

TO: McCarthy Tétrault LLP
Attn: Cael Hibbert, Counsel
(Email: [insert])

TO: Dolden Wallace Folick LLP
Attn: Tom Newnham, Counsel – tnewnham@dolden.com
Eighteenth Floor – 609 Granville St., Vancouver, BC V7Y 1G5

Date: October 16, 2025

RE: NOTICE TO PRESERVE DOCUMENTS (LITIGATION HOLD)

This is a formal demand that you immediately preserve all potentially relevant documents, data and tangible evidence in your possession, custody or control relating to the matters identified below. This notice triggers your duty to suspend routine deletion, overwriting, and alteration of potentially relevant information. Failure to preserve may result in court sanctions, adverse inferences, cost awards, and other remedies.

This notice is issued without prejudice to any rights or claims, and does not constitute an admission of any kind.

Matters Within the Preservation Scope

Please preserve all information (paper and ESI) concerning:

- The Canada Revenue Agency (CRA) CPP/EI ruling dated December 30, 2022 regarding Scott Gilbert and any appeal(s) or draft appeals, including Form CPT100, submissions, exhibits and correspondence.
- The Special General Meeting (SGM) of August 26, 2022 (EPS3084), including notices, agendas, proxies, minutes, voting records, recordings, drafts and internal/external communications about the meeting and outcomes (including classification of the Building Manager role as employee).
- Employment/contractor classification of Scott Gilbert (EPS3084) and any related advice, analyses, legal opinions, instructions or decisions (including council and management communications).
- Authority to file the CRA appeal “on behalf of the Owners,” including council/owner resolutions, instructions to counsel/FSR, and retainer approvals.
- Insurance notifications and claims, including communications with Great American Insurance Company and BFL CANADA (coverage, reservations of rights, appointed counsel, reporting to insurers).
- Termination letters/notices, council minutes, SGM/AGM materials, CRT claims (SC■2022■006050; SC■2022■006282), Employment Standards Branch complaint(s), and any related files.
- The loading bay gate incidents and contracts (scope, quotes, approvals, work orders, invoices, videos, photos, assessments, security footage, and emails/texts).
- Communications involving FirstService Residential (FSR), EPS3084 council members, Cael Hibbert / McCarthy Tétrault, Dolden Wallace Folick (Tom Newnham), Great American Insurance, BFL CANADA, and any other advisors or vendors concerning the above.

Definition of “Documents” and “ESI”

“Documents” include all hard■copy records and *electronically stored information (ESI)*: emails, attachments, texts, iMessages, WhatsApp, Signal, Teams/Slack, social media DMs, voicemails, call logs, calendars, meeting recordings/transcripts, PDFs, word■processing files, spreadsheets, presentations, databases, accounting files, forensic images, system logs, photos, videos, CADs, and metadata. ESI also includes information stored on:

- Servers, laptops/desktops, mobile phones, tablets, external drives, NAS devices, cloud services (e.g., Google Workspace, Microsoft 365, iCloud, Dropbox, Box), backup media, and third■party platforms (FSR portals, insurer portals).

- Personal devices or accounts used for business purposes.
 - Third parties holding your data (IT providers, email hosts, contractors).
- Do not alter file properties or metadata. Preserve native formats where possible.

Immediate Preservation Actions Required

- 1) **Issue an internal hold** to all relevant custodians; circulate this notice and require written acknowledgement.
- 2) **Suspend auto■deletion**, retention policies and backup tape rotations that would delete, overwrite, or compress relevant data (email, chat, MDM, cloud retention, logging).
- 3) **Secure devices & accounts** used by custodians (including former personnel); disable wiping, ensure passwords are retained, and preserve MFA access.
- 4) **Preserve external sources** (insurer portals, FSR systems, counsel document rooms, CRA portals).
- 5) **For video/security systems**, immediately export and retain relevant clips and logs before they cycle off.
- 6) **Do not run “cleanup” tools** or re■save files in ways that change metadata or content.
- 7) **Third■party notice**: if a vendor or law firm holds your data, forward this hold and instruct preservation.

Initial List of Likely Custodians (non■exhaustive)

- FirstService Residential BC: Miroslav Babjarcik, Isadora Goh, Sangeetha Chikkaiah, applicable regional directors and staff who handled EPS3084.
- EPS3084 Council (current/former): Bethany Brown, Christina Donovan, Rick Chou, and any others who handled the above matters.
- External counsel: Cael Hibbert / McCarthy Tétrault LLP; Tom Newnham / Dolden Wallace Folick LLP (and any colleagues assigned).
- Insurer/Broker: Great American Insurance Company claims staff; BFL CANADA (Gloria Luu, Allan Pasacreta).
- Contractors/Vendors: Maxim, security providers, waste management, trades involved with the loading bay gate or building systems.

Confirmation & Next Steps

Please provide written confirmation within 7 days that you have implemented this hold, identified relevant custodians, and suspended deletion for all relevant systems and repositories. Identify a point of contact for coordination and collection.

If you believe any category above is overbroad or unclear, preserve first and raise questions in writing. This notice will remain in effect until revoked in writing.

Regards,

Scott Gilbert

Owner/Occupant – Strata Plan EPS3084 (Sequel 138)

[phone] | [email]