

**THE KING'S BENCH
Winnipeg Centre**

BETWEEN:

THE CITY OF WINNIPEG,

applicant,

- and -

**CAMBRIA HARRIS, KASYN RAPKE, MELISSA (NORMAND) ROBINSON, GEORGE
ROBINSON, TRE LENNOX DELARONDE, JOSEPH ALEXANDER MUNRO, JOHN
DOE, JANE DOE, and OTHER UNKNOWN INDIVIDUALS,**

respondents.

APPLICATION UNDER: Section 188 of *The City of Winnipeg Charter*, SM 2002, c 39

ORDER

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[File No. CL.1-2022 (249)]

THE HONORABLE
MR JUSTICE LANCHBURY
BETWEEN:

THE KING'S BENCH
Winnipeg Centre

} FRIDAY, THE 14TH DAY OF JULY, 2023
}

THE CITY OF WINNIPEG,

applicant,

- and -

CAMBRIA HARRIS, KASYN RAPKE, MELISSA (NORMAND) ROBINSON, GEORGE
ROBINSON, TRE LENNOX DELARONDE, JOSEPH ALEXANDER MUNRO, JOHN
DOE, JANE DOE, and OTHER UNKNOWN INDIVIDUALS,
respondents.

APPLICATION UNDER: Section 188 of *The City of Winnipeg Charter*, SM 2002, c 39

ORDER

THIS APPLICATION, made by the applicant, the City of Winnipeg, for an injunction or other order to enforce a by-law or legislation, for an order for short leave and an immediate hearing of the application without notice, or alternatively for an order for substitute service of the Notice of Application, was on the uncontested list on Wednesday, the 12th day of July, 2023 at the Law Courts, 408 York Avenue, Winnipeg, Manitoba;

UPON Robyn Johnston appearing as agent on behalf of the named Respondents seeking an adjournment;

AND UPON an adjournment being so granted to July 13, 2023 at 12:00 p.m. with the applicant being directed to effect notice of the Application and the particulars of the return date by press release, and the applicant having done so;

AND UPON Sacha Paul and Eli Milner appearing as counsel for the named Respondents on July 13, 2023 and seeking an adjournment;

ON READING the notice of application, the affidavit of Michael Gordichuk affirmed July 11, 2023 and the applicant's briefs, and upon hearing submissions from counsel for the applicant and submissions from counsel for the named Respondents;

THIS COURT ORDERS THAT:

1. The application is adjourned to the contested list.
2. An interim injunction is granted as follows:
 - (a) The Respondents, CAMBRIA HARRIS, KASYN RAPKE, MELISSA (NORMAND) ROBINSON, GEORGE ROBINSON, TRE LENNOX DELARONDE, JOSEPH ALEXANDER MUNRO, JOHN DOE, JANE DOE, and OTHER UNKNOWN INDIVIDUALS, and all other persons having knowledge of the Court's Order from are hereby restrained and prohibited from blocking any roadway and the free flow of traffic thereon on all roadways associated with access to The Brady Road Resource Management Facility, including on Waverley Street, Ethan Boyer Way, Brady Road and rue des Trappistes in Winnipeg, Manitoba;
 - (b) this injunction shall not in any way limit the Respondents, including the unnamed parties or anyone who wishes to peacefully assemble and protest at or near The Brady Road Resource Management Facility, provided they do not block in any way, the free flow of traffic. They may

for a moment offer to hand out materials to people who are passing by or have discussions with those who are passing by and that can occur at the primarily and temporary access points of The Brady Road Resource Management Facility. They can communicate their message in other ways including drumming, and maintaining a presence at Camp Morgan.

(c) The injunction shall commence at 6:00 p.m. on July 14, 2023.

3. The Applicant shall serve the named Respondents personally with the terms of this order forthwith, or through their legal counsel if they consent to same.

4. The Applicant shall serve all other Respondents by posting this order in all prominent places at the entrances of the Brady Road Resource Management Facility.

5. The Winnipeg Police Service and any other police service or peace officer with jurisdiction on the lands referenced herein is granted full authority to enforce the injunction, and arrest and remove, any person whom the police service or peace officer has reasonable grounds to believe is contravening or has contravened the provisions of this Order. For greater certainty, such a police service or peace officer retains his or her discretion to decide whether to arrest or remove any person pursuant to this Order.

6. Any police service or peace officer who removes or arrests and removes any person pursuant to this Order be authorized to:

- i. release that person from arrest upon that person agreeing in writing to abide by this Order and to appear before this Court at such time and place as may be fixed for the purpose of being proceeded against for contempt of Court or fixing a date for such proceeding;
- ii. where such person has refused to give a written undertaking to abide by this Order or to appear before this Court, or where in the circumstances the peace officer considers it appropriate, to bring forthwith such person before this Court in Winnipeg, Manitoba, or such other place as the Court may direct, for the purpose of being proceeded against for contempt of Court or for fixing a date for such proceeding; or
- iii. detain such person in custody until such time as it is possible to bring that person before this Court.

7. This Order will remain in effect pending a further Order of the Court.

8. The requirement for consent and form of this order is hereby dispensed with.

July 14, 2023

S. LANCHBERY
