

Court File No. SJM-131-2023

IN THE COURT OF KING'S BENCH OF NEW BRUNSWICK

TRIAL DIVISION

JUDICIAL DISTRICT OF SAINT JOHN

BETWEEN:

THE CITY OF SAINT JOHN, a body corporate by
Royal Charter, confirmed and amended by Acts
of the Legislative Assembly of the Province of
New Brunswick,

Intended Plaintiff,

and

**CANADIAN UNION OF PUBLIC EMPLOYEES,
LOCAL 486**, a trade union pursuant to the
Industrial Relations Act,

Intended
Defendants.

and

**MICHAEL DAVIDSON, JOHN DOE, JANE DOE AND
PERSONS UNKNOWN**

Intended
Defendants.

INJUNCTION ORDER

UPON CONSENT of the Parties;

IT IS HEREBY ORDERED that:

1. The Intended Defendants, its members, agents, servants,

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representatives, substitutes and anyone acting upon its instructions or on its behalf or acting under its counsel, direction, instructions or anyone else aiding or assisting it and any person having notice and/or knowledge of this Order, be and are hereby restrained and enjoined, until the trial of this matter or further order of this Court, from:

- (a) picketing on any “highway” in the Province of New Brunswick, which excludes “sidewalks” (as those terms are defined in the *Motor Vehicle Act*, RSNB 1973, c M-17, section 1);
- (b) physically obstructing, blockading, erecting barriers or otherwise physically impeding the ingress and/or egress of any motorized vehicle of the Intended Plaintiff, its employees, customers, suppliers, contractors, subcontractors or other agents of the Intended Plaintiff on any highway (as defined in the *Motor Vehicle Act*, RSNB 1973, c M-17, section 1) in the Province of New Brunswick;
- (c) physically obstructing, blockading, erecting barriers or otherwise physically impeding the ingress and/or egress of the Intended Plaintiff, its employees, customers, suppliers, contractors, subcontractors or other agents of the Intended Plaintiff:
 - (i) at or near Whitebone Way, Saint John, New Brunswick;
 - (ii) at or near Crane Mountain Road, Saint John, New Brunswick;

(iii) at or near any other geographical location within the Province of New Brunswick where the Intended Plaintiff is carrying out operations or services.

(d) ordering, directing, persuading, aiding, abetting, encouraging, counselling, inducing and procuring other persons to commit the acts described in (a) to (c) above and conspiring and agreeing, directly or indirectly, with other persons to commit the acts described in (a) to (c) above.

2. Notice/service of this Order on any member of the executive of Canadian Union of Public Employees, Local 486, or legal counsel to Canadian Union of Public Employees, Local 486, shall constitute good and sufficient notice/service on each member of Canadian Union of Public Employees, Local 486;

3. Any member of Canadian Union of Public Employees, Local 486, regardless of whether they are in breach of this Order, shall be deemed to have knowledge and notice of this Order if service is completed as set out above in paragraph 4;

4. Notice/service of this Order may be completed by electronic means by sending a copy of this Order by email to the email address of the executive of Canadian Union of Public Employees, Local 486 or its legal counsel and such service shall be deemed to have been completed as of the moment in time of such email being sent;

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5. Once service of this Order has been effected on Canadian Union of Public Employees, Local 486 or its legal counsel, Canadian Union of Public Employees, Local 486 is hereby directed to forthwith communicate this Order to its officers, members, servants, agents, representatives, shop stewards and picket captains by posting this Order forthwith on its website, by providing copies of this Order to all of Canadian Union of Public Employees, Local 486's officers, shop stewards, and picket captains and by forwarding a copy of this Order to members of Canadian Union of Public Employees, Local 486 and others for whom email-addresses are available;

6. This Order shall remain in force and effect until a full hearing is held and a decision is rendered in this matter. The hearing is scheduled for October 3, 2023 at 2:00 p.m.; and

7. The time for service of the within Notice of Preliminary Motion be abridged pursuant to the *Rules of Court*, NB Reg 82-73.

DATED at Saint John, New Brunswick this 27th day of September, 2023.



JUDGE OF THE COURT OF KING'S BENCH
OF NEW BRUNSWICK