

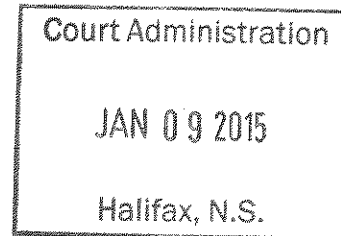
File Reference: SM3440.6

January 9, 2015

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Hand Delivered

The Honourable Justice Joshua M. Arnold
Supreme Court of Nova Scotia
The Law Courts
1815 Upper Water Street
Halifax NS B3J 3C8



My Lord:

**Re: Municipality of the District of Guysborough v. The Heirs at Law of Joseph Fogarty,
James P. Fogarty and Frank Fogarty – Hfx. No. 431696
Motion for Date and Directions – January 15, 2015**

We represent the Municipality of the District of Guysborough ("MODG").

This is the third Motion for Date and Directions held on this matter. The first Motion for Date and Directions was held on Thursday, October 23, 2014. That Motion was adjourned so that the Respondent, Frank Fogarty could prepare an Affidavit setting forth his knowledge of the use of the land. A second Motion for Date and Directions was held on November 10, 2014.

At these prior Motions for Date and Directions, Justice Rosinski directed that the abstract of title contained in the Affidavit of Marion Bryson be certified by a solicitor. In response to this direction, the MODG filed the Affidavit of Ian Sutherland certifying the title abstract.

The result of the second Motion for Date and Directions was that the Court ordered that notice of this proceeding be made by: posting the materials filed with the Court on the MODG's website; mailing notice to the individuals listed in Exhibit "A" of the Affidavit of Frank Fogarty; mailing notice to the individuals listed in Exhibit "C" of the Affidavit of Betty Dobson; making best efforts to post notice of this proceeding on the Municipality's website and on various social media pages; and publishing the notice in various newspapers.

MODG has taken the following steps to comply with the Court's Order:

1. MODG's posting of materials to its website is detailed in the Affidavit of Angela Kennedy filed January 9, 2015 in paragraphs 79-80 (Exhibits PPP and QQQ);
2. MODG's postings and attempted postings on various social media pages are detailed in the Affidavit of Ashley Cunningham filed December 16, 2014;
3. MODG's publications of the Notice are described in the Affidavit of Angela Kennedy filed January 7, 2015;

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4. MODG's service of named individuals by registered mail is detailed in the Affidavit of Angela Kennedy filed January 9, 2015;

To date, MODG has been contacted by the following individuals, as detailed in the Affidavit of Angela Kennedy filed January 9, 2015:

DATE CONTACTED SMSS	NAME / CONTACT INFORMATION	AFFIDAVIT REFERENCE
December 8, 2014	R. Jeff Fogarty 141a Lakeshore Road St. Catharines, Ontario L2N 2T9 Home: 905-228-1516 Mobile: 905-941-3671 jeff.fogarty@gm.com	Paras. 71 -75 and 82-83 and Exhibits HHH, III, JJJ, KKK, LLL, SSS, and TTT
December 8, 2014	Diane Clarke Unit #308 162 Ootherloney St. Dartmouth, NS B2Y 4X3 902-462-4753 Sister of David Rhynold	Paras 84 – 86 and Exhibits UUU, VVV, and WWW
December 9, 2014	David Rhynold 457 Purl Brook Rd Antigonish County, NS B2G 2L3 This information provided by Diane Clarke on December 9, 2014	Para.87 and Exhibit XXX
December 16, 2014	Mark Fogarty 58 Islandview Dr., Miramichi, NB E1N 6B4 780-824-4782	Paras. 31-33 and Exhibits BB, CC and DD
December 17, 2014	Art Campbell 59 Kaneville Road New Waterford, NS B1H 5T2 902-862-8340	Paras. 57-59 and Exhibits YY, ZZ, and AAA

December 15, 2014	<p>Steve Fogarty 519-886-6910</p> <p>North America HSE Manager ALS Life Sciences Division Environmental 60 Northland Road, Unit 1 Waterloo, ON N2V 2B8 Canada</p> <p>T +1 519 886 6910 C +1 519 993 7451 F +1 519 886 9047</p> <p>Steve.Fogarty@ALSGlobal.com</p>	Paras. 76-78 and Exhibits MMM, NNN. and OOO
December 16, 2014	<p>Diana Wallis</p> <p>PO Box 93 43 Seaview Cemetary Road Bayview, Lot 2 Pictou, NS B0K1H0</p> <p>ian.diana@ns.sympatico.ca</p>	Paras 14-16 and Exhibits K, L, and M
December 19, 2014	<p>Terrance Fogarty (Terry) 15 Kent Avenue Halifax, NS B3M 2G2</p> <p>s.fogarty@me.com</p>	Paras. 17-19 and Exhibits N, O, and P
December 19, 2014	<p>Agnes Pearce 4-655 Wonderland Rd. S. London, ON N6K 1M1</p> <p>519-204-4760</p>	Paras. 20-21 and Exhibits Q and R
December 22, 2014	<p>John Wayne Fogarty 10 Parkwood Dr. Moncton, NB E1E 3X4</p> <p>506-383-3338</p>	Paras. 11-13 and Exhibits H, I, and J
December 30, 2014	<p>Raymond William Fogarty 30 Ferguson Dr., Barrie, ON L4N 7B4</p> <p>blfogarty@hotmail.com</p>	Para. 23-26 and Exhibits T, U, V. and W

	705-792-4428 or 705-717-8154	
January 4, 2015	Janet Walsh 1153 Jonathan Drive Oakville, ON L6J 7J4 janet.walsh@bell.net	Paras. 7-9 and Exhibits D, E, and F.
January 6, 2015	John Fanning RR #1 6 Murray's Lane Trenton, NS B0K 1X0 902-752-5102	Paras. 65-70 and Exhibits DDD, EEE, FFF, and GGG
January 5, 2015	Vincent Frederick Fogarty 7272 Kingsway, Suite 1204 Burnaby, BC V5E 1G4 vinarty@ymail.com	Paras. 28-30 and Exhibits X, Y, Z and AA
January 6, 2015	Frank Dunn for Kathleen Patricia Dunn 65 Oliver Cres., New Maryland, NB E3C 1E2 471-7272. (Frank Dunn's number)	Paras. 37-39 and Exhibits HH, II, and JJ
January 7, 2015	David Brian Hoare Address provided by Mrs. Hoare PO Box 204 New Glasgow, NS B2H 5E2 Phone -902-755-3695	Para. 52 and Exhibit TT
January 5, 2015	Michael Gregory Fogarty (name and address provided by Frank Fogarty Email) 18 Blue Spruce Lane Thornhill, ON L3T 3W9 Tel: 289-597-7235	Paras. 44 & 45 and Exhibits OO and PP

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MODG proposes that at the upcoming motion for date and directions, the Court identify all those present who have come forward to claim an interest in the land, and set deadlines for the filing of evidence in this matter.

Additionally, MODG has provided a draft form of Order for Your Lordship's consideration.

All of which is respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert G. Grant", with a large, stylized flourish extending from the end of the signature.

Robert G. Grant

RGG/adk

Enclosure

c: Client
Frank Fogarty