

SUPREME COURT OF NOVA SCOTIA

Between:

MUNICIPALITY OF THE DISTRICT OF GUYSBOROUGH



APPLICANT

and

**THE HEIRS AT LAW OF JOSEPH FOGARTY, JAMES P. FOGARTY and
FRANK FOGARTY**

RESPONDENTS

Affidavit of Ashley Cunningham

I Ashley Cunningham of the Municipal District of Guysborough, Province of Nova Scotia make oath and give evidence as follows:

1. I am the Municipal Clerk of the Municipality of the District of Guysbough ("MODG"), the Applicant in this matter.
2. I have personal knowledge of the evidence in his Affidavit except where otherwise stated to be based on information and belief.
3. I state, in this Affidavit, the source of any information that is not based on my own personal knowledge, and I state my belief in that source.
4. I make this Affidavit in support of the Applicant's second motion for date and directions.
5. In my capacity as the Municipal Clerk, I attempted to access various social media pages in accordance with the Court's Order dated November 25, 2014.
6. This Affidavit sets out my best efforts to post a notice of this proceeding in the form of a short explanation of this proceeding together with a link to the additional information on the Municipality's website on the social media websites listed in paragraph 6 of the Order.
7. On or about November 27, 2014 and November 28, 2014, I made the following efforts:
 - (a) The "Save Fogarty's Cove Face Book Page": I posted a notice of this proceeding together with a link to the Municipality's website on this page. Attached hereto as Exhibit "A" are true copies of before and after screen shots showing the post that I made.

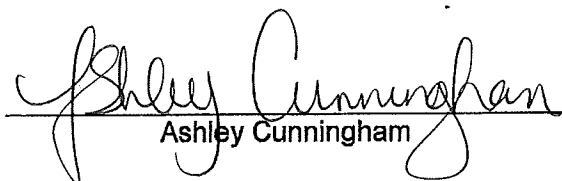
- (b) The "Black Point – Fogarty's Cove Quarry Environmental Concerns" Face Book Page: I attempted to post a notice on this page, however this page appears to have a higher security setting than the previous Face Book page. Apparently only administrators of this site are able to post material on the website so I was unable to post any material on this page.
- (c) The "@ Black Pt. Quarry" Twitter Account: Using the Twitter account of our Chief Administrative Officer, Barry Carroll "@modgcao", I was able to send a tweet to this webpage enclosing a link to the MODG's website. Attached hereto as Exhibit "B" is a true copy of a printout from the @modgcao Twitter Account showing the tweet sent to @ Black Pt. Quarry.
- (d) The "Black Point Quarry Project" website: I attempted to post a notice on this website giving notice of this proceeding, however my comment could not be posted until it had been moderated by the website's administrators. Attached hereto as Exhibit "C" is a true copy of my attempted posting.

Sworn to/Affirmed before me at Halifax
Regional Municipality, Province of Nova
Scotia this 11 day of December, 2014

Signature of Authority

Print Name: _____
Official Capacity: _____

R. BRUCE Mac KEEN
A Barrister of the Supreme
Court of Nova Scotia


Ashley Cunningham

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Tab	Description
A	Save Fogarty's Cove Face Book Page
B	Black Point Quarry Twitter Account
C	Black Point Quarry Project website

2014

Hfx. No.

This is Exhibit "A" to the Affidavit of Ashley
Cunningham, sworn before me, on the
11 day of December, 2014.


Print Name: _____

Official Capacity: _____

R. BRUCE Mac KEEN
A Barrister of the Supreme
Court of Nova Scotia

https://www.facebook.com/SaveFogartysCove

Save Fogarty's Cove

Municipality of the District of... Home

Create Page

Recent 2014

Save Fogarty's Cove Community

Like Follow Share

Timeline About Photos Likes Videos

PEOPLE

129 likes

Invite your friends to like this Page

ABOUT

Fogarty's Cove is a part of Nova Scotia heritage. Stan Rogers immortalized it in song. But its beauty is now in danger. Save Fogarty's Cove!

<http://blackpointquarry.com/>

Suggest Edits

Post Photo / Video

Write something on this Page...

Post

Save Fogarty's Cove shared a link August 12, 2014

CH

TIMELINE: The expropriation of Fogarty's Cove
itschronicleherald.ca

2006 The Guysborough County Regional Development Authority, with the Nova Scotia Natural Resources Department, determines there is a geological formation at Black Point. 2007-08 Ongoing program begins to check if there is the possibility for a granite.

https://www.facebook.com/SaveFogartysCove/photos/a.849409922419861.1073741627.849407375036903/849409351753322/?type=1

11:16 AM 28/11/2014

https://www.facebook.com/SaveFogartyCove

Save Fogarty's Cove

Municipality of the District of Guysborough

Home

Create Page

Recent

2014

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environmental damage that will result from drilling, blasting and mining.

Posts To Page

Municipality of the District of Guysborough · Save Fogarty's Cove

Take Notice that a court proceeding is being held in the Supreme Court of Nova Scotia Hlx No. 431098 to determine title to two pieces of land in Guysborough County bearing PIDs 35044050 and 35214014, belonging to the heirs at law of Joseph Fogarty.

Any person wishing to obtain further information about this proceeding may view the materials filed in this proceeding on the Municipality's website at <http://www.mndg.ca/estda...fogarty-accroachment-information>.

Any person with an interest in these lands should contact Tipper McEwan of Stewart McKelvey at PO Box 097, 1859 Upper Water Street, Suite 000, Halifax, Nova Scotia B3J 2X2 (tmcewan@stewartmckelvey.com), 902.444.1743 or appear at the Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia, B3J 1S7 on January 15, 2015 at 11:00 a.m.

Like Comment Share

POSTS TO PAGE

Municipality of the District of Guysborough
Today at 11:15am · 4

Take Notice that a court proceeding is being held in the Supreme Court of Nova Scotia Hlx No. 431098 to determine title to two pieces of land in Guysborough County bearing PIDs 35044050 and 35214014, belonging to the heirs at law of Joseph Fogarty.

Like Comment

Dale Dickinson
July 4 at 11:52am · 1

sounds like something US govt would do

Like Comment

Dale Dickinson

www.mndg.ca/estda...fogarty-accroachment-information

11:21 AM
2011/2014

2014

Hfx. No.

This is Exhibit "B" to the Affidavit of Ashley
Cunningham, sworn before me on the
11 day of December, 2014.

Print Name: _____

Official Capacity: _____

R. BRUCE Mac KEEN
A Barrister of the Supreme
Court of Nova Scotia



Make this space yours. Add a photo!



Barry Carroll
@modgca

📍 District of Guysborough
🌐 modg.ca
📅 Joined December 2011

📷 17 Photos and videos



TWEETS 161 FOLLOWING 17 FOLLOWERS 47 FAVORITES 3

Tweets Tweets & replies Photos & videos

Barry Carroll @modgca · 32m
@BlackPtQuarry please click on the link, RE: Fogarty Expropriation.
modg.ca/residents/resi...

Barry Carroll @modgca Nov 25
@AuthenticCoast congrats on launch of SEAFEVER spiced, amber, and coffee maple #rums. Another great day for #Guysborough



Who to follow

- Invir
- Depi
- Shai

Popular account

2014

Hfx. No.

This is Exhibit "C" to the Affidavit of Ashley
Cunningham, sworn before me on the
11 day of December, 2014.

Print Name: _____

Official Capacity: _____

R. BRUCE Mac KEEN
A Barrister of the Supreme
Court of Nova Scotia


blackpointquarry.com

BLACK POINT QUARRY PROJECT

Fogarty's Cove area quarry environmental concerns

HOME

QUARRY AT BLACK POINT



July 30, 2014

by Blackquarry

0 comments

Seven Miles Upwind

Chuck Brodsky has been a favourite singer/songwriter of me and my wife for many years. There are lines from his songs that we still quote. You can learn more about Chuck and his music at: [Chuck Brodsky](#).

SEARCH










4





























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12:10 PM
28/11/2014

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November 25, 2014 at 4:11 pm

Any person with an interest in these lands should contact Tipper McEwan of Stewart McKelvey at PO Box 957, 1959 Upper Water Street, Suite 900, Halifax, Nova Scotia B3J 2Z2 (mcewan@stewartmckelvey.com), 902.444.1745 or appear at the Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia, B3J 1S7 on January 15, 2015 at 11:00 a.m.

Your comment is awaiting moderation.

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Story
 @RealQuarry
 Looking for a new check
 out amazing new July
 15 2014 pinned to top
 our facebook page
 facebook.com/quarry15
 Expand

Real Quarry Story
Direct For Quarry
*update this wasn't in last
city edition... nice that the
municipality is being so
informative NOW...
http://calhoun.ca/50

[Tweet to @BlackFlque](#)

FACEBOOK PAGE
FOR BLACK POINT
QUARRY