

OCT-16-2009 15:37 From: COV LAW DEPT

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LAW DEPARTMENT

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FAX COVER SHEET

DATE: October 16, 2009

File No.: 09-1038

TO: Jason Gratl
 OF: Gratl & Company
 PHONE: 604-694-1919
 FAX NO.: 604-608-1919

CC TO: David Eby (without enclosure)
 OF: Pivot Legal LLP
 PHONE: 604-255-9700
 FAX NO.: 604-255-1552

FROM: Catherine Kinahan

Name and telephone number of person to contact in the event of transmission problems: Reception at 604-873-7512.

PAGES: 3 including this cover

The original will be sent to you by _____ Mail _____ Courier

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Please see attached correspondence with enclosed Appearance.

*Note: faxed to Pivot office by
 mistake - John*



LAW DEPARTMENT

Reply To: Catherine Kinahan
Direct Line: 604 873-7513
Email: catherine.kinahan@vancouver.ca
File Number: 09-1038

October 16, 2009

Gratl & Company
Barristers & Solicitors
302 560 Beatty Street
Vancouver, BC V6B 2L3

Attention: Jason Gratl

Dear Sir:

Re: Shaw et al v. City of Vancouver

We enclose the Appearance filed on behalf of the City of Vancouver in the above referenced action.

It is our view that this action is premature and unnecessary because the *2010 Winter Games By-law* is scheduled to be amended shortly. The anticipated amendments include changes to the sections that are being challenged in this action and will render the action moot.

The City is committed to upholding the values enshrined in the *Canadian Charter of Rights and Freedoms* and welcomes an open discussion regarding the balancing of individual right to free expression with the needs of the event such as the 2010 Winter Games. We have, in the past, extended offers to B.C. Civil Liberties and to others to meet and discuss the proposed measures for regulating commercial expression around the City live sites and Olympic venues. Regrettably, those invitations have not been answered to date.

We are hereby extending the same invitation to the Plaintiffs in the hope that their concerns can be addressed through a more constructive process than litigation. We are prepared to meet with you and your clients or with you alone, to discuss the Plaintiffs' specific concerns about the *2010 Winter Games By-law*. By copy of this letter, we renew our offer to B.C. Civil Liberties to meet with us to discuss its views on this subject.

#125874v1

City of Vancouver Law Department
Tel: 604.873.7512 Fax: 604.873.7445

Mailing Address: 453 West 12th Avenue
Vancouver, British Columbia V5Y 1V4

Delivery Address: 401-515 West 10th Avenue
Vancouver, British Columbia V5Z 4A8



We await your response to our offer before taking any further steps in this action.

Yours truly,

CITY OF VANCOUVER

Per:



Catherine Kinahan

CK:dk/Encl.

cc: David Eby, BC Civil Liberties Association