WORKING DRAFT - COMPLETE BRACKETED ITEMS BEFORE SIGNING OR FILING

2026 Hfx. No. 553352

SUPREME COURT OF NOVA SCOTIA

BETWEEN:
ROBERT COLIN URQUHART
Plaintiff

- and -

Todd Brisbane (Brisbin), Jon Cameron, Alan Warkentin, Christopher Smith (A), Lars Smith (A), Dr. Elise Keough, Denise Currie, Wesley Aubichon (Cameron/Warkentin), Alissa Spinny, Audry St. Denis, John Green, Marcus Wolfe, Rowan Enslow, Zachary Xavier, and Michael McMichaelson
Defendants

NOTICE OF MOTION

Form 23.03 - Motion on notice

To: Jon Cameron and Alan Warkentin, at their respective addresses for delivery on the court record, and all other parties entitled to notice.

Motion

The Plaintiff, Robert Colin Urquhart, moves for directions and an order requiring Jon Cameron and Alan Warkentin to provide separate sworn or affirmed written answers, at the stage and in the manner directed by the Court, to the limited questions in Schedule A. The questions seek to identify any person in the currently operative Nova Scotia Notice of Action and Statement of Claim whom either defendant says is wrongly named or misidentified, the exact entry, the correct legal name if known, and an address for service if known. They also seek to identify the passage in the response to the separate British Columbia Supreme Court proceeding on which the Plaintiff relies.

Time and place

The motion is to be heard on [date and time assigned by the Court] at Halifax Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia B3J 1S7. The Plaintiff requests that it be heard with or before the existing November 12, 2026 hearing only if the Court directs. The Plaintiff estimates that the motion will require 30 minutes or less in chambers, subject to the Court's scheduling direction.

References

Nova Scotia Civil Procedure Rules 2.03; 19.03-19.09; 23.03, 23.08-23.11; 35.06; and 83.01-83.04. The moving party relies on the supporting affidavit of Robert Colin Urquhart, to be sworn or affirmed and filed with the motion, and the supporting brief.

Notice to responding parties

A responding party may file an affidavit or brief, attend the hearing, and make submissions. If a responding party does not attend, the judge may make an order without further notice.

Dated at _____, Nova Scotia, on _____, 2026.

_____

Robert Colin Urquhart, Plaintiff acting on his own

Address for delivery: [confirm the current designated address on the court record]

Email: [confirm current email on the court record] Telephone: [insert if used]

WORKING DRAFT - COMPLETE BRACKETED ITEMS BEFORE SIGNING OR FILING

2026 Hfx. No. 553352

SUPREME COURT OF NOVA SCOTIA

BETWEEN:
ROBERT COLIN URQUHART
Plaintiff

- and -

Todd Brisbane (Brisbin), Jon Cameron, Alan Warkentin, Christopher Smith (A), Lars Smith (A), Dr. Elise Keough, Denise Currie, Wesley Aubichon (Cameron/Warkentin), Alissa Spinny, Audry St. Denis, John Green, Marcus Wolfe, Rowan Enslow, Zachary Xavier, and Michael McMichaelson
Defendants

SUPPORTING AFFIDAVIT

Form 39.08 - Concerning the identity of parties in Hfx. No. 553352

I, Robert Colin Urquhart, of [municipality], Nova Scotia, [occupation], make oath and say / solemnly affirm:

1. I am the Plaintiff in this action. I have personal knowledge of the facts in this affidavit, except where I state that a fact is based on information and belief. Where I rely on information and belief, I identify its source.

2. This affidavit supports my motion for directions about the identity of parties named in the operative Nova Scotia originating documents.

3. The current filed Notice of Action and Statement of Claim, together with every filed amendment affecting the party list, is attached as Exhibit A. [Attach a complete, legible copy from the court file and confirm the date and operative version before swearing this affidavit.]

4. I reviewed a response filed in a separate British Columbia Supreme Court proceeding. I understand that proceeding's file number to be [insert the exact registry and file number from the response; the number supplied to me verbally requires verification]. The response is dated [date] and was filed by or on behalf of [identify the responding party or parties]. A true copy of the relevant response, including its heading and the paragraphs relied on, is attached as Exhibit B.

5. At page [page] and paragraph [paragraph] of Exhibit B, the response states: [insert the exact words about the names said to be incorrect]. The names it identifies as incorrect are [insert exact names]. The corrected names it identifies, if any, are [insert exact names or state that no correction is given].

6. I understand the statement in Exhibit B as referring to the identities named in that British Columbia proceeding. I do not say that the response, by itself, proves that any person in this Nova Scotia action is misnamed or that the British Columbia statement is an admission in this action.

7. I ask for clarification because the identity of each party in this action affects the accuracy of the court record, delivery of documents, and any application to amend the originating documents. I need to know whether Jon Cameron or Alan Warkentin contends that a name in the current Nova Scotia pleading identifies the wrong person, and, if so, what correction each actually knows.

8. The questions in Schedule A are limited to the name as it appears in the operative pleading, the type of alleged error, the corrected legal name if known, an address for service if known, and the specific passage in the British Columbia response. A responding person may state that the answer is not known and may state a proper objection.

9. I am not asking the Court to add or remove a party, decide liability, or make a finding about the truth of the allegations in either proceeding through this motion. Any amendment to the Nova Scotia pleading would be addressed separately under the Civil Procedure Rules.

SWORN TO / AFFIRMED before me at _____, Nova Scotia, on _____, 2026.

_____ _____

Signature of authority Signature of witness

Print name: _____ Robert Colin Urquhart

Official capacity: _____

Exhibits A and B must be attached and marked by the commissioner or other authorized person when this affidavit is sworn or affirmed.

WORKING DRAFT - COMPLETE BRACKETED ITEMS BEFORE SIGNING OR FILING

2026 Hfx. No. 553352

SUPREME COURT OF NOVA SCOTIA

BETWEEN:
ROBERT COLIN URQUHART
Plaintiff

- and -

Todd Brisbane (Brisbin), Jon Cameron, Alan Warkentin, Christopher Smith (A), Lars Smith (A), Dr. Elise Keough, Denise Currie, Wesley Aubichon (Cameron/Warkentin), Alissa Spinny, Audry St. Denis, John Green, Marcus Wolfe, Rowan Enslow, Zachary Xavier, and Michael McMichaelson
Defendants

PLAINTIFF'S SUPPORTING BRIEF

Motion for directions concerning disputed party identities

Relief requested

1. The Plaintiff seeks a limited process for determining whether either Jon Cameron or Alan Warkentin contends that any person named in the operative Nova Scotia Notice of Action and Statement of Claim is incorrectly named or misidentified. For each name they challenge, the Plaintiff seeks the precise entry, the nature of the alleged error, the correct legal name if known, and an address for service if known.

2. The Plaintiff also asks the Court to set the timing for the limited written questions in Schedule A. If pleadings have closed, the Plaintiff asks that the questions be answered under Rules 19.05-19.09. If pleadings have not closed, the Plaintiff asks the Court to set a fair time for that step, including after the jurisdiction motion if necessary.

Why clarification is needed

3. The Plaintiff says that a response in a separate British Columbia Supreme Court proceeding identifies one or more names there as incorrect. The exact case number, response date, words, paragraphs, and any corrected identities must be inserted from the response and proved by the attached affidavit exhibit before the motion is heard.

4. The British Columbia response is a separate court record. It does not establish that a name in this Nova Scotia action is wrong, nor does it prove that a corrected identity in British Columbia is the person intended in this action. It provides a focused basis to ask whether the same names are in issue here and what correction, if any, the two defendants actually know.

5. The current court-file version of the Nova Scotia Notice of Action and Statement of Claim, including amendments, must be used to compare names. The Plaintiff does not ask the Court to rely on an unfiled proposed list or to assume that a name has been added to the case record.

Rules and application

6. Rule 19 permits relevant written questions in an action. A demand to an individual party may be delivered after pleadings close. The questions must be clear, brief, relevant or likely to lead to relevant information, and not privileged. Responses are sworn or affirmed and are generally due within 20 days. Rule 19.09 permits a judge to order an answer or excuse a response.

7. Because the present record does not establish whether pleadings have closed or whether interrogatories have already been served, the Plaintiff asks for directions about the proper timing rather than asserting that a prior demand was ignored. The proposed questions are confined to party identity and service and allow a respondent to say that an answer is not known or to state a specific objection.

8. Rules 35.06 and 83 govern errors in joining or naming a party and amendments to court documents. The requested order would not add, remove, or substitute a person. It would give the Plaintiff and the Court the information needed to decide whether a separate amendment request is appropriate, subject to notice, prejudice, and any limitation defence.

9. A service address is requested only if known and only to permit lawful notice. The Plaintiff does not seek a private residential address where an address for service is available.

Order sought

10. The Plaintiff asks that the Court direct the parties to use the current filed originating documents; authorize or schedule the limited questions to Jon Cameron and Alan Warkentin at the stage permitted by Rule 19; require separate sworn or affirmed responses within 20 days after delivery or another period set by the Court; reserve all amendment, joinder, removal, liability, and jurisdiction questions; and reserve costs.

Authorities

Nova Scotia Civil Procedure Rules, Rules 2.03, 19.03-19.09, 23.03, 23.10-23.11, 35.06, and 83.01-83.04.

Dated: _____ 2026 Respectfully submitted, _____ Robert Colin Urquhart

WORKING DRAFT - COMPLETE BRACKETED ITEMS BEFORE SIGNING OR FILING

2026 Hfx. No. 553352

SUPREME COURT OF NOVA SCOTIA

BETWEEN:
ROBERT COLIN URQUHART
Plaintiff

- and -

Todd Brisbane (Brisbin), Jon Cameron, Alan Warkentin, Christopher Smith (A), Lars Smith (A), Dr. Elise Keough, Denise Currie, Wesley Aubichon (Cameron/Warkentin), Alissa Spinny, Audry St. Denis, John Green, Marcus Wolfe, Rowan Enslow, Zachary Xavier, and Michael McMichaelson
Defendants

DRAFT PROPOSED ORDER

Form 78.05 - Directions concerning disputed party identities

Before the Honourable _____, Justice of the Supreme Court of Nova Scotia

UPON the motion of the Plaintiff for directions concerning names in the operative Notice of Action and Statement of Claim;

AND UPON considering the supporting affidavit and brief, hearing the parties, and reviewing the documents identified in the affidavit;

IT IS ORDERED THAT:

1. The Plaintiff may deliver separate written questions in the form of Form 19.05 to Jon Cameron and Alan Warkentin, limited to Schedule A, at the stage permitted by Rule 19.05 or at another time set by the Court.

2. Each person who receives a proper demand shall provide a separate response, sworn or affirmed, within 20 days after delivery, or within another time set by the Court, in accordance with Rules 19.08 and 19.09.

3. For each name the responding person contends is incorrect or misidentifies a person in the current Nova Scotia originating documents, the response shall identify the exact name as it appears, the nature of the alleged error, the correct legal name if known, and an address for service if known. If the responding person does not know an answer, the response may say so.

4. The questions concerning the British Columbia response are limited to identifying the relevant case, document passage, and any names that the responding person says were identified as incorrect or corrected there. No finding is made that a statement in the separate proceeding is an admission in this action or proves that any Nova Scotia party is misnamed.

5. No person is added, removed, or substituted as a party by this order. Any amendment to the originating documents or the party list requires compliance with Rules 35 and 83 or further order of the Court.

6. No private residential address is required if a lawful address for service or delivery is available. Any request for protection of personal contact information may be brought before the Court.

7. Costs are reserved.

Issued at Halifax, Nova Scotia, on _____, 2026.

_____

Prothonotary

WORKING DRAFT - COMPLETE BRACKETED ITEMS BEFORE SIGNING OR FILING

2026 Hfx. No. 553352

SUPREME COURT OF NOVA SCOTIA

BETWEEN:
ROBERT COLIN URQUHART
Plaintiff

- and -

Todd Brisbane (Brisbin), Jon Cameron, Alan Warkentin, Christopher Smith (A), Lars Smith (A), Dr. Elise Keough, Denise Currie, Wesley Aubichon (Cameron/Warkentin), Alissa Spinny, Audry St. Denis, John Green, Marcus Wolfe, Rowan Enslow, Zachary Xavier, and Michael McMichaelson
Defendants

SCHEDULE A

Proposed limited questions for separate answers by Jon Cameron and Alan Warkentin

1. Do you contend that any person named as a defendant in the Plaintiff's currently operative Notice of Action or Statement of Claim is incorrectly named or is a different person from the person intended?

2. For each name you identify as incorrect, what exact name appears in the operative Nova Scotia document?

3. For each name you identify as incorrect, what type of error do you contend occurred: spelling, alias, mistaken identity, or another specified error?

4. What correct legal name, if any, do you know for the person you say was intended by each disputed entry?

5. What address for service or delivery, if any, do you know for each person whose identity you say was incorrectly stated?

6. Does the British Columbia Supreme Court response dated [insert date] in file [insert exact registry and file number] refer to any person named in the current Nova Scotia proceeding?

7. What page and paragraph of that British Columbia response state that a name was incorrect?

8. For each name described as incorrect in that response, what corrected name, if any, did the response give?

9. What non-privileged record, if any, within your knowledge or control supports your position about a disputed name in the current Nova Scotia proceeding?

The British Columbia file number and response date must be inserted from the filed response before this schedule is used. Each respondent may state that an answer is not known or give a specific permitted objection.