

2005 No. 3846

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
TRIAL DIVISION

BETWEEN: HER MAJESTY IN RIGHT OF NEWFOUNDLAND
AND LABRADOR APPLICANT

AND: FISH, FOOD AND ALLIED WORKERS UNION RESPONDENT

ORDER

UPON HEARING Donna Ballard, counsel for the Applicant; **AND UPON READING** the Originating Application (Ex Parte) and the Affidavits of David Roberts and Anthony Pittman and John R. Clarke filed herein;

IT IS ORDERED THAT the Respondent, its members, servants or agents or any person acting under its instructions or any person having notice of the Order until the Order is vacated or other final disposition, are hereby enjoined and restrained from:

- (i) interfering with the servants, agents or employees of the Applicant or any other person seeking peaceful, lawful entrance to or exit from the Confederation Building complex and the Petten Building by the use of force, threats, intimidation and/or coercion of any other manner or means;
- (ii) locating themselves in such a position as to impede or prevent the Applicant's servants, employees or agents from entering into or exiting from the Confederation Building complex and the Petten Building;
- (iii) impeding or preventing the Applicant's servants, employees, agents or other persons from

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- carrying out lawful business at the Confederation Building complex and Petten Building;
- (iv) ordering, aiding, abetting, counseling, or encouraging in any manner whatsoever either directly or indirectly any person to commit any of the act or acts aforesaid;

AND IT IS FURTHER ORDERED THAT the Respondent, its members, servants, or agents or any person acting under its instructions or any person having notice of the Order shall forthwith vacate the Petten Building;

AND IT IS FURTHER ORDERED THAT no Application of the Applicant will be considered or Order granted to extend this Injunction where there have been breaches of this Injunction and the Applicant is unable to satisfy the Court that it is diligently prosecuting the violations and is enforcing this Injunction;

AND IT IS FURTHER ORDERED THAT nothing in the preceding paragraphs of this Injunction shall be interpreted as disentitling this Court, on its own motion, from enforcing this Injunction as permitted by law or from referring any apparent contempt of this Injunction to the Attorney General for investigation and prosecution.

AND IT IS FURTHER ORDERED THAT this injunction shall not be issued by the Registry of this Honourable Court unless and until the Applicant gives its binding undertaking to the Court that it will prosecute diligently all violations of the injunction and that it will not waive its undertaking to the Court in the overall settlement of the parent dispute between the parties, provided that the Plaintiff may be released from or have such undertaking varied by Order of this

Court.

AND IT IS FURTHER ORDERED THAT costs shall be in the cause.

AND IT IS FURTHER ORDERED THAT reasonable efforts shall be made to serve the within Injunction on the Respondent in the normal process. In addition, or in the alternative, service shall be facilitated/effected by the following:

- (i) Press release - local broadcast media;
- (ii) Publication - local print media;
- (iii) Other appropriate communication; and
- (iv) Any individual wishing to review the terms of the Interim Injunction or Originating Application or any pleadings in this matter may do so at 1) the Registry of the Supreme Court, Duckworth Street, St. John's, Newfoundland and Labrador, or 2) the offices of the FFAW/CAW at 2 Steers Cove, St. John's, Newfoundland and Labrador.

DATED at St. John's, in the Province of Newfoundland and Labrador, this 2nd day of May, 2005.



A handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to be "Justice".