

# IN THE SUPREME COURT OF BRITISH COLUMBIA

Date: 20230330  
Docket: S202110  
Registry: Vancouver

Between:

**Michael Tietz, Duane Loewen, Robin Lee, Mike Dotto, Malcolm Runkee,  
Greg Lomnes, Grant Greenwood and Stacy Dionne**

Petitioners

And

**Global Elsimate Capital Corp. (formerly known as Cryptobloc Technologies Corp.), Bam Bam Resources Corp. (formerly known as KOPR Point Ventures Inc. and New Point Exploration Corp.), Kootenay Zinc Corp., Affinor Growers Inc., Green 2 Blue Energy Corp., Citation Growth Corp. (formerly known as Liht Cannabis Corp. and Marapharm Ventures Inc.), BLOK Technologies Inc., PreveCeutical Medical Inc., Anthony Jackson, Von Rowell Torres, Neil William Stevenson-Moore, Kenneth Clifford Phillippe, Brian Biles, Bryn Gardener-Evans, Robert Tindall, Nicholas Brusatore, Sam Chaudhry, Slawomir Smulewicz, Michael Young, Glenn Little, Lisa Sampson, David Alexander, Yari Alexander Nieken, Robert Dawson, James Hyland, Stephen Van Deventer, and Shabira Rajan, and Robert Abenante**

Respondents

Before: The Honourable Madam Justice Wilkinson

## Oral Reasons for Judgment

(In Chambers)

Counsel for the Petitioners:

P. Bennett  
N. Baker  
N. Kovak

Counsel for the Respondents Kootenay Zinc Corp., Anthony Jackson and Robert Tindall:

P. Kurek, Articled Student  
appearing as agent for P.J. Sullivan  
(Watching brief only)

No other appearances

Place and Date of Hearing:

Vancouver, B.C.  
March 30, 2023

Place and Date of Judgment:

Vancouver, B.C.  
March 30, 2023

[1] **THE COURT:** On the notice of application filed by the petitioners, filed March 7, 2023, I grant leave to the petitioners Malcolm Runkee and Greg Lomnes to rely on the affidavit of Joanne Hung sworn March 12, 2021 in support of their application for leave under the amended petition, filed December 7, 2021, as set out in their notice of application, filed March 7, 2023, and order sought number two in that notice of application.

[2] As well, leave is granted as sought in the same application for order sought number three with regards to the filing of the affidavit of Linda Sampson sworn March 6, 2023. Although out of time under the *Supreme Court Civil Rules*, the respondents have had adequate notice of the affidavit material, have not filed responsive materials to the petition, and I do not find that they are prejudiced by the non compliance. The evidence contained in the affidavit is probative and of assistance to the court.

[3] Relief sought in the notice of application against Hanspaul Pannu was adjourned by consent which is the order sought number one in that notice of application. That has been adjourned.

[4] Both orders are granted based on the evidence before me and the legal basis set out in the submissions of the petitioners.

[5] With regard to the notice of hearing filed March 6, 2023 for the amended petition filed December 7, 2021, the petition in this matter, leave is granted to proceed with an action against the respondents set out in that notice of hearing who are the Green 2 Blue and Marapharm Respondents and leave is granted pursuant to s. 140.8 of the *Securities Act*, R.S.B.C. 1996, c. 418. This excludes the relief sought against Mr. Pannu, which has been adjourned by consent.

[6] I am satisfied that the evidence in the materials and relied upon in the submissions on this application is admissible The legal basis, as set out by the petitioners, meets the requirements under s. 140.8 for the granting of leave under

the *Securities Act*. The petition was unopposed by these respondents. I adopt the submissions of the petitioners as the basis for my decision.

[7] The order sought in the amended petition filed December 7, 2021 against these respondents as set out in the notice of hearing, except for Mr. Pannu, found at paragraph 1 of the petition, is granted.

“Wilkinson J.”