



# Guide Outfitters Association of British Columbia

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## FIGHT FOR THE HUNT: Q-and-As

### When was the class action filed?

- The class action was filed December 19, 2018.

### Who filed the class action?

- Ron Fleming, owner of Love Bros & Lee, a 45-year guide outfitting company outside Smithers, BC, and longtime member of GOABC, initiated the class action proceedings in BC Supreme Court.

### Why is this class action happening?

- In 2017, the Government of BC implemented a complete ban on grizzly bear hunting based on emotion instead of science.
- A settlement will bring financial relief to the guide outfitters who have and will continue to see substantial losses to their businesses or livelihoods because of the government's arbitrary action.
- It is disappointing that small businesses have no choice but to bring a lawsuit against the government.

### What is the next step?

- The first big milestone of a class action is to achieve certification. In this step the court decides whether the lawsuit should proceed to a class action. Once certification is successful, notice will be given to potential members of the class.
- Ron and his lawyer expect to reach this milestone by April 2019.

### Who will be included in the class?

- All outfitters who were issued quota in 2017 will automatically be included in the class. Those who do not wish to be part of the class action may opt out at that time and thereafter take no part in the proceeding.

### How long does a class action take?

- It can take anywhere from two to three years to complete a class action.

### Can Ron sue to re-open the grizzly bear hunt?

- No. Businesses may only sue for damages. This is also why resident hunters do not have a legal option.
- The remedies sought are: damages for negligent misrepresentation; damages for misfeasance in public office; special damages; and, punitive damages.

### What was wrong with the government's action?

- The complete ban on hunting does nothing to address the very real and legitimate threat of habitat loss, which was confirmed in a recent Auditor General's report.
- Grizzly bear hunting in BC has been highly controlled and regulated since 1976. Harvesting less than 2% of the total grizzly population annually was purposely very conservative to ensure a

sustainable harvest and healthy population. A regulated hunt helps prevent population swings and maintain a reliable, healthy balance.

- Furthermore, this decision takes away the ability to use hunting as a means of grizzly control for ungulate recovery, i.e. caribou.

### **What is GOABC's position?**

- GOABC is disappointed that the Government of BC implemented a complete ban on grizzly bear hunting, ignoring the environmental evidence and putting at risk the livelihoods of outfitters.
- GOABC regrets the need for a lawsuit, but supports our members taking an action they feel is necessary to protect their businesses and families from financial hardship.

### **Is GOABC taking a position on the government's transition fund offer?**

- No. Individual guide outfitters should do whatever they think is appropriate for their circumstances. GOABC will not advise our members on what action they should or should not take. Supporting our members, however, is our mission and, as such, we will keep members informed about options available, including the class action and our work attempting to reach a better deal with the government.

### **Can an outfitter accept the government's transition offer and also participate in the class action?**

- Those who have decided to accept government's transition offer by February 1<sup>st</sup>, 2019 must sign government's release letter and will therefore no longer be eligible to participate in the class action.

### **Will the outcome of this class action set Canadian case law?**

- Yes, this case is filed with the BC Supreme Court and will set Canadian case law.

### **What can supporters of grizzly bear hunting do if they want to get involved?**

- Hunters and businesses across BC connected to guide outfitting are encouraged to contact their local MLA to voice their concern.
- Make a contribution to Ron's legal defence fund via [lovebroslee@bulkley.net](mailto:lovebroslee@bulkley.net) or direct deposit to the account #02160-1001718.