard Drive per se)

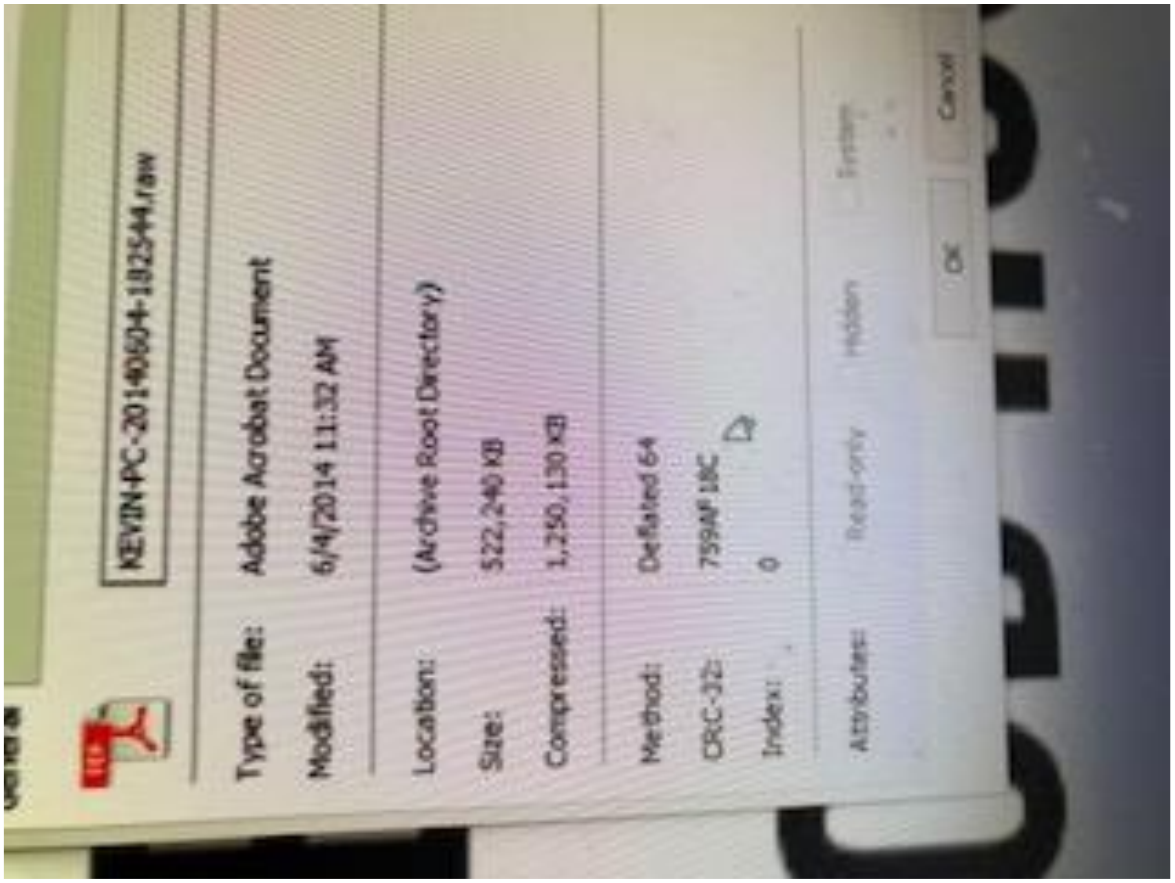


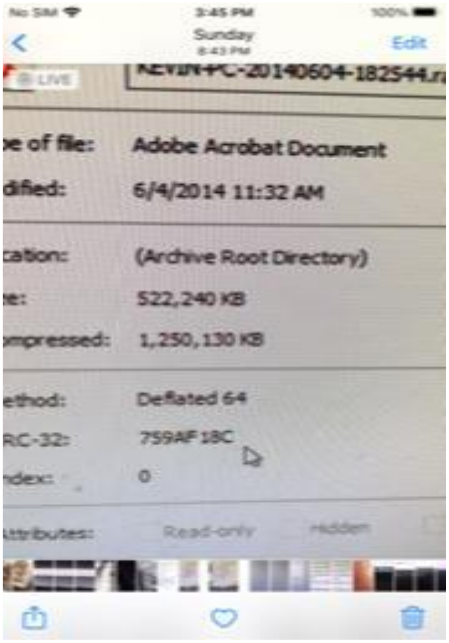
KEVIN-PC-20140604-182544.zip
1 GB
Last updated
10/25/2021 12:28PM
Creator: Kimm Otto
Download

Download
Details
Name
KEVIN-PC-20140604-182544
Size
1.19 GB
Last updated
10/25/2021 12:28PM


KEVIN-PC-20140604-182544.zip


KEVIN-PC-20160604-182544.zip
1 GB
Download

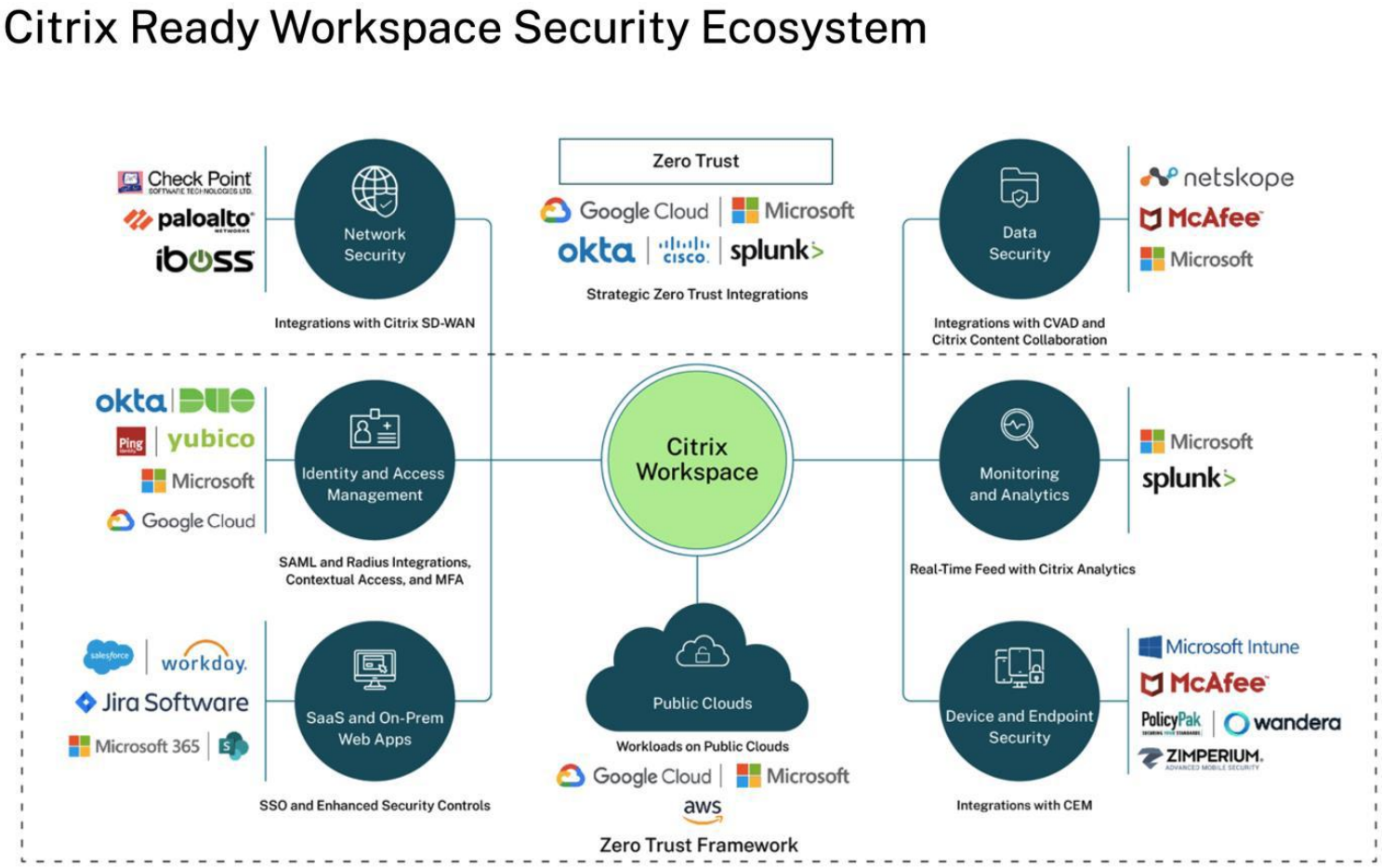

KEVIN-PC-20140604-182544.raw
Type of file: Adobe Acrobat Document
Modified: 6/4/2014 11:32 AM
Location: (Archive Root Directory)
Size: 522,240 KB
Compressed: 1,250,130 KB
Method: Deflated 64
CRC-32: 759AF18C
Index: 0
Attributes: Read-only Hidden System
OK
Cancel



Nothing past this line

Appendix #5

CITRIX PARTNERS IN THE ZTNA NETWORK



https://lif.sharefile.com/Authentication/Login

Similar to:
https://www.evolvepartners.com/partners/

EVOLVE PARTNERS INC.
Jurisdiction (home): British Columbia **Jurisdiction (EP): Number:** 1087254 **Date:** 24 Aug 2016 **Additional Information:** 2019-11-19 Active British Columbia Corporation (B.C.) Vancouver

https://opencorporates.com/companies/us_ca/C2464966
a. Brian Roach – EY
i. https://www.linkedin.com/in/brian-roach-1a820380
b. Ernst & Young (contained within the Hex Editor code)

NST LLP (AS IT WAS WITH THAT URL IN 2021/2022 WITH SHAREFILE (THE LOCATION IN WHICH NST LLP (MS. LOCKHART PROVIDED THE DOCUMENT ENTITLED "KEVIN-PC-20140604-185244)

https://nathansonschachterthompsonllp.sharefile.com/Authentication/

Logo contained when inputting that information:

BLAKES (AS IT WAS IN 2021/2022 WITH SHAREFILE BASED ON THAT URL)(BLAKES LLP HAS AN ACCOUNT IN 2026 ALBEIT THEIR LOGO HAS CHANGED SLIGHTLY SINCE THEN) (SEE: APPENDIX #6)

https://blakes.sharefile.com/authentication/login

Nothing Past this Line

Appendix #6

Welcome!

Enter your details to sign in to ShareFile

Email *

Remember me

Continue

Privacy policy

Welcome!

Enter your details to sign in to ShareFile

Email *

Remember me

Continue

Privacy policy

Appendix #7

July 2021

IF Capital Inc.

Kinglory Inc.

Next Generation Blockchain Platform

Kinglory is growing its technology capabilities and has filed for a patent with BLG!

GLOBAL INFORMATION

GLOBAL INFORMATION

Home | Business News | City Newsmakers | KINGLORY ANNOUNCES MARKHAM AS ITS CORPORATE HEADQUARTERS

KINGLORY ANNOUNCES MARKHAM AS ITS CORPORATE HEADQUARTERS

Markham, Ontario, July 13, 2021 (GLOBE NEWSWIRE) — On July 12th, 2021, member of

GLOBAL INFORMATION

Intrado SIGN IN

KINGlory

KINGLORY ANNOUNCES MARKHAM AS ITS CORPORATE HEADQUARTERS

July 13, 2021 12:18 ET
| Source: Kinglory Inc

GLOBAL INFORMATION

KINGlory Microsoft

FOX 43 Knoxville 70°

Markham, Ontario, July 13, 2021 (GLOBE NEWSWIRE) — On July 12th, 2021, member of Parliament Bob Saroya and other distinguished guests attended a ceremony to celebrate a high-tech company, Kinglory Inc., selecting Markham to be its corporate headquarters. Markham is Canada's high-tech capital, anchored by more than 1,500 international tech businesses.

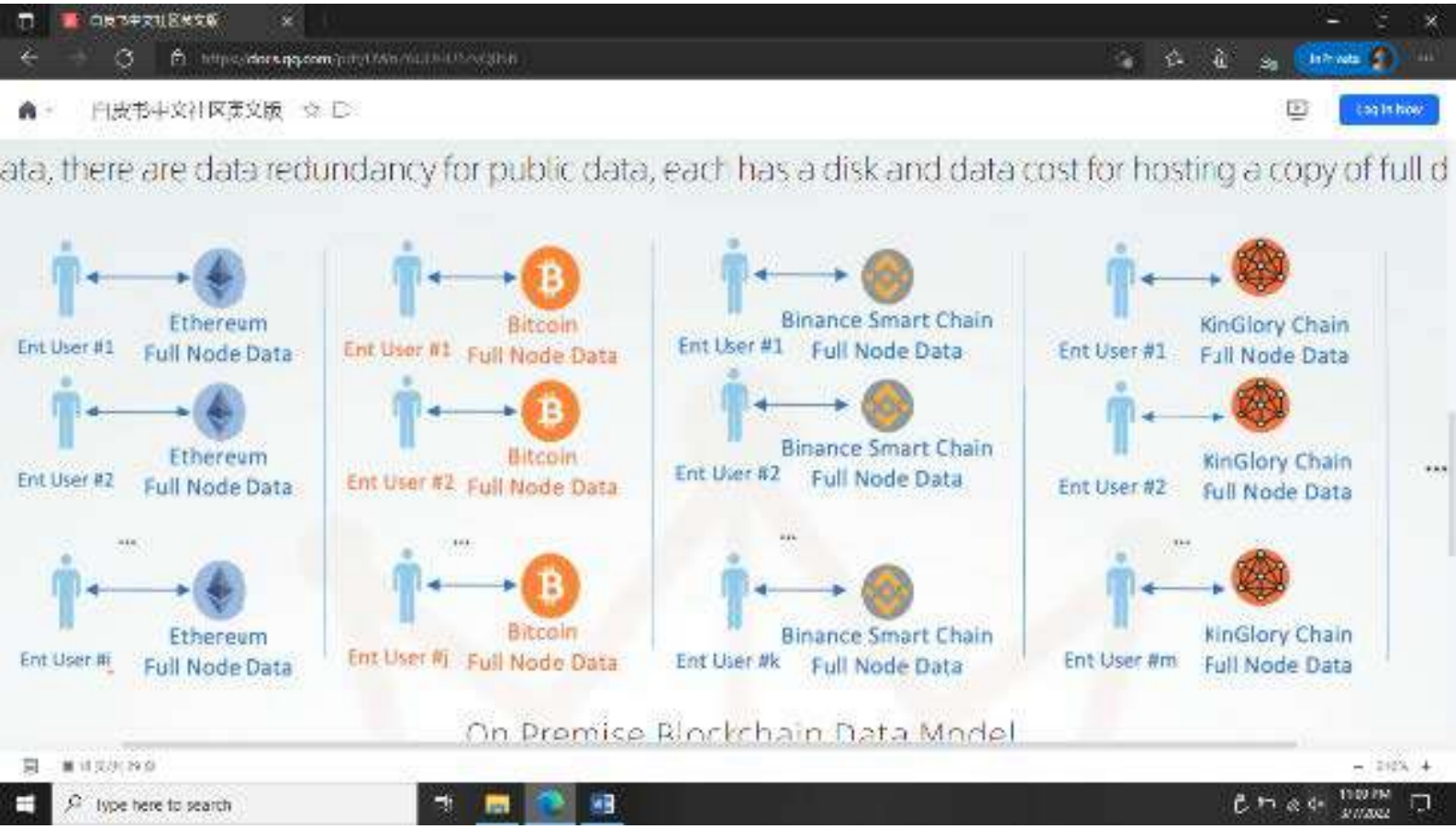
With a team of over 200 technological experts from Canada, the United States, Israel and Russia, Kinglory is a public, open-source platform that is dedicated to maintaining and developing a community that anyone can contribute to.

Kinglory brings a major technological overhaul to the existing blockchains in the data, network, consensus, incentive, and application layers. Kinglory utilizes state-of-the-art technological innovations to eliminate performance, security,

GLOBAL INFORMATION

KINGlory CANADIAN

GLOBAL INFORMATION


ata, there are data redundancy for public data, each has a disk and data cost for hosting a copy of full d
Ent User #1
Ethereum Full Node Data
Ent User #2
Ethereum Full Node Data
Ent User #i
Ethereum Full Node Data
Ent User #1
Bitcoin Full Node Data
Ent User #2
Bitcoin Full Node Data
Ent User #j
Bitcoin Full Node Data
Ent User #1
Binance Smart Chain Full Node Data
Ent User #2
Binance Smart Chain Full Node Data
Ent User #k
Binance Smart Chain Full Node Data
Ent User #1
KinGlory Chain Full Node Data
Ent User #2
KinGlory Chain Full Node Data
Ent User #m
KinGlory Chain Full Node Data
On Premise Blockchain Data Model

白皮书中文社区英文版
https://docs.qq.com/pdf/DWnZ6UURU1ZvQ05B
InPrivate
白皮书中文社区英文版
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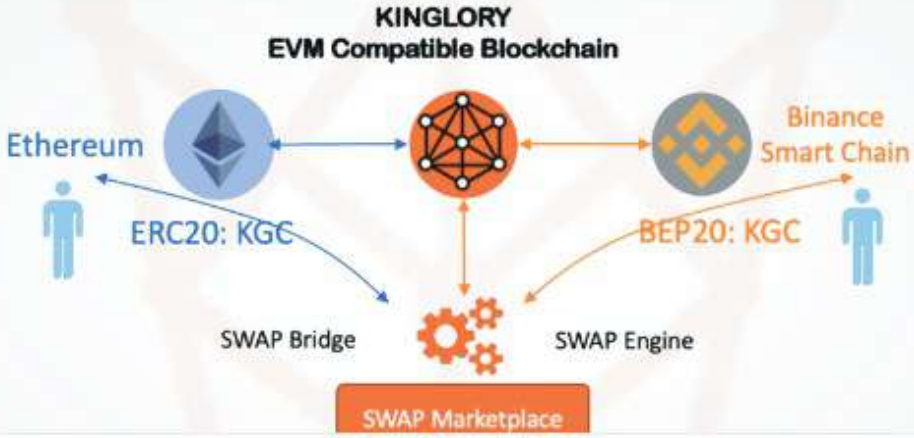
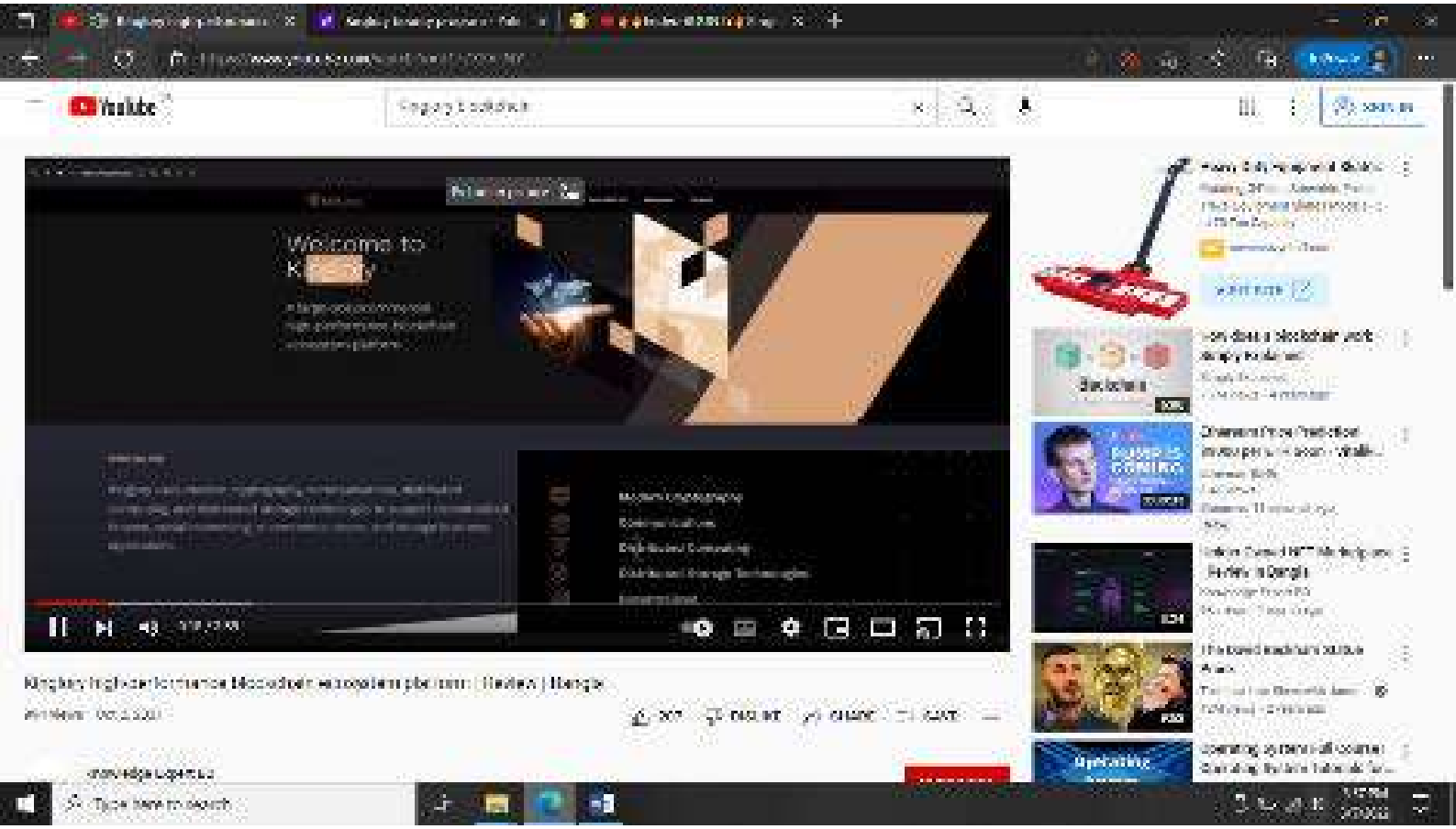
the exchange back-end. Exposing cross chain service to users need to have core native transaction agents that efficiently provide a trade or exchange of different asset with agreed price or exchange rates, it's more like a mini version of exchange to finalized to exchange, such mini version of exchange is the



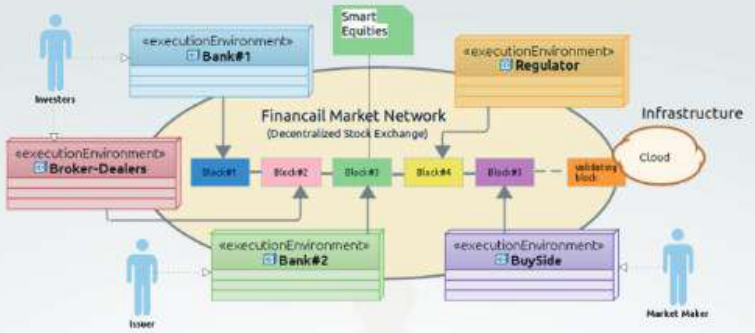
第 17 页/共 29 页
170%
Type here to search
11:08 PM
3/7/2022


Welcome to

白皮书中文社区英文版
https://docs.qq.com/pdf/DWnZ6UUFlU1ZvQ05B
InPrivate
白皮书中文社区英文版
Log In Now

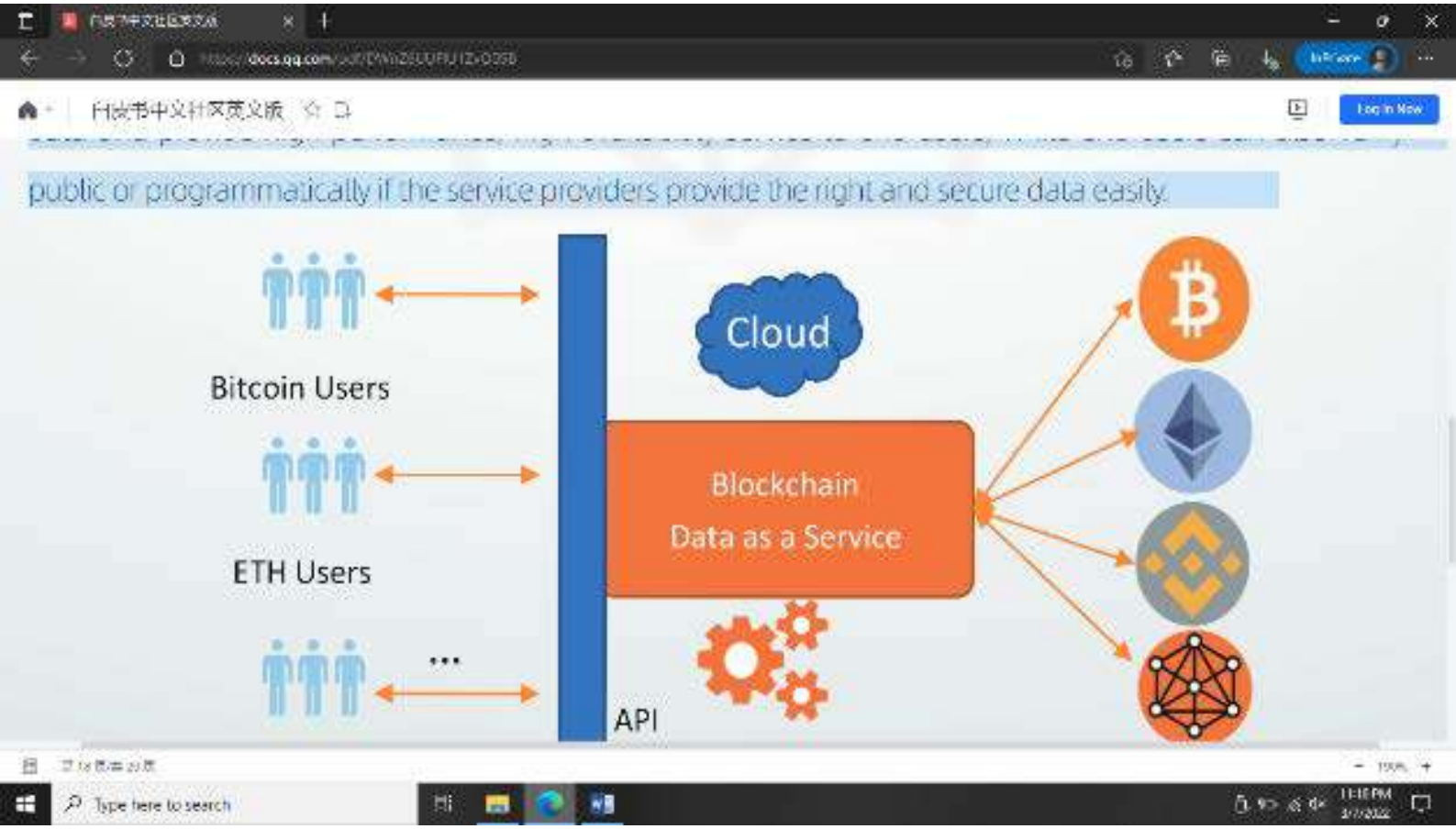
6

KINGlory Decentralized Application Framework (D-App Store)



Financial Market is hosted and embedded into a network that has multiple participants that to be

第 11 页/共 29 页
100%
Type here to search
8:31 AM
3/10/2022


public or programmatically if the service providers provide the right and secure data easily.
Bitcoin Users
ETH Users
...
Cloud
Blockchain
Data as a Service
API