



FORM 8 (RULE 15 (a))

Court of Appeal File No: CA040316  
Supreme Court File No. S111908  
Supreme Court Registry: Vancouver

COURT OF APPEAL

BETWEEN:

MAINSTREAM CANADA, A DIVISION OF  
EWOS CANADA LTD.

Appellant  
(Plaintiff)

AND:

DON STANIFORD, and the said DON STANIFORD  
carrying on business as THE GLOBAL ALLIANCE  
AGAINST INDUSTRIAL AQUACULTURE

Respondents  
(Defendants)

**NOTICE OF CROSS APPEAL**

Take notice that Don Staniford, and the said Don Staniford Carrying On Business as the Global Alliance Against Industrial Aquaculture hereby appeals to the Court of Appeal for British Columbia from the order of Madame Justice Adair of the BC Supreme Court pronounced the 28th day of September, 2012, Vancouver, British Columbia. This cross-appeal is from the following parts of the judgment only:

1. The finding that publications at issue were "of and pertaining to" the Plaintiff as opposed to the fish farming industry.
2. The finding that the number of persons referred to by the publication at issue was such as to allow any one of them, such as the Plaintiff, to sue in defamation.
3. The finding that the meaning of the publication was disparagement of the Plaintiff's character and not, at its root, disparagement of the Plaintiff's product such as would be actionable in "injurious falsehood" but not defamation.

And further take notice that the Court of Appeal will be moved at the hearing of this cross appeal for an order that:

1. Quashing the Trial Judge's finding that the publication referred to the Plaintiff and substituting a finding that it referred to the salmon farming industry and dismissing the Plaintiff's claim on that basis.
2. Quashing the Trial Judge's finding that persons referred to by the publication were few enough to permit any of them to sue in defamation and substituting a finding that persons referred to were sufficiently numerous that defamation law does not apply.

3. In the circumstance that the Trial Judge decided it was unnecessary to decide, finding that the publication was, at root, disparagement of the Plaintiff's product such as might attract liability in "injurious falsehood" but not in defamation and dismissing the claim on that basis.
4. Costs throughout.

Dated at Vancouver , British Columbia, this 30th day of October, 2012.



David F. Sutherland  
Solicitor for the Respondent

To the appellant(s) and any respondent(s) not bringing a cross appeal:

MAINSTREAM CANADA, A DIVISION OF EWOS CANADA LTD.,  
Appellant

And to their solicitor(s):

Fasken Martineau DuMoulin LLP  
Barristers & Solicitors  
2900 – 550 Burrard Street  
Vancouver, BC V6C 0A3  
**Attention: David Wotherspoon**

This Notice of Cross Appeal is given by the Respondents, whose address for service is:

David F. Sutherland & Associates  
2000 Ontario Street  
Vancouver, B.C. VT 2W7  
**Attention: David F. Sutherland**

IF YOU INTEND TO PARTICIPATE in this cross appeal, YOU MUST, unless you are the appellant or a respondent who has already filed a notice of appearance in this matter in a Court of Appeal registry, GIVE NOTICE of your intention by filing a form entitled "Notice of Appearance" (Form 2 of the Court of Appeal Rules) in a Court of Appeal registry and serve the notice of appearance on the other parties to the appeal and cross appeal WITHIN 10 DAYS after receiving this Notice of Cross Appeal.

IF, BY THE FOREGOING, YOU ARE REQUIRED TO FILE A NOTICE OF APPEARANCE AND YOU FAIL TO FILE THAT NOTICE OF APPEARANCE,

- (a) you are deemed to take no position on the cross appeal, and
- (b) the parties are not obliged to serve any further documents on you.

The filing registries for the British Columbia Court of Appeal are as follows:

Central Registry:

B.C. Court of Appeal  
Suite 400, 800 Hornby Street  
Vancouver BC V6Z 2C5

Other Registries:

B.C. Court of Appeal  
The Law Courts  
P.O. Box 9248 STN PROV GOVT  
850 Burdett Ave  
Victoria BC V8W 1B4

B.C. Court of  
Appeal  
223 – 455 Columbia  
Street Kamloops BC  
V2C 6K4

Inquiries should be addressed to (604)  
660-2468 Fax filings: (604) 660-1951

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