

SUPREME COURT
OF BRITISH COLUMBIA
VANCOUVER REGISTRY

APR 08 2011

S-112305

No. _____
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

RUSSEL OGDEN, ERLING CHRISTENSEN, LAURENCE CATTOIRE,
JOHN LOWMAN and PAUL ZOLLMANN on behalf of
THE FAREWELL FOUNDATION FOR THE RIGHT TO DIE

APPELLANTS

AND:

BRITISH COLUMBIA REGISTRAR OF COMPANIES

RESPONDENT

NOTICE OF APPEAL

To: The British Columbia Registrar of Companies
Attorney General of British Columbia
Attorney General of Canada

WHEREAS on March 17, 2011, The British Columbia Registrar of Companies denied the appellants' application to register the Farewell Foundation for the Right to Die as a non-profit society under s.2 of the *Society Act*, on the grounds that the purposes of the Farewell Foundation for the Right to Die are contrary to s. 241(b) of the *Criminal Code* and thus unlawful.

AND WHEREAS an appeal of this decision lies to this court under s. 96(2) of the *Society Act*.

AND WHEREAS the Attorney General of Canada and the Attorney General of British Columbia are entitled to participate in these proceedings pursuant to the *Constitutional Question Act*.

TAKE NOTICE THAT Russel Ogden, Erling Christensen, Laurence Cattoire, John Lowman, and Paul Zollmann, on behalf of the Farewell Foundation for the Right to Die, appeal from the decision of the Registrar of Companies made on March 17, 2011 on the grounds that:

1. The Registrar of Companies erred in law in concluding that he lacked jurisdiction to consider whether s.241(b) of the *Criminal Code* is an unjustified infringement of ss.7 and 15 of the *Charter* when denying the application of the Farewell Foundation for the Right to Die to register as a non-profit society under the *Society Act*.
2. The Registrar of Companies erred in law by not determining that s. 241(b) of the *Criminal Code* is an unjustified infringement on ss.7 and 15 of the *Charter*, and by not determining that these infringements can not justified under s.1 of the *Charter*.

AND TAKE NOTICE THAT on April 20, 2011, at the courthouse at 800 Smithe Street, in the City of Vancouver, in the Province of British Columbia, an application will be made to the presiding judge at 9:45 a.m. for directions as to the conduct of this appeal. The appellants will seek directions concerning:

1. Whether parties may supplement the evidentiary record by adducing legislative facts through oral testimony and/or affidavit evidence.
2. Whether the constitutional issue in this appeal will be more effectively and efficiently tried in the parallel civil claim filed by the appellants in the Supreme Court of British Columbia, rather than through the appeal process under the *Society Act*.

The appellants estimate that the hearing of the appeal will take 4 days.

If you intend to oppose the appeal, you or your lawyer must:

(a) file a Notice of Interest in Form 70 in the above-named registry of this court within the time for Notice of Interest described below, and

(b) serve a copy of the Notice of Interest on the appellants' address for service set out in this Notice of Appeal.

Time for Notice of Interest

A Notice of Interest must be filed and served on the appellants,

(a) if you reside in British Columbia, within 7 days after the date on which a copy of the filed notice of appeal was served on you,

(b) if you reside anywhere else within Canada, within 21 days after the date on which a copy of the filed notice of appeal was served on you,

(c) if you reside in the United States of America, within 28 days after the date on which a copy of the filed notice of appeal was served on you,

(d) if you reside elsewhere, within 42 days after the date on which a copy of the filed notice of appeal was served on you, or

(e) if the time for Notice of Interest has been set by order of the court, within that time.

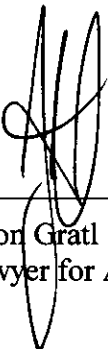
The appellants' address for service is:

Gratl & Company
Barristers and Solicitors
302-560 Beatty Street
Vancouver, British Columbia
V6B 2L3

Fax number for service: (604) 608-1919

E-mail address for service: jason@gratlandcompany.com

Dated this 8th day of April, 2011



Jason Gratl
Lawyer for Appellants