

# COURT OF APPEAL FOR BRITISH COLUMBIA

## FORM 4

### NOTICE OF APPLICATION (*RULES 13(a), 18(4), 20(3) and (4), 54(a), 58(1), 59(1), 60(2), 61(2), 63(2)* )



Court of Appeal File No.

CA49175

The file number can be found on the upper right corner of the Notice of Appeal.

#### PARTIES TO THE APPEAL

##### Appellant(s)

List the name(s) of the appellant(s) named on Form 1: Notice of Appeal.

Joseph Wayne Palmer Sather

##### Respondent(s)

List the name(s) of the respondent(s) named on Form 1: Notice of Appeal.

Sather Ranch Ltd.

This application is in the jurisdiction of:

☒ The Court (3 Justices)

☐ A Chambers Justice

☐ The Registrar

#### To the person(s) filing the application (the *applicant*):

If your application is before a chambers justice, check the [available chambers dates](#) on the court website and the timelines for bringing your application under the rules.

If your application is before the court or the registrar, contact the appropriate scheduler before completing this form.

Communicate with the other person(s) to ensure they are available on the requested date. Chambers applications are to be no more than 30 minutes.

Name(s) of person(s) bringing  
the application

Sather Ranch Ltd.

Name(s) of responding person(s) to  
be served with the application

Joseph Wayne Palmer Sather

Location where the application  
will be heard  
*Enter the address of the  
courthouse.*

BC Court of Appeal  
400-800 Hornby Street  
Vancouver, B.C. V6Z 2C5

Date the application will be heard

June 2, 2025

*Chambers applications begin at 9:30 a.m.*

DD/MM/YYYY

The applicant anticipates that this  
application will be...  
*Check only one.*

☒ Contested      ☐ Uncontested

Enter the section(s) or rule(s) that  
you are relying on for your  
application

*E.g., If you are applying for leave to  
appeal, enter "Section 31 of the  
Court of Appeal Act." If you are  
applying for a stay of proceedings,  
enter "Section 33 of the Court of  
Appeal Act."*

Rules 57, 59

**Enter the order(s) that you are seeking**

*E.g., "stay of proceedings" or "extension of time to file an appeal book" and any request with respect to costs. If you are seeking leave to appeal, enter "leave to appeal the order of \_\_\_\_\_."*

1. An order granting the respondent leave to adduce evidence that was not before the lower court; and
2. An order that the application be heard on shorter notice than required under Rule 59 of the *Court of Appeal Rules*.

**Is an application book required?**

*See Rule 13 for leave applications and Division 2 of Part 9 of the Rules for other applications.*

☐ Yes

☒ No

**If you are not required to file an application book, list the affidavit(s) in support of this application**

*Enter the name of each person whose affidavit is being filed and the date each affidavit was sworn.*

Affidavit #2 of Cindy Curran, made May 22, 2025

**Email address(es) for service of applicant(s)**

*If you provide an email address, you consent to have documents served on you by email.*

scott.andersen@lawsonlundell.com

Date form completed

26/05/2025

DD/MM/YYYY

Name of lawyer or applicant authorizing filing of this form

Scott R. Andersen