

AR469
Findlay, Barbara
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Court documents of Kimberly Nixon
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Box 1:

- 1.1 Documents: Vancouver Rape Relief Society v. Nixon, 1999 – 2000: **(scans #1-1a)**
 - 1) Appearance for Defendant, 17 Dec. 1999
 - 2) Appearance for Respondent, 13 Dec. 1999
 - 3) Notice of Hearing, 4 March 2000
 - 4) Outline of Complainant Kimberly Nixon, 7 April, 2000
 - 5) Affidavit of Kimberly Nixon, 6 June 2000
 - 6) Praecipe, no date
- 1.2 Briefs for trial, 1999-2000: **(scans #2)** (1)
- 1.3 Briefs for trial, 1999-2000: **(scans #2a-2b)** (2)
- 1.4 Vancouver Rape Relief Society – Affidavit of Lee Lakeman, December 2, 1999: **(scans 3-3a)** (1)
- 1.5 Vancouver Rape Relief Society – Affidavit of Lee Lakeman, December 2, 1999: **(scans 3b-3c)**
(2)
- 1.6 Vancouver Rape Relief Society – Affidavit of Lee Lakeman, December 2, 1999: **(scans 3d-3f)**
(3)
- 1.7 Vancouver Rape Relief Society – Judgement of the Court, February 2, 2007: **(scans #6)**
- 1.8 B.C. Human Rights Tribunal – Affidavit of Peter Dowsett, sworn April 5, 2000: **(scans #4-4a)**
- 1.9 B.C. Human Rights Tribunal – Affidavit of Chris Finding, sworn December 31, 1999: **(scans #5-5a)**
- 1.10 Facta of Barbara Findley, 2004-2005: **(scans #7-7b)** (1)
 - 1) Appellant’s Factum
 - 2) Respondent’s Factum and appendices, 29 Nov. 2004
- 1.11 Facta of Barbara Findley, 2004-2005: **(scans #7c-7d)** (2)
 - 3) No documents
 - 4) BCHRT B.C. Human Rights Tribunal) Arguments, 29 Nov. 2004
 - 5) Factum of the Intervenor, Egale Canada, 05 Nov. 2004
 - 6) No documents
 - 7) BCHRT Arguments, 24 Feb. 2005
 - 8) Supplementary Factum of the Respondent Vancouver Rape Relief Society, 18 Feb. 2005
- 1.12 Pleadings – Court of Appeal, 2004 - No. 1-12 – **(scans #8-8a)** (1)
 - 1) Notice of Appeal, 14 Jan. 2004
 - 2) Appearance, 26 Jan. 2004
 - 3) Appearance, 29 Jan. 2004

- 4) Notice of change of Solicitor, 24 March 2004
 - 5) Notice of Constitutional question, 09 March 2004
 - 6) Notice of Motion, 23 March 2004
 - 7) Affidavit of Cara Sheppard, 23 March 2004
 - 8) Affidavit of Sarah Firestone, 29 March 2004
 - 9) Praecipe to adjourn, 29 March 2004
 - 10) Notice of Motion, 02 June 2004
 - 11) Affidavit of Michael Law, 02 June 2004
 - 12) Affidavit of Sarah Firestone sworn June 9, 2004, 10 June 2004
- 1.13 Pleadings – Court of Appeal, 2004 – No. 13-21 -- **(scans #8b-8c)** (2)
- 13) Letter request for Pre-Hearing Conference, 10 June 2004
 - 14) Affidavit of Sarah Firestone; not filed Sworn 10 June 2004
 - 15) Chambers Table of contents, 17 June 2004
 - 16) Notice of Motion, 20 Aug. 2004
 - 17) Order, 17 Aug. 2004
 - 18) Consent order 20 Aug. 2004
 - 19) Affidavit of Christine Thomas, 20 Aug. 2004
 - 20) Affidavit of Sarah Firestone, Sworn 8 Sept. 2004
 - 21) Argument of Gwendolyn Allison; not filed – Memorandum of Argument of the Respondent Vancouver Rape Relief Society in Opposition to Applications for Leave to Intervene by Egale Canada Inc. And WAVAW (Women Against Violence Against Women) and the BC Human Right Defenders, 08 Sept. 2004
- 1.14 Pleadings – Court of Appeal, 2004 – No. 22-40 – **(scans #8d-8e)** (3)
- 22) Notice of Motion, 13 Aug. 2004
 - 23) Appointment to settle order, 17 July 2006
 - 24) Order, 07 Dec. 2005
 - 25) no documents
 - 26) Affidavit of Donna Lindenberg, 03 Sept. 2004
 - 27) no documents
 - 28) Appellant's Factum, 03 Aug. 2004
 - 29) Notice of Motion, 03 Sept. 2004
 - 30) no documents
 - 31) Affidavit of Donna Lindenberg, 03 Sept. 2004
 - 32) Affidavit of Patricia Russell, 03 Sept. 2004
 - 33) Requisition, 24 Aug 2004
 - 34) Consent Order, 03 Aug. 2004
 - 35) Consent Order; not files, 25 Oct. 2004
 - 36) Judgement – Justice Smith, 07 Oct. 2004
 - 37) Consent Order; not filed, 25 Oct. 2004
 - 38) Notice of Appearance, 24 Nov. 2004
 - 39) no files
 - 40) Order (L021846) BCHRT; not files, 19 Dec. 2003
- 1.15 Pleadings – Court of Appeal, 2004-2005 – No. 41-57 – **(scans #8f-8g)** (4)
- 41) Consent order; not filed, no date
 - 42) no documents
 - 43) no documents
 - 44) Reply of the Appellant Kimberly Nixon, no date
 - 45) Affidavit of Teresa Ireland, 20 Jan. 2005

- 46) Notice of Motion, 20 Jan. 2005
 - 47) Consent Order; not filed, 30 July 2004
 - 48) Notice of Motion, 11 Feb. 2005
 - 49) Notice of Motion, 09 Feb. 2005
 - 50) Affidavit of Deborah Hamann-Trou, 09 Feb. 2005
 - 51) Certificate of Readiness, 16 Feb. 2005
 - 52) Letter re: Certificate of Readiness, 16 Feb. 2005
 - 53) Consent Order, 16 Feb. 2005
 - 54) Consent Order; not filed, 04 March 2005
 - 55) Consent Order, 17 March 2005
 - 56) Order to dismiss appeal, 27 July 2006
 - 57) Memorandum of Argument on an Application for Leave to Intervene of the BC Human Rights Defenders and WAVAW (Women Against Violence Against Women), 20 Aug. 2004
- 1.16 Pleadings – Court of Appeal, 2004, 2006 – No. 58-60 – **(scans #8h-8i)** (5)
- 58) Appellant’s Appeal Record, 03 Aug. 2004
 - 59) Appellant’s Factum, 03 Aug. 2004
 - 60) Affidavit of Mary Woo Sims, 20 Aug. 2004
- 1.17 Pleadings – Court of Appeal, 2004-2005 – No. 61-65 – **(scans #8j-8k)** (6)
- 61) Appeal Book, no date
 - 62) Notice of Change of Solicitor, 07 Dec. 2005
 - 63) Consent Order extending time line to file Factum; not filed, no date
 - 64) Acknowledgement of Service of Notice of Appeal, 09 March 2004
 - 65) Supplementary Submissions of the Appellant with respect to employment and services, 05 April 2005
- 1.18 Pleadings – Court of Appeal, 2004, 2007 – **(scans #8l-8n)**
- Order of a Justice, 2004 – Judgement of the Supreme Court of Canada, 2007
 - Reply of the Appellant Kimberly Nixon
 - Factum of the Attorney General of British Columbia, 2004
- 1.19 Pleadings – Court of Appeal, 2004 – **(scans #8o-9)**
- Appeal book
 - Affidavit by Sarah Firestone, sworn, Sept. 8, 2004

Box 2:

- 2.1 Vancouver Rape Relief Society v. Nixon BCSC, 2002-2005 -- **(scan #10)**
- 1) Order, 19 Dec. 2003
 - 2) Notice of Hearing, 27 Dec. 2002
 - 3) Praecipe, 7 Nov. 2002
 - 4) Notice of Change of Solicitor, 3 Oct. 2002
 - 5) Amended Petition to the Court, 13 June 2002
 - 6) Appearance, 11 Sept. 2002
 - 7) Appearance, 26 June 2002
 - 8) Amended Submissions of the British Columbia Human Rights Tribunal, no date
 - 9) Application for Judicial Review, 7 Feb. 2005
 - 10) Response of the British Columbia Human Rights Tribunal, 8 July 2002 – Affidavit of J. Peter Dowsett Sworn July 3, 2002
 - 11) Order, 7 Feb. 2005

- 2.2 Vancouver Rape Relief Society and The British Columbia Human Rights Commission and The British Columbia Human Rights Tribunal, 2001-2002 -- **(scan #10a-10d)**
- 1) Affidavit of Lee Lakeman, 14 June 2002
 - 2) Excerpt from Proceedings (Evidence of Dr. D. Watson), 31 Jan. 2001
 - 3) Petition to the Court: Petition of Vancouver Rape Relief with Schedules, 14 June 2002
- Reasons for Decision, Appendix "A", 17 Jan. 2002 – Vol. 2
- 2.3 Petition to the Court, 2000 -- **(scans # 10e-10g)**
- Appendix "B" – Excerpt from Proceedings (Evidence of Kimberly Nixon), Dec. 11-12, 2000
 - Appendix "C" – Excerpt from Proceedings (Evidence in chief of Edith Swain), Dec. 13, 2000
 - Excerpt from Proceedings (Testimony of Lynn Jones), Dec. 12, 2000
- 2.4 Petition to the Court, 2000 -- **(scans # 10h-10j)**
- Appendix "G" – Excerpt from Proceedings (Evidence of Lee Lakeman), Dec. 19, 20 & 21, 2000
 - Appendix "H" – Excerpt from Proceedings (Evidence of Lee Lakeman continued), Jan. 8, 2001
- 2.5 Petition to the Court, 2000 -- **(scans # 10k-10m)**
- Appendix "I" – Excerpt from proceedings (Examination in Chief of Becki Ross), Jan. 16, 2001
 - Appendix "J" – Excerpt from proceedings (Evidence of Dr. D. Watson), Jan 17 & 18, 2001
 - Appendix "L" – Excerpt from proceedings (Cross-examination of Diane Watson by Ms. Gray), Jan. 31, 2001
- 2.6 Petition to the Court, 2000 -- **(scans #10n-10o)**
- Appendix "M" – Excerpt from proceedings (Re-Examination and Further Cross-Examination of Kimberly Nixon), Feb. 20, 2001
 - Appendix "N" – Vancouver Rape Relief Society – Certificate of Incorporation – B-laws – Societies act
 - Appendix "O" – Basis of unity for Vancouver Rape Relief & women's shelter
 - Appendix "P" – Amendment to contract #217001
 - Appendix "Q" – Certificate of Birth
 - Appendix "R" – Zenith – Exhibit "L"
 - Appendix "T" – The Zenith Foundation – Exhibit 33
 - Affidavit of Sarah Firestone - Excerpt from proceedings (Evidence of Veenu Saini), January 8, 2001
- 2.7 Documents:
- In the Supreme Court of British Columbia: Argument of the respondent Kimberly Nixon, no date
 - In the Supreme Court of British Columbia: Argument of the Petitioner, 12 August 2003
- 2.8 Documents -- **(scans # 13-14)**
- In the Supreme Court of British Columbia: - Exhibits before the Tribunal: Exhibit 01-34
- 2.9 Documents -- **(scans # 15-16)**
- In the Supreme Court of British Columbia – Exhibits before the Tribunal: Exhibit 35-51

- 2.10 Documents – Signed Reasons and Orders, 2000, 2003, 2005 -- **(scans # 17-17b)**
- Oral Reasons for Judgment The Honourable Mr. Justice B.M. Davies, 2000
 - Reasons for Judgment: The Honourable Mr. Justice Edwards, 2003
 - Court of Appeal for British Columbia: Reasons for Judgment of the Honourable Madam Justice Saunders, 2005
- 2.11 Documents -- **(scan #18)**
- 1) Written Submission of the Deputy Chief Commissioner, 5 Jan. 2001
 - 2) Argument of the Complainant – The Prima Facie Case, no date
 - 3) Notes of Oral Argument of the Respondent Vancouver Rape Relief, 14 March 2001
 - 4) Reasons for Preliminary Decision, 20 May 2000
 - 5) List of Documents of the Respondents Vancouver Rape Relief Society, 13 Oct. 2000
- 2.12 Documents -- **(scan #19)**
- Notes of Argument of the Respondent (Before Completion of all the Evidence) – Vancouver Rape Relief, 26 Jan. 2001
- 2.13 Documents -- **(scans # 20-20a)**
- Draft argument of the complainant, no date
 - Response of the Deputy Chief Commissioner to the Respondent’s Notes of argument, 8 Feb. 2001
- 2.14 Documents -- **(scans # 21-21b)**
- 1) Application for Leave to Appeal, Applicant Kimberly Nixon, no date
 - 2) Reply to the response of Rape Relief with respect to application for leave to Appeal, no date
 - 3) Affidavit of Service, for service of British Columbia Human Rights Tribunal 30 Oct. 2006
 - 4) Certificate that no publication ban exists, no date
 - 5) Request the Nixon’s request for appeal be dismissed with costs, 16 Oct. 2006
 - 6) Affidavit of Barbara Findlay, lawyer for Kimberly Nixon, no date
- 2.15 Documents -- **(scans #22-23)**
- Affidavit of Service, 15 Sept. 2006
 - Affidavit of Kimberly Nixon, 10 Aug. 2006
 - Memorandum of Argument of Applicant (Kimberly Nixon), 11 Aug. 2006
 - 1) Response of the Respondent Vancouver Rape Relief Society to application for leave to appeal
 - 2) Affidavit of Gwendoline Allison
 - 3) Memorandum of Argument of Respondent Vancouver Rape Relief Society in Response to Motion to extend time for filing the Application for Leave to Appeal, no date
- 2.16 Documents -- **(scans #24-24a)**
- Letter: Re: Vancouver Rape Relief Society v. Nixon – Court of Appeal Vancouver Registry No. CA031546, 2005
 - Human Rights Legislation The Attorney General of British Columbia (Book Submitted by BCHRT), 13 April 2005

Box 3:

- 3.1 Supplementary Authorities of the Appellant -- **(scans #25-25a)** (1)

- Canadian Pacific Ltd. V. Canada (Human Rights Commission) (C.A.), 1991
- Gay Alliance Toward Equality v. Vancouver Sun, 1979
- Gould v. Yukon Order of Pioneers, 1996
- Huba v. Schulze and Shaw, 1962
- Nixon v. Vancouver Rape Relief Society (c.o.b. Rape Relief and Women's Shelter), 2002

3.2 Supplementary Authorities of the Appellant -- **(scans #25b-25c)** (2)

- Re Pannu et al. And Prestige Cab Ltd., May 29, 1986
- Poppe v. Tuttle (c.o.b. 800 Ranch), 1980
- Reid v. Vancouver (City), 2003
- University of British Columbia v. Berg, 1993
- Thambirajah v. Girl Guides of Canada, 1993
- Employment Standards in British Columbia: Annotated Legislation and Commentary, 2004 Update (extract) – Allison, Gwendoline, et al.
- Canadian Employment Law – Employer and Employee Status, 2004 (extract) – Ball, Stacey Reginald
- Canadian Oxford Compact Dictionary: Oxford University Press Don Mills 2002

3.3 Appeal Book of Appellant Volume 2: Court of Appeal, **(scans #26-26b)**

- Excerpt from Proceedings – Evidence of Geraldine Glattstein, Jan. 18, 2001
- Excerpt from Proceedings – Evidence on cross examination of Edith Swain, Dec. 13, 2000
- Excerpt from Proceedings -- Evidence of Dr. I. Pacey, Dec. 15 and 18, 2000
- Excerpt from Proceedings – Testimony of Sarah Leavitt and Barbara Halcrow, Jan. 15, 2000
- Excerpt from Proceedings – Evidence of Sheila Gilhooly, Jan. 18, 2001
- Excerpt from Proceedings – Testimony of Gail Edinger, Jan. 18, 2001
- Excerpt from Proceedings – Evidence of Tina Beads, no date

3.4 Appeal Book of Appellant Volume 2: Court of Appeal, 2000-2001 -- **(scans #26c-26e)**

- Excerpt from Proceedings – Testimony of Judy Rebick, Dec. 18, 2000
- Excerpt from Proceedings – Evidence of Fatima Jaffer, Dec. 18, 2000, Jan. 8, 2001
- Excerpt from Proceedings – Evidence of Eleanor Friedman, no date
- Excerpt of Proceedings – Cross examination of Danielle Cormier, Karen Sawatzky and Tracy McIntosh, Dec. 13 and 14, 2000

3.5 Memorandum of Argument on an Application for Leave to intervene, 13 Aug. 2004 – **(scans #27)**

3.6 Acting Queerly: Ruminations of an Activist Lawyer by Barbara Findlay, Q.C., 2002

3.7 News clippings:

Rape crisis centre in B.C. endures assault by Michele Landsberg (Life Columnist), The Toronto Star, Dec. 23, 2000

Publications:

Finding our place: “Transgendered Law Reform Project” sponsored by The Law Foundation of BC – Barbara Findley, 1996 (2 copies)

The Trans Biography Project: Stories from the Lives of Eleven Trans People in BC by Kathleen Cross, 2001

Trans People in the Criminal Justice System: A guide for criminal justice personnel by Joshua Mira Goldberg, no date

Trans Inclusion Policy manual For Women's Organizations by Julie Darke and Allison Cope, Winter 2002