Court File No. VLC-S-S-252688

Form 66 (Rule 16-1 (2))

No._____
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE MATTER OF A STATUTORY APPEAL

PURSUANT TO: Section 40 of the
HEALTH PROFESSIONS ACT [RSBC 1996] Chapter 183

BETWEEN:

AMY HAMM

PETITIONER

AND:

BRITISH COLUMBIA COLLEGE OF NURSES AND MIDWIVES

RESPONDENT

PETITION TO THE COURT

ON NOTICE TO:

British Columbia College of Nurses and Midwives
900-200 Granville St.
Vancouver, BC V6C 1S4

The address of the registry is:

The Law Courts
800 Smithe Street
Vancouver, BC V6Z 2E1

The petitioner estimates that the hearing of the petition will take 2 days.

☒ This matter is **not** an application for judicial review.

This proceeding is brought for the relief set out in Part 1 below, by

☒ The person named as petitioner in the style of proceedings above

If you intend to respond to this petition, you or your lawyer must

(a) file a response to petition in Form 67 in the above-named registry of this court within the time for response to petition described below, and

(b) serve on the petitioner(s)

(i) 2 copies of the filed response to petition, and

(ii) 2 copies of each filed affidavit on which you intend to rely at the hearing.

Orders, including orders granting the relief claimed, may be made against you, without any further notice to you, if you fail to file the response to petition within the time for response.

Time for response to petition

A response to petition must be filed and served on the petitioners,

(a) if you were served with the petition anywhere in Canada, within 21 days after that service,

(b) if you were served with the petition anywhere in the United States of America, within 35 days after that service,

(c) if you were served with the petition anywhere else, within 49 days after that service, or

(d) if the time for response has been set by order of the court, within that time.

The ADDRESS FOR SERVICE of the petitioner is:

c/o Libertas Law
Attn: Lisa D.S. Bildy
[redacted]

E-mail address for service of the petitioner: [redacted]

The name and office address of the petitioner's lawyer is:

As above

The name and office address of the petitioner's lawyer is:

As above

CLAIM OF THE PETITIONER

Part 1: ORDERS SOUGHT

1. Setting aside the Order on Verdict (the "**Decision**") of the Discipline Committee of the British Columbia College of Nurses and Midwives (the "**Panel**"), dated March 13, 2025, and reversing the finding that the Petitioner committed unprofessional conduct, pursuant to section 40(9)(a) of the *Health Professions Act*, [RSBC 1996] Chapter 183 (the "***Act***");

2. In the alternative, setting aside the Decision and referring it back to the Panel with directions, pursuant to s. 40(9)(b) of the *Act*;

3. An interlocutory order staying the Panel's hearing on penalty and costs, pending the final determination of this Petition;

4. Costs; and,

5. Such further and other relief as counsel may advise and this Honourable Court may permit.

Part 2: FACTUAL BASIS

6. The Petitioner, Amy Hamm ("**Ms. Hamm**"), is a registered nurse with the Respondent, the British Columbia College of Nurses and Midwives ("**BCCNM**"). She is a single mother of two young children, residing in New Westminster, B.C., and was employed for 13 years with Vancouver Coastal Health, most recently as a nurse educator, until she was terminated in March, 2025, shortly after the Decision was published.

7. Ms. Hamm is a long-time advocate of women's rights, particularly with respect to the adverse impact of gender ideology on such rights, and a prolific writer. She has never had a patient complaint nor, until the events that were the subject of the Decision, was she ever subject to discipline by her employer or her regulator.

8. Amy Hamm's general concerns that she expressed in her impugned public commentary and during her hearing,[1] properly understood, are that: (1) gender identity ideology has a harmful impact on women, children, as well as on gays and lesbians; (2) children are actively being taught that if they do not fit sex stereotypes (e.g. "tomboy" girls or effeminate boys), they may have been born in the "wrong body", when they might actually be gay or would grow up to be comfortable in their own bodies if left alone; (3) males, *as a sex class*, are, *on average*, physically stronger and more violent than women; (4) *some* males, self-identifying

[1] In the Hearing Record to be filed, these concerns are stated in the Transcript of the Direct Examination of Amy Hamm, Day 17, November 3, 2023.

as women (often fully intact and heterosexual), with none of the historical gatekeeping in place since "gender identity" achieved protected status, can and do abuse this statutory protection of gender identity to enter women's sex-segregated spaces, including prisons, rape shelters, and changerooms; (5) there is an inherent conflict between sex and gender identity with real-world impacts, particularly due to this unconstrained ability to "self-identify", which must be resolved or clarified through robust discussion and debate; (6) radical activists have been pushing gender identity ideology into most of our institutions over the last decade, using false or misleading moral claims of "harm", and shaming, punishing or driving out those who oppose; and (7) she cannot, in good conscience, stand by and watch this happen without speaking up.

9. In the fall of 2020, Ms. Hamm participated in the rental of a billboard in Vancouver, which read, "I ♥ J K Rowling" in response to a controversy which had erupted about the famous author's essay setting out her position on transgender rights and their conflict with women's rights. In an online article about the billboard, which had been quickly defaced and removed by the contractor, Ms. Hamm was identified by the author as a "health-care worker". Two individuals, unknown to Ms. Hamm and not her patients, subsequently filed complaints with her regulator, the BCCNM.

10. The BCCNM conducted an investigation into Ms. Hamm's off-duty gender critical advocacy and produced a record of over 300 pages of posts, or "tweets", on the social media site Twitter (as it was known at the relevant times and will be referred to herein). Additionally, there were three articles written by Ms. Hamm for an independent media site called the Feminist Current, which contained a brief writer bio describing her variously as "*a mom, a registered nurse educator, and a freelance writer*" and as "*a writer and registered nurse educator in New Westminster, BC."* She also referenced her profession in a podcast with a noted feminist, in which the pair discussed the billboard and Ms. Rowling's public statement, namely concerns over transgender activism and gender ideology, which the women agreed was having an adverse impact on women's spaces, sports and safety, among other concerns.

11. The Inquiry Committee of the BCCNM initiated disciplinary proceedings and issued a Citation which alleged that:

> Between approximately July 2018 and March 2021, you made discriminatory and derogatory statements regarding transgender people, while identifying yourself as a nurse or nurse educator. These statements were made across various online platforms, including but not limited to, podcasts, videos, published writings and social media.

12. The Citation further stated that this conduct is contrary to certain professional standards and/or constitutes unprofessional conduct.

13. Registered Nurses are regulated under the *Health Professions Act* and section 39(1) of the *Act* makes it an offence to engage in unprofessional conduct. This phrase is not defined in the statute, beyond stating that it "includes professional misconduct" and by implication is therefore broader.

14. The statutory objective of the BCCNM, as confirmed by the Panel, is to regulate the professions of nursing and midwifery in the public interest. Section 16 of the *Act* states that it is also to "serve and protect the public." It does *not* say, to protect the reputation of the regulator or profession, or to enforce compliance with particular "values."

15. There was no allegation that Ms. Hamm engaged in any behaviour or conduct in the workplace that would cause the College to question her professional competence and, notably, she continued to work as a nurse for the more the 4 years between the investigation commencement and the Decision.

16. Following a 22-day hearing spread out over approximately a year and a half between September of 2022 and March of 2024, the Panel ruled that Ms. Hamm had committed unprofessional conduct in relation to three articles and one podcast in which she had identified herself as a nurse or nurse educator. In its Reasons for Decision on Verdict, issued on March 13, 2025, and its lengthy Appendix (the "**App**.") the Panel found that many of Ms. Hamm's comments were discriminatory and/or derogatory toward transgender people, but only those publications in which she specifically identified herself as a nurse or nurse educator were subject to penalty.

17. The Panel heard the evidence of several experts for both parties, and determined that it preferred the evidence of the BCCNM's expert witnesses, particularly Dr. Greta Bauer ("**Dr. Bauer**") [para. 170 et al.].

18. The Panel found that the following passages, taken from three of Ms. Hamm's published articles and a podcast discussion, were either discriminatory or derogatory to transgender people, or contributed to their "erasure." Some of the surrounding context is reproduced below, with the portions found problematic by the Panel underlined:

    a. "Vancouver Rape Relief and Shelter will surely (and maddeningly) face continued backlash from <u>trans activists determined to infiltrate or destroy women-only spaces</u>" [App. p. 86].

    b. "It has been healing to openly share the ways our bodies move us through this world. And to discuss how our <u>female bodies — from which there is no absconding</u> — often dictate our treatment and well-being. … I don't know what it feels like to be a woman. <u>I don't believe this feeling exists.</u> I have yet to hear a satisfactory or sensical answer

to the question. Without a female body, there is no equivocating oneself into womanhood. There is no incantation or initiation that can transcend our bodily reality. "Woman" is not a feeling. 'Woman" just is'" [App. p. 108].

c. "It [a book reviewed by Ms. Hamm] normalizes the falsehood that babies can be "born in the wrong body," or that humans can change their sex. It promotes the lie that sexual orientation is an attraction to "gender," rather than sex. It paints women who question gender identity ideology and protect women's boundaries as hateful. I'm sick of it. It's homophobic, anti-science, and harmful to women and children. … Gender, accepted with religious fervour, is harmful. Knox and her family — and everyone who believes in wrong bodies or innate genders — would rather devastate a child, telling him his father is not, in fact, his father, but (surprise!) has been someone else all along, than accept that men can look and behave and dress as "feminine" as they would like, and still be men. Her children will grieve the loss of a father, instead. … If you can get through Knox's book without reaching the conclusion that gender identity ideology is going to go down as something akin to the Satanic Panic craze, then I must inform you that you've been had. Lesbians don't have penises, a gender soul doesn't exist, men cannot literally become women, and, for the love of god, please leave children out of this [App .p. 111].

d. "…maybe what that reveals is that it really is just a small minority of activists in Vancouver that cause so much outrage if you could have it up for almost an entire working day. And how many I don't know how many 1000s of people drive down Hastings Street during business hours, but to not have any of those people feel outraged enough to take a picture or go on Twitter and say, Holy shit, this transphobic sign is up. I think shows that really, like we say quite frequently the people that have taken control of the narrative and have taken control of the institutions and are making everyone go along with gender identity ideology. It's a small minority of really loud activists [App. pp. 114-115].

e. "…if you're a feminine man, you should be protected on the basis of your sex. I don't know why they're to me, there's no reason that you should have to be recognized literally as a woman or legally as a woman to have legal protections. It's I think our sex covers discrimination. It just kind of muddies the water to add gender. When you add gender it renders sex meaningless [App. pp. 114-115].

19. The Panel made the following additional findings:

a. Ms. Hamm's motives may have been to advocate for women's rights [para. 215], but she sometimes used sarcasm or other impolite speech to convey her views [para. 216].

b. The statement that there are only two sexes – male and female – is an oversimplification that does not align with current medical or biological understanding [App. p. 106]. The statement that sex is distinct from gender as a material biological reality is true but other claims such as there are only two sexes, humans cannot change their sex, and sex chromosomes are immutable are either oversimplifications or not true given that sex is multidimensional, according to Dr. Bauer [para. 250].

c. Statements which discount a mystical belief in a gender soul are a form of discriminatory erasure as they deny the existence of transgender people [App. p. 105].

d. "It is discriminatory and derogatory to suggest that transgender women should not be in the same spaces as cisgender women" [App. p. 100].

e. "The Panel also considered it possible to respectfully advocate for sex-based cisgender rights without making statements that denigrate and discriminate against transgender persons" [para. 237].

20. The inherent contradiction in point d. and point e. in the preceding paragraph should be noted.

21. In its conclusion, the Panel found Ms. Hamm guilty of unprofessional conduct and held that she undermined the reputation and integrity of the nursing profession [para. 256]:

> By identifying herself as a nurse or nurse educator while posting discriminatory and/or derogatory opinions regarding a vulnerable and historically disadvantaged group on various online platforms, the Respondent undermined the reputation and integrity of the nursing profession. A finding that the statements constitute unprofessional conduct would support the objectives of maintaining the reputation and integrity of the profession and promote trust in the profession of nursing.

Part 3: LEGAL BASIS

22. The Petitioner will rely on the following:

a. *Health Professions Act*, [RSBC 1996] c 183, sections 16, 39, 40;

b. *The Canadian Charter of Rights and Freedoms,* ss. 2, 15 and 28;

c. *Human Rights Code*, [RSBC 1996] c 210, section 8;

d. Rules of Court; and

e. The inherent jurisdiction of the court.

23. Subsection 40(8) of the *Act* requires an appeal under this section to be a review on the record that was before the Panel, unless the interest of justice warrant otherwise. The Petitioner concedes that this is an appropriate case for a review on the record and will not be filing additional substantive affidavit evidence, unless a reply to the BCCNM's response is required.

24. The direction of this Honourable Court may be necessary to ensure all relevant materials from the extensive hearing record are before it.

Standard of Review

25. Pursuant to section 40(1) of the *Act*, a party to a disciplinary hearing may appeal to this court as of right. The standard of review is correctness for questions of law (*Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65 at para. 44).

26. For questions of fact or mixed fact and law where the legal principle is not readily extricable, the standard of review is palpable and overriding error (*Housen v. Nikolaisen*, 2002 SCC 233).

The Panel's Errors

27. The Petitioner alleges that the Panel made the following errors;

a. It erred in law, or mixed law and fact, in expanding the scope of the term "discriminatory" to include disagreement with gender ideology and transgenderism generally and/or in finding that the Petitioner's statements were discriminatory (in circumstances where the Petitioner was neither providing a service nor offering a benefit), derogatory or otherwise constituted unprofessional conduct;

b. It erred in law in finding that the use of sarcasm, mockery, derision or other "tone" which the Panel found unpalatable meant that the Petitioner's good faith intentions and the social value of her speech, otherwise relevant to the question of "unprofessional conduct," was invalidated;

c. It erred in law, or mixed law and fact, in finding a sufficient nexus between the impugned comments and the profession;

d. It erred in law by balancing the Petitioner's *Charter* s. 2(b) rights against a non-existent statutory objective and/or by prioritizing alleged harms to the integrity of the nursing professions;

e. It erred in law in interpreting the protection of s. 2(b) to be limited to political speech, or less available to non-political speech;

f. It erred in law, or mixed law and fact, by favouring one "marginalized" group over another and demeaning women's rights and protections, contrary to ss. 15(a) and 28 of the *Charter*;

g. It made a palpable error in mixed fact and law by accepting, without reservation, a scientifically novel and unsettled opinion on the multidimensional nature of sex as presented by the BCCNM's experts without clearly stating why their evidence was favored over that of the Petitioner's experts;

h. It made an error of law in holding the Petitioner to the standard of a lawyer.

A. ***The Panel erred in law, or mixed law and fact, in expanding the scope of the term "discriminatory" to include disagreement with gender ideology and transgenderism generally and/or in finding the Petitioner's statements were discriminatory (in circumstances where the Petitioner was neither providing a service nor offering a benefit), derogatory or otherwise constituted unprofessional conduct***

28. As detailed in the fact section above, the Panel found that several publications, where Ms. Hamm was identified as a nurse, were either discriminatory or derogatory to transgender people, or contributed to their "erasure."

29. There was no direct complainant alleging discrimination or a denial of services by Ms. Hamm. There was no evidence that Ms. Hamm discriminated against anyone, whether professionally or otherwise, within the usual meaning of the term.

30. Importing the term "discrimination" into a finding of unprofessional conduct that is not directly related to conduct in the profession is a slippery slope, particularly given the Panel's broad finding that gender critical views are discriminatory by their very nature.

31. Not only is there no direct complainant, but the Panel's finding is further remote in that Ms. Hamm's references to "trans activists," were held to be "associated with members of the transgender community" by a reasonable person, and therefore discriminatory against transgender people [App. p. 86]. And later, "Although the tweets are focused on transgender activists, that does not immunize them from review as reasonable people would associate the comments with members of the transgender community" [App. p. 90].

32. The Panel even misapprehends one of the impugned comments entirely:

> The respondent claims that transgender individuals have taken control of institutions to make everyone go along with their gender identity ideology. The Panel finds that there is no truth to these statements, and they are profoundly unfair to members of the transgender community to the extent that they seek to deprive them of legal protections they are entitled to under human rights legislation and s. 15 of the Charter. These destructive statements which mischaracterize the state of the law and falsely assert that transgender individuals control our institutions lie far from the core of s. 2(b) values [para 254 – emphasis added].

33. This misstates the Petitioner's evidence in a critical way—she did not say "transgender individuals control our institutions to make everyone go along with their gender identity ideology." She said, "the people that have taken control of the narrative and have taken control of the institutions and are making everyone go along with gender identity ideology. It's a small minority of really loud activists" [App. p. 114].

34. In all of the impugned statements, Ms. Hamm was critical of *gender ideology*, "trans activists" and those who facilitate the spread of gender ideology in institutions and society. Neither activists nor ideologies are a protected class against discrimination under any human rights law, nor are they immune from criticism—even harsh, sarcastic or derogatory criticism.

35. The Panel erred in expanding the definition of "discrimination" to include disagreement with the political and ideological aspects of transgenderism and its metaphysical claims—claims which the Panel's members made clear they endorsed. For example, the Panel found that statements which discount a mystical belief in a "gender soul" are a form of discriminatory erasure as they deny the existence of transgender people [App. p. 105].

36. Equating disagreement with a particular group's "mystical beliefs" with "discrimination" is a fundamental error of law, is biased, and has the effect of creating a protected class of people whose beliefs are untouchable and cannot be criticized.

37. The Panel further determined that advocating for sex-segregated spaces for biological women was discriminatory [App. p. 107]. Even the BC *Human Rights Code*, section 8, permits segregation on the basis of sex for these reasons:

> (2) A person does not contravene this section by discriminating
>
> (a) on the basis of sex, if the discrimination relates to the maintenance of public decency...

38. The Petitioner pleads that there are no impugned statements, where she was identified as a nurse, in which she was discriminatory or derogatory to transgender people, and the Panel erred in so finding.

B. ***The Panel erred in law in finding that the use of sarcasm, mockery, derision or other "tone" which the Panel found unpalatable meant that the Petitioner's good faith intentions and the social value of her speech, otherwise relevant to the question of "unprofessional conduct," was invalidated***

39. In assessing the question of whether there was a sufficient nexus between Ms. Hamm's off-duty statements and the profession of nursing, the Panel was improperly swayed by the tone and style of the commentary:

> The Respondent used a variety of writing styles in her advocacy including sarcasm, mockery, insults, and hyperbole. The tone and content of many of the Respondent's statements are denigrating and insulting to transgender people [para. 216].
>
> The tone and content of the Respondent's statements also appeared to be designed to elicit outrage and condemnation of the transgender community. The controversial nature of the J.K. Rowling billboard prompted two members of the public to file complaints with the College. The Respondent acknowledged that her statements were intended to generate controversy to attract public attention [para. 217].

40. The degree of civility, or the use of sarcasm or other modes of speech, should not have been relevant or determinative in deciding whether the Petitioner's speech constituted unprofessional conduct, nor in whether it created a nexus to the profession.

41. The Panel also considered the tone in its proportionality analysis, when weighing the infringement of Ms. Hamm's *Charter* rights:

> 237. The proportionality analysis under Doré is drawn from this balance achieved by Oakes. As such, the Panel considered that other provisions of the Charter, like section 15(1), are relevant to the analysis. Here, the Panel considered the Respondent's evidence that she was not seeking to discriminate against transgender persons but rather to advocate for the sex-based equality rights of cisgender women and girls. She presented her case as a "clash of rights". The Panel accepted the Respondent's evidence of her intentions but noted statements may be discriminatory and harmful in effect even if not intended to be so. The Panel also considered it possible to respectfully advocate for sex-based cisgender rights without making statements which denigrate and discriminate against transgender persons. Characterizing the off-duty statements as

advocacy for sex-based equality rights of cisgender women does not negate the Panel's concern that discriminatory and/or derogatory statements targeting a protected historically disadvantaged and vulnerable group are far from the core values of s. 2(b) of the Charter.

42. The Supreme Court of Canada, in the case *Groia v. The Law Society of Upper Canada*, 2018 SCC 27, determined that the fact that a professional uses incivility in their speech does not invalidate whether that speech is made in "good faith."

43. In *Groia,* the Court stated:

> [7] That said, the Appeal Panel's finding of professional misconduct against Mr. Groia on the basis of incivility was, in my respectful view, unreasonable. Even though the Appeal Panel accepted that Mr. Groia's allegations of prosecutorial misconduct were made in good faith, it used his honest but erroneous views as to the disclosure and admissibility of documents to conclude that his allegations lacked a reasonable basis. However, as I will explain, Mr. Groia's allegations were made in good faith and they were reasonably based. As such, the allegations themselves could not reasonably support a finding of professional misconduct.
>
> [8] Nor could the other contextual factors in this case reasonably support a finding of professional misconduct against Mr. Groia on the basis of incivility. The evolving abuse of process law at the time accounts, at least in part, for the frequency of Mr. Groia's allegations; the presiding judge took a passive approach in the face of Mr. Groia's allegations; and when the presiding judge and reviewing courts did direct Mr. Groia, apart from a few slips, he listened. The Appeal Panel failed to account for these contextual factors in its analysis. In my view, the only conclusion that was reasonably open to the Appeal Panel on the record before it was a finding that Mr. Groia was not guilty of professional misconduct.

44. The relevant contextual factors that apply in the case at bar are the fact that those groups the Petitioner sought to protect and advocate for with her speech are disadvantaged and marginalized (women, especially those in prison or rape shelters, and children), and there was ample evidence before the Panel that harm was being caused to those groups. None of her sarcasm was directed towards any specific patient or client she was dealing with in the workplace, nor toward any of her colleagues. Her comments were directed to the general public, including policy makers.

45. In *Groia*, the Supreme Court found that, while incivility by a lawyer may not be the ideal form of advocacy, to require civility for speech in order to avoid regulatory discipline would

have a chilling effect on advocacy [*Groia* at para. 76]. The same can certainly be said of advocacy in the medical/scientific realm (and in the realm of human rights and equality even more so), since the debate is not defined by jurisdictional boundaries, as is law. It is an international debate.

46. Finally, the Court stated that characterizing speech that one disagrees with as "professional misconduct" would be to penalize the professional for sincerely held (and there is no doubt that the Petitioner's beliefs were sincerely held), but mistaken beliefs (*Groia*, para. 85).

C. *The Panel erred in finding a sufficient nexus between the impugned comments and the profession*

47. The Panel found that a minor biographical detail identifying Ms. Hamm as a nurse or nurse educator on some of her publications, and its view that these publications conflicted with the "values" of the nursing profession, created a sufficient nexus to warrant a finding of unprofessional conduct in relation to her off-duty gender critical advocacy.

48. While the Panel began its analysis of the factors for determining when a sufficient nexus could be found between off-duty conduct and the profession [para. 212 ff.], it became distracted by the tone and content of her statements, with which the members of the Panel clearly disagreed, and concluded at para. 219:

> By publicly linking her views regarding gender ideology with her status as a nurse or nurse educator, the Respondent expressed opinions and made claims that cannot be reconciled with the core values of the health care system. The Panel accepts that nurses are seen by the community in part as the medium for the fundamental values on which our health care system is based. Those values include equitable access to health care services and respect, dignity and equality for all patients and health care workers regardless of personal attributes.

49. The Panel endeavored to connect Ms. Hamm's tangential mention of being a nurse educator in her bio, to the medical and scientific nature of the issues she comments on:

> The Respondent suggests it is necessary for the College to prove that the public would give more credence to the speech of a nurse than to other members of the public on the non-medical issues she wrote about. However, this argument presupposes that the Respondent was addressing matters unrelated to medical issues. The crux of the gender ideology debate is enmeshed in medical and scientific understanding of the nature of sex and gender which the Respondent addresses. For example, the Respondent's assertion that a person cannot become a woman if not born as a female or that babies

cannot be born in the wrong body necessarily engages medical, scientific and ethical issues.

50. The Petitioner submits that these are human rights and socio-political issues as much as medical and scientific ones. Ms. Hamm's occupation as a nurse gives her no more or less authority to speak on the impact of gender ideology on women's rights than any other parent, woman, lesbian, female athlete, or other person of any background so impacted, although medical, scientific and ethical issues are also implicated in some aspects of the debate.

51. The Panel stated at para. 224 that, "On balance, the Panel finds that the contextual factors in this case support a finding that the off-duty conduct has a reasonable nexus to the practice of the nursing profession because the statements in question fundamentally conflict with core values of the health care system and the protection of the public."

52. In *Whatcott v. Assn. of Licensed Practical Nurses (Saskatchewan)* 2008 SKCA 6, the Saskatchewan Court of Appeal found no rational connection between the nurse's *Charter*-protected off-duty picketing of a Planned Parenthood clinic on the one hand and the objectives of protecting the nursing profession's integrity on the other. There was no evidence that members of the public thought less of the nursing profession as a result of a particular member's conduct.

53. Regardless, there is nothing in the BCCNM's governing legislation that makes the protection of the "values" of the healthcare system part of the regulator's statutory mandate. As noted above, Section 16 of the *Act* states that it is also to "serve and protect the public." It does *not* say, to protect the reputation of the regulator or profession, or to enforce compliance with particular "values." Externally-issued ethical standards (such as those referred to at paragraph 176 of the Decision) applicable to nurses on the job do not inform the question of whether off-duty public statements fall within the regulator's purview.

54. The Saskatchewan Court of Appeal in *Strom v Saskatchewan Registered Nurses' Association*, 2020 SKCA 112 (C.A.) held that the nexus question is contextual [para. 113] and that one of the factors necessary to weigh is the language of the governing statute [127-128]:

> The Discipline Committee found only that there were negative impacts on nursing staff at St. Joseph's as a result of their reaction to the criticism, and despite the absence of evidence, of a loss of public confidence in that facility. However, it did not decide whether, as a result, Ms. Strom's conduct had or tended to have an impact specified in s. 26(1). …

> [128] In the result, and with respect, I conclude that the Discipline Committee erred in principle by failing to accord sufficient or any weight to important criteria that governed the exercise of their discretion.

55. While the *Strom* decision is pertinent to the analysis in this case, it should be noted that the definition of professional misconduct in the Saskatchewan legislation specifically includes "harm to the standing of the profession of nursing." In British Columbia, it does not. The Panel in the case at bar "read in" more to its statutory mandate than the text provides.

56. This should be fatal to the question of whether there was a sufficient nexus between Ms. Hamm's off-duty statements and the profession. As the Appeal Court held in *Strom*:

> [105] To reiterate, this does not mean that the Discipline Committee has unfettered discretion. No discretionary power is unlimited. As explained above, off-duty conduct is not professional misconduct absent the necessary nexus with the profession and thus with the purposes of the *Act*. Indeed, that is true of any kind of matter, conduct or thing alleged to constitute misconduct.

D. ***The Panel erred in law by balancing the Petitioner's Charter s. 2(b) rights against a non-existent statutory objective and/or by prioritizing alleged harms to the integrity of the nursing professions***

57. The *Charter of Rights and Freedoms*, section 2(b) guarantees that everyone has freedom of thought, belief, opinion and expression. The *Charter* applies to professional regulators created by statute. In performing its requisite "proportional balancing" of the statutory objectives of the BCCNM with the protected rights of the Petitioner, the Panel concluded that her rights were outweighed by the harm to the values of the healthcare system (para. 219, cited above).

58. As previously stated, it is not a statutory objective in the *Act* to protect the integrity or reputation of the regulator or the nursing profession. Nonetheless, under the heading Statutory Objectives, the Panel wrote:

> 231. The Panel finds that the statutory objective in this case is to protect the public and the integrity and reputation of the nursing profession by setting and enforcing standards with respect to public speech by nurses who identify their professional status in that speech and by ensuring they uphold the values central to ethical nursing practice. [Emphasis added.]

59. In *Whatcott*, the Saskatchewan Court of Appeal noted that there was no evidence that members of the public thought less of nurses as a result of Whatcott's conduct in demonstrating outside of an abortion clinic. The Court noted that the purpose of s. 2(b) is to

protect expression which is offensive to somebody and this includes protection for polemical statements on matters of moral debate (para 71). The Court quashed the discipline committee's decision.

60. In *Strom*, the Saskatchewan Court of Appeal held that criticism of the healthcare system is manifestly in the public interest (para. 160). Similarly, in *Klein v. Law Society of Upper Canada* (1985), 50 O.R. (2d) 118 (Div. Ct.), professional conduct rules at the time prevented lawyers from contacting the press about their cases. The court said, "A lawyer has a moral, civic and professional duty to speak out where he sees an injustice. Furthermore, lawyers are, by virtue their education, training and experience, particularly well-equipped to provide information and stimulate reason, discussion and debate on important current legal issues and professional practices. Speech of this kind surely lies at the core of the constitutional right guaranteed by s. 2(b)."

61. It follows that professionals should not be required to hide their occupations, as that may be relevant to public debate and discussion.

62. The Panel erred in prioritizing its subjective concerns about the integrity and reputation of the regulator or the nursing profession over Ms. Hamm's *Charter* protected right to express her views in her off-duty time. This is an example of "mission creep" of professional regulators.

63. The Panel failed to consider other important values in its analysis, such as ensuring that the search for medical and scientific truth is not chilled by regulatory overreach. If "statements which discount a mystical belief in a gender soul are a form of discriminatory erasure," as the Panel found, then no regulated professional will be willing to speak out about the harms of gender ideology.

64. The Panel failed to weigh this concern in its proportionate balancing exercise. It noted the evidence of Dr. Kathleen Stock, expert for Ms. Hamm, saying that "a broad definition of transphobia has a chilling effect on discussion and makes people frightened to say anything because they do not want to appear to be bigoted" in its summation of the evidence (para. 124), but failed to consider it further.

65. Relatedly, as noted in the discussion of the first ground of appeal, the Panel's finding that Ms. Hamm's comments "were directed at a marginalized and vulnerable group" [para. 235 ff.] is a misapprehension of the evidence. Her comments were directed at activists and gender ideologues. This finding, in effect, reflects the [overly] "broad definition of transphobia" described by Dr. Stock.

66. The Panel did not turn its mind to the effect of suppressing one side of a debate in such matters, including the permeation of unchecked non-scientific, ideological dogma (of any kind) throughout the healthcare system. Notably, however, at paragraph 183 the Panel stated:

> The evidence that some transgender individuals who undergo medical transitioning may regret doing so and later revert to their cisgender identity may form part of the social fact evidence for the *Charter* analysis but has no bearing on the question of whether the Respondent's statements are discriminatory and/or derogatory to transgender people.

67. The Panel failed to make the connection that some of the regret experienced by "detransitioners" might be avoided by frank discussions about gender identity before they start down that path, and demonstrates the social value of Ms. Hamm's speech.

E. ***The Panel erred in interpreting the protection of s. 2(b) to be limited to political speech, or less available to non-political speech***

68. While political speech has been held to be particularly worthy of protection under s. 2(b) of the *Charter (*see *Thomson Newspapers Co. v. Canada (A.G.)*, [1998] 1 S.C.R. 877), it does not follow that non-political speech is entitled to no, or less, protection.

69. Other rationales for protecting freedom of expression—encouraging the search for truth through the open exchange of ideas, and fostering individual self-actualization, thus directly engaging individual human dignity—are also key values that inform the section 2(b) analysis (*Irwin Toy Ltd. v. Quebec (Attorney General)*, [1989] 1 S.C.R. 927 at page 976). The Panel acknowledged these values and the *Irwin* decision at paragraphs 232-233 of the Decision.

70. The Panel also held (at para. 215):

> The nature of the Respondent's conduct involved engagement in social and political discourse which is a constitutionally protected right under s. 2(b) of the *Charter* and an important aspect of personal autonomy. The panel accepts that the Respondent's motivation for making these statements was to advocate for the protection of sex-based rights for women and girls, to raise public awareness of the issues relating to gender ideology, and to stimulate public debate.

71. However, despite stating the principles involved at the outset, when it addressed the individual statements in issue, the Panel only considered whether the speech was of a *political* character and, if not, it was not protected. This error of law was repeated in each of the following passages:

250. At Tabs 21 and 22 of the Extract, the Respondent associates herself with the caWsbar Position Statement which advocates for sex-based rights of cisgender women and girls. The organization's stated mission is to take action to protect sex-based spaces using its collective voices to demand that women's and girl's *Charter* rights be recognized and defended by various non-violent means such as increasing public awareness and education, increasing political pressure, and bringing legal challenges. The Panel accepts Dr. Bauer's evidence that there is limited truth to some of the statements while others are oversimplifications or simply untrue. The statement that sex is distinct from gender as a material biological reality is true but other claims such as there are only two sexes, humans cannot change their sex, and sex chromosomes are immutable are either oversimplifications or not true given that sex is multidimensional. Some of the statements are unfair to the extent they advocate for legal changes which would adversely impact the equality rights of transgender women; however, the Panel also recognizes that the Position Statement constitutes political speech advocating for sex-based equality rights of cisgender women and girls. As well, unlike some of the Respondent's other online statements, the Position Statement is drafted in less inflammatory terms without statements which are overtly derogatory to transgender people.

251. At Tab 24 of the Extract, the Respondent makes a series of statements regarding gender issues in her article entitled "On feeling like a woman". The Respondent states "there is no absconding" from female bodies, the feeling of being a woman does not exist, and there is no "incantation or initiation that can transcend bodily reality" without a female body. The Panel finds that these statements are untrue and unfair to transgender women as they deny the possibility that that an individual born into a male body can feel like a woman and effectively deny the existence of transgender women. The Panel does not accept that an article containing the Respondent's personal reflections on womanhood constitutes political speech, although it accepts that her musings contribute to social discourse about the meaning of being a woman.

…

261. The discriminatory and/or derogatory statements which appear at Tabs 4, 24, 28 and S3 of the Extract may be intended to contribute to social discourse but they are not political speech and lie far from the core of s. 2(b) values. The Panel is satisfied that finding the off-duty statements identified in those tabs constitute unprofessional conduct would not unjustifiably infringe the Respondent's rights under s. 2(b) of the *Charter.*

> 262. The caWsbar Position Statement at Tab 22 contains some statements which are not true or oversimplifications of the science of sex and gender; however, the statements are not overtly derogatory or derisive in content or tone. The Panel accepts that Position Statement, as a whole, constitutes political speech. Not without some difficulty, the Panel concludes finding that the statements in the Position Statement constitute unprofessional conduct would unjustifiably infringe the Respondent's freedom of speech. It therefore declines to make that finding in relation to Tab 22. [Emphasis added.]

F. The Panel erred by favouring one "marginalized" group over another and demeaning women's rights and protections, contrary to ss. 15(a) and 28 of the Charter

72. The Panel held that Ms. Hamm's advocacy on behalf of women and girls was directed against a "highly vulnerable community protected under s. 15 of the *Charter,*" which was a factor in its proportionality analysis.

73. Section 15 states: "15. (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability" [emphasis added].

74. This had the effect of prioritizing an *implied* protection of gender identity against an *explicit* protection of sex, and the female sex in particular, also in contravention of section 28 of the *Charter* which provides that:

> Notwithstanding anything in this *Charter*, the rights and freedoms referred to in it are guaranteed equally to male and female persons.

75. On page 106 in the appendix, the Panel stated, in relation to the caWsbar statement:

> The Position Statement asserts that "women's and girls' sex-based *Charter* rights must be strongly asserted and preserved in public policy" and "must take precedence over any concept of gender". It is clear from the context of this statement that it intentionally excludes transgender women and girls which is discriminatory. The position that the *Charter* rights of biological women and girls should supersede the rights of transgender women and transgender girls is also discriminatory as it suggests that constitutional rights based on gender identity and expression have a subordinate status which is not the case [emphasis added].

76. The Panel also stated in the body of their decision, with respect to s 14:

> While individuals who join regulated professions do not lose their *Charter* rights, they must nevertheless comply with the rules of their regulatory body which may reasonably limit their right to free speech: *Peterson; Groia*. The Panel finds it is reasonable to limit a nurse's ability to make discriminatory and/or derogatory statements which target a marginalized and highly vulnerable group while self-identifying as a nurse or nurse educator. Statements of this nature which engage s. 15 of the *Charter* warrant less protection as they do not lie at the core of s. 2(b) values [para. 257 – emphasis added].

77. The Petitioner submits that arguing and debating about the meaning of rights and the conflict thereof in society is precisely what is at the core of s. 2(b) rights.

78. Women have sex-based rights and protections under the *Charter*, and under all human rights legislation, based on the biological reality that women have historically faced barriers due to their sex, particularly the consequences of reproduction. Women experience varying degrees of differential treatment and outcomes on the basis of their sex, across all cultures and places and over all time, not because they "self-identified" into being a woman and are now denying transpeople this "right", but because they are female. The Panel failed to balance this concern, and to maintain regulatory neutrality over a clash of rights that must be dealt with by the debate in the public square and ultimately the legislatures.

79. The Panel went further than that. It made it a disciplinary matter for a professional to advocate for biological women's rights—at all.

80. First, it suggested that the advocacy could continue if it was nice and respectful:

> 237. …The Panel also considered it possible to respectfully advocate for sex-based cisgender rights without making statements which denigrate and discriminate against transgender persons [emphasis added].

81. As discussed above under the second ground, there is no requirement that professionals be unfailingly polite or civil in all of their public discourse. In fact, the Supreme Court of Canada in *Groia* [para. 11] confirms that, "Overemphasizing civility has the potential to thwart this good [holding all justice system participants accountable] by chilling well-founded criticism…Proportionately balancing lawyers' expressive rights, therefore, 'may involve disciplinary bodies tolerating a degree of discordant criticism': *Doré*, at para. 65."

82. However, it then made it impossible for Ms. Hamm to engage in such advocacy (if identified with her profession in any way) without running afoul of her regulator, by finding that even referring to sex as a separate right from gender identity is derogatory or discriminatory of transgender people:

> The Panel finds that the quotes and observations attributed to the Respondent regarding self-identification laws are concerning. The suggestion that women cannot defend their legal rights or the definition of womanhood if anyone can self-identify as a woman is critical of the right of transgender persons to express their identity authentically and transition to a sex that reflects their sense of identity. The Panel finds that the comments are discriminatory because they convey that transgender women should not be able to self-identify as women; however, the Respondent does not identify herself as a nurse or nurse educator in the quotes nor is she identified as such in the article [App. p. 93 – emphasis added].
>
> …
>
> It is discriminatory and derogatory to suggest that transgender women should not be in the same spaces as cisgender women; however, the Respondent does not identify herself as a nurse or nurse educator in the tweet or in the immediately surrounding tweets [App. p. 100].

83. From these passages, the Panel makes it clear that a) its members believe people can literally change their sex; b) that men are women if they say they are (and one cannot challenge the assertion, once declared); and c) women (or men, for that matter) cannot complain about this, even if it profoundly affects them, without risking their livelihood. This is a significant infringement of the constitutional rights of Ms. Hamm (and other professionals), which the Panel failed to consider or balance.

84. As the Supreme Court of Canada once held, "it is a feeble notion of pluralism that transforms 'tolerance' into 'mandated approval or acceptance'" (*Chamberlain v. Surrey School District No. 36*, 2002 SCC 86 (CanLII), [2002] 4 SCR 710):

> 132 Beyond this, nothing in *Vriend v. Alberta*, 1998 CanLII 816 (SCC), [1998] 1 S.C.R. 493, or the existing s. 15 case law speaks to a constitutionally enforced inability of Canadian citizens to morally disapprove of homosexual behaviour or relationships: it is a feeble notion of pluralism that transforms "tolerance" into "mandated approval or acceptance". In my view, the inherent dignity of the individual not only survives such moral disapproval, but to insist on the alternative risks treating another person in a manner inconsistent with their human dignity: there is a potential for a collision of dignities. Surely a person's s. 2(a) or s. 2(b) *Charter* right to hold beliefs which disapprove of the conduct of others cannot be obliterated by another person's s. 15 rights, just like a person's s. 15 rights cannot be trumped by s. 2(a) or 2(b) rights. In such cases, there is a need for reasonable accommodation or balancing. In my view, in the context of this case, the decision reflects a constitutionally acceptable balance.

G. ***The Panel made a palpable error in mixed fact and law by accepting, without reservation, a scientifically novel and unsettled opinion on the multidimensional nature of sex as presented by the BCCNM's experts without clearly stating why their evidence was favored over that of the Petitioner's experts***

85. The Panel described the evidence of the experts for both parties at some length in the Decision. It would be fair to say that the evidence of the experts was diametrically opposed.

86. The Petitioner's expert, Dr. James Cantor, who was the only expert who had actually treated transgender people in his clinical psychology practice, provided important context for Ms. Hamm's concerns and statements, namely that men with "autogynephilia" (sexual attraction to oneself as a woman), or who are cross-dressers, or who have other paraphilias or psychopathologies, including exhibitionism and voyeurism, are now able to enter into women's spaces without restriction:

> Rather than being attracted to men or being attracted to women, they're largely attracted to women, but they're attracted to being the woman. They're sexually aroused at the image of themselves in female form.
>
> And so the term -- where gynephilia is the technical term we use for attracted to female, autogynephilia is attracted to oneself as female. And these people, unlike the childhood onset types who were recognizably effeminate, the adult onset types are not. They're unremarkably masculine. You -- nobody would pick them out in a crowd. They are very often married to women, have children, and people are surprised when they come out as transgendered.
>
> Now, if they're otherwise mentally healthy, they in general can do perfectly fine in their new sex. The complication is that there are many other people with other mental health issues, one of -- and they are also autogynephilic. It's not the only issue that they're dealing with. For example, autogynephilia for many people is one of several sexual atypical phenomena that they experience. So usually what the clinician then needs to consider is that is this person acting out of autogynephilia or one of these other interests and just taking advantage of transition in order to fulfill some other interest?
>
> One of the most common ones of those would be sexual masochism or exhibitionism. For example, an exhibitionist is sexually turned on by the idea of showing himself either naked or showing his genitals or surprising, usually female, onlookers where they weren't expecting to be presented with it. Well, if one is an exhibitionist, one often would try hard to take advantage of opportunities where they get to be naked surrounded by females.

> So now it's a clinical question, when somebody asks to be deemed female, are they asking to be deemed female because it's a genuine case of autogynephilia and they might do fine living as female or is this an exhibitionist taking advantage of a situation where he or she can just, as I say, take advantage of the situation in order to enact the exhibitionism?
>
> So it's situations like that that require an assessor who is aware of all of the various potential motivations as a gatekeeper, somebody objective, to help make sure that the people who are undergoing transition and being deemed female, well, can be associated with the expectation of a healthy outcome.
>
> But when the gatekeeping procedures are removed and a person is simply self-identifying, they now become, you know, subject to abuse. If a person merely has to declare out loud that they belong to the other and there's nobody objective or there's very little power in somebody objective to determine who counts, now it's ripe for abuse and anybody for less healthy reasons can be, as I say, taking advantage of society's developing appreciation and desire to embrace sexual diversity.[2]

87. Dr. Bauer, conversely, testified that "autogynephilia" was an older term and a controversial hypothesis that "does not resonate with the experience of many transgender women". During her cross-examination, Dr. Bauer referred to the males who fit this profile "trans-lesbians," some of whom may still have penises.[3]

> Q …So you would agree with me that there are some trans women who are not homosexual, they still retain an attraction to females and have a sexual interest in perceiving themselves as, in female form?
>
> A Okay, so you're using very outdated language. So you're talking about trans women who are lesbians or attracted to women and have a sexual -- that doesn't necessarily go together, that's part of the problem with this as a theory. Is it basically says that all trans-lesbians are sexual fetishists and that's absolutely not true.
>
> Q Okay, so these are trans-lesbians though who do not have surgery, so they're trans-lesbians who have penises, is that correct? In many cases at least.
>
> A These are trans-lesbians at all different types of gender (audio drops) medical care or not. Sexual orientation is different from gender [affirming] medical care status.

88. The Panel preferred Dr. Bauer's evidence over that of Dr. Cantor (para. 170).

[2] Transcript, Day 14, October 31, 2023, Direct Examination of Dr. Cantor, page 808
[3] Transcript, Day 8, January 10, 2023, Cross-Examination of Dr. Bauer, page 117

89. Dr. Bauer further opined that sex is "multidimensional" rather than binary, and would not concede that there are only two types of gametes, large and small. A chart was produced in the Decision representing Dr. Bauer's thesis on this, published just ten years ago (para. 44).

90. Dr. Cantor, conversely, testified that there are only two sexes, and that disorders of sexual development or other developmental changes to sexual organs and chromosomes over the human lifespan do not disprove the binary.

91. The Panel failed to properly assess the witnesses' credibility, including the demeanor of Dr. Bauer, who was evasive and unwilling to plainly answer the question, "What is the definition of a female?":

> Q: Could you agree with the definition that females are individuals who do or did or will or would, but for developmental or genetic anomalies, produce eggs? Is that a definition that covers your various dimensions but still helps us understand what a female is when we're speaking of it?
>
> A: So in research we would define things often for a very specific purpose depending on what is it that we're looking at and so we would be looking at, you know, specific sex dimensions if that is what was of interest. So when we're talking about kind of trying to create general categories of male or female it's always and many exceptions apply. So from a scientific perspective that definition might vary depending on what health condition it is that we're interested in.

92. Dr. Bauer's opinion, evidently, is that phenomena cannot be categorized meaningfully unless the categories have no exceptions. The Panel did not even comment on this in the Decision, or note any concerns whatsoever with the College's experts, who testified and were cross-examined over many days.

93. At para. 165, the Panel stated, "The Panel relies on the evidence of Drs. Saewyc and Bauer…which define "sex" as a "a set of biological attributes…"

94. The Panel's only criticisms of the expert evidence were saved for the Petitioner's experts. At paragraph 178, the Panel stated that, "It was concerning to the Panel that Dr. Cantor appeared to dismiss the trauma and harm that transgender individuals report based on a connection, which he did not support with research, between ROGD [Rapid Onset Gender Dysphoria] and borderline personality disorder."

95. Further, Dr. Cantor had been critical of the low-powered survey-based studies on which the BCCNM's experts relied, but without acknowledging any issues with those studies, the Panel found that since Dr. Cantor could not point to any randomized control trials (the highest

possible form of evidence) to support his claims about autogynephilia or that adolescent youth are suffering with social function as a result of social media rather than gender dysphoria, the evidence of Dr. Bauer was preferred [para. 170].

96. Subjecting one party's evidence to a higher degree of scrutiny than another's evidence amounts to an error of law justifying judicial intervention (*Miller v. College of Optometrists of Ontario*, 2020 ONSC 2573 (Div. Ct.).

97. While appellate courts are not entitled to reweigh and reassess evidence unless the tribunal has committed a palpable and overriding error, in a case with the political and ideological overtones of this one, uneven scrutiny should be a ground for review.

H. The Panel made an error of law in holding the Petitioner to the standard of a lawyer

98. In paragraph 254, the Panel states:

> The Respondent also asserts that feminine men should be protected on the basis of sex rather than gender, arguing there is no reason why they should have to be recognized literally or legally as women to have legal protections since protection from discrimination extends to sex.

99. Continuing from same paragraph:

> The Respondent misrepresents the state of the law regarding protections based on gender identity by arguing that transgender women (whom she improperly refers to as feminine men) should be deprived of legal protection on the basis of gender identity. The Respondent claims that transgender individuals have taken control of institutions to make everyone go along with their gender identity ideology. The Panel finds that there is no truth to these statements, and they are profoundly unfair to members of the transgender community to the extent that they seek to deprive them of legal protections they are entitled to under human rights legislation and s. 15 of the Charter. These destructive statements which mischaracterize the state of the law and falsely assert that transgender individuals control our institutions lie far from the core of s. 2(b) values [Emphasis added].

100. This appears to hold Ms. Hamm to the standard of a lawyer, rather than a citizen, or even a nurse, who is engaging in the public square on matters of public policy.

101. The Panel found that advocating for the denial of legal protections based on gender is contrary to the law and a form of "erasure." This is an ominous encroachment on freedom

of expression in pluralistic Canada, and effectively prevents at least regulated professionals from having a meaningful debate on an inherent conflict of rights.

Stay of Proceedings

102. On or about March 24, 2025, the Petitioner advised the BCCNM through counsel of her intention to appeal the Decision, and requested that the penalty phase of the hearing be held in abeyance pending the appeal on the verdict (the finding of unprofessional conduct). The BCCNM's and the Panel's counsel advised that an order of the Court staying the penalty hearing would be required. The *Act* does not provide clarity on this point.

103. Accordingly, the Petitioner seeks an interlocutory order staying the hearing on penalty until the appeal of the finding of unprofessional conduct has concluded. In the event the matter is remitted to the same Panel for reconsideration, it would be prejudicial and irreparably harmful to the Petitioner to have already had a hearing on her penalty.

104. There would be no prejudice to the BCCNM in waiting for the penalty hearing, as the incidents in question date back to approximately 2020 and the Petitioner continued to work as a nurse throughout her lengthy disciplinary proceedings. The balance of convenience favours a stay of the penalty, pending the exhaustion of the Petitioner's right to a statutory appeal.

Part 4: MATERIAL TO BE RELIED ON

105. Affidavit #1 of Carolyn McKeen Becker, legal assistant, sworn April 14, 2025, appending the Decision and Reasons of the Panel and correspondence regarding a stay of penalty proceedings;

106. The complete record of proceedings of the disciplinary hearing, including transcripts, expert reports, exhibits and closing written submissions of counsel for the parties;

107. A memorandum of argument and brief of authorities, to be filed; and

108. Such further and other materials as counsel may advise and this Honourable Court may permit.

Dated: April 14, 2025

[redacted]sa D.S. Bildy
Lawyer for Petitioner

To be completed by the court only:

Order made

☐ in the terms requested in paragraphs_____of Part 1 of this petition

☐ with the following variations and additional terms:

_____

_____

_____

Date: _____ _____

Signature of ☐ Judge ☐ Associate Judge