IN THE MATTER OF PART 3 OF THE
***LEGAL PROFESSION ACT*, RSA 2000, c. L-8**

AND

IN THE MATTER OF A HEARING REGARDING
THE CONDUCT OF ERIN KUZYK
A MEMBER OF THE LAW SOCIETY OF ALBERTA

Hearing Committee

Scott Matheson – Chair and Bencher
Barbara McKinley – Former Bencher
Robert Philp, KC – Former Bencher

Appearances

Shanna Hunka – Counsel for the Law Society of Alberta
Fred Fenwick, KC – Counsel for Erin Kuzyk

Hearing Date

October 21, 2025

Hearing Location

Virtual Hearing

HEARING COMMITTEE REPORT

1. Erin Kuzyk practised law for 17 years without incident. Then clouds began to gather. The LSA received a string of complaints. Seven of these generated 20 citations, many grave, which the Conduct Committee directed to hearing.

2. The matter was set for a contested five-day proceeding. About a month before the appointed date, a deal was reached. A Statement of Admitted Facts, Exhibits, and Admissions of Guilt (ASF) would be signed for most citations, two would be dismissed by invitation, and—so the parties believed— in return, disbarment would be "taken off the table". All that remained was to measure out the term of the suspension: Ms. Kuzyk seeks eighteen months; the LSA suggests 24.

3. This was meant to bring efficiency and certainty to a difficult case. Unfortunately, unless the submission is truly joint, the bargain does not bind the Hearing Committee (Committee). However well-intentioned, counsel could not, by agreement, remove disbarment as a sanction, and it would be warranted on these facts.

4. But fairness still matters. The member depended on the LSA's word and acted on it, sparing the burden of a lengthy hearing. The LSA relied on the admissions that secured those efficiencies, and it stands by the bargain.

5. For the reasons below, the Committee dismisses citations 4 and 9, finds Ms. Kuzyk guilty of conduct deserving of sanction on the remaining 18 counts, and suspends her from practice for two years, effective immediately. The Committee awards costs in the amount agreed to by the parties, payable upon application for reinstatement.

Preliminary Matters

6. There were no objections to the constitution of the Committee or its jurisdiction, and a private hearing was not requested, so we proceeded in public.

7. When the hearing opened, the LSA made submissions about Citations 4 and 9. Citation 4 was an allegation Ms. Kuzyk disclosed confidential information. No facts are contained in the ASF about this citation, and LSA counsel advised the client could not be located, so there was no prospect the charge could be proven. In these circumstances, with no evidence, we accept the LSA's invitation to dismiss citation 4.

8. Citation 9 raises a different issue. Ms. Kuzyk is alleged to have failed to comply with the terms of a Court order. She agreed to the salient facts, but denies they merit a sanction.

9. In 2020, Ms. Kuzyk was acting for a client, Ms. D, in a long-running, contentious family law action in the Court of King's Bench. Associate Chief Justice J. D. Rooke directed the matter to summary trial and issued an order setting its parameters. Evidence would be provided by affidavit in advance, the bodies of which could be 25 pages with no more than 50 pages of exhibits. The order implicitly required evidence to go in by affidavit rather than contemplating subpoenas to witnesses.

10. Ms. Kuzyk served opposing counsel with an affidavit that complied with the page limit, but said she intended to also rely on, among other things, "previous affidavits dating back to the year 2011," and materials from failed Judicial Dispute Resolution proceedings. She sent opposing counsel a package of more than 900 pages of materials, including a "master timeline" and a "photo timeline." She then served a Notice to Attend on a witness who had not proffered an affidavit. The Court found Ms. Kuzyk in contempt of the spirit and letter of the order and awarded personal costs against her.

11. The LSA did not invite the Committee to dismiss Citation 9. Evidently the inclusion of these facts in the ASF, without an admission of guilt and with the LSA not pressing conviction, was "part of the negotiated process" and "the overall deal". Ms. Kuzyk argued the facts reflect zealous advocacy which did not breach the order. She says she did not try to *file* the 900 pages of documents, but intended them for potential impeachment of witnesses on cross-examination. As to the JDR materials, and the Notice to Attend, she says these were either not in breach of the order, or were valid, albeit unsuccessful, attempts to introduce evidence, which were dealt with by ACJ Rooke and do not engage her professional obligations.

12. The Committee does not accept the suggestion that the 900 pages of "timeline" documents were intended only for potential impeachment. Little explanation was offered for the additional breaches: the attempt to introduce settlement privileged JDR materials, trying to back-door past affidavits from earlier in the action which were not allowed by the summary trial order; and serving a Notice to Attend not contemplated by the order. ACJ Rooke's finding of contempt is not dispositive of unprofessional behaviour, but it is, combined with the award of personal costs, relevant to a conclusion that Ms. Kuzyk intentionally contravened a Court order.

13. Once the Conduct Committee has issued citations they cannot be unilaterally withdrawn by the LSA. Counsel may invite the Committee to dismiss them, on proper grounds, which could include that there is no evidence to prove their facts, or that the facts do not make out conduct deserving of sanction.

14. It may be permissible, if not advisable, for prosecuting counsel to neither urge conviction nor invite dismissal. The facts are, after all, on the record for the Committee to consider. But here, the parties agreed, as part of an overall *quid pro quo*, that the LSA would not press a finding of guilt on this citation. Everyone seems to have understood this agreement was enforceable—that it fettered the Committee's discretion in some way.

15. As a matter of law, however, sanction submissions are either truly "joint"—aligned in every pertinent respect—or they are contested and owed no deference. Later in these reasons we explain why we nonetheless uphold the agreement made, and dismiss Citation 9.

Agreed Statement of Facts and Admissions of Guilt

Complaint 1 – the Ms. C Litigation

16. The first group of citations arose from Ms. Kuzyk's long-running work for a client, Ms. C, beginning in 2016. Ms. Kuzyk put off preparing her client's application materials, despite several demands. A matter which should have taken months instead stretched more than three years, mainly due to Ms. Kuzyk.

17. During that time, she was evasive in dealing with her client's questions. Ms. Kuzyk would promise to take a step. Time would pass and she would not. When the client asked for updates, Ms. Kuzyk would suggest they reconsider if they should take the step at all. She would claim to be in the process of drafting affidavits, for example, and even make and cancel appointments to swear them, when, in truth, she had not started drafting. Meanwhile she was failing to respond to opposing counsel, and missing Court-imposed deadlines, leading to Special Chambers dates being lost.

18. She admits she failed to properly communicate, to provide legal services to the standard of a competent lawyer, and that this conduct is deserving of sanction. Although the ASF

does not refer, in these citations, to a lack of candor, the Committee finds the facts admitted prove Ms. Kuzyk lied to her client about the status of her work.

19. Ms. C complained to the LSA, who, in January 2021, required a response letter from Ms. Kuzyk. She promised to provide it "shortly". The LSA made many demands, extended deadlines, and sent reminders. This continued for three years. Her response was provided only in February 2024. She admits she failed to respond to the LSA and that this deserves sanction.

Complaint 2 – the Ms. A Loan

20. In 2017 Ms. Kuzyk borrowed $75,000.00 from Ms. A, secured by a promissory note indicating that if unpaid by the due date it could be registered on title for Ms. Kuzyk's property in Canmore. Ms. A did not have independent legal advice. She was not, at the time, a client, but she became one soon after, when she hired Ms. Kuzyk to represent her in her divorce.

21. Ms. Kuzyk did not timely repay the loan, which became intertwined with her fees for her work for Ms. A. Both of them talked about the interaction of those amounts and the possibility of Ms. A accepting smaller payments on the loan in exchange for legal work in the divorce. As Ms. Kuzyk texted Ms. A, "it is fair to say that we have mutually helped one another out." Eventually she paid Ms. A a total of $82,500.00, which she believes satisfied the loan. Ms. Kuzyk admits she entered into a loan with a person who became a client and the lender did not have independent advice, and that this conduct is deserving of sanction.

22. Around the same time, writs of enforcement were registered against Ms. Kuzyk's property. She did not report these to the LSA, which she admits is deserving of sanction.

Complaint 3 – the Wilson Court Order

23. Ms. Kuzyk was acting for the father in a family matter. During a Special Chambers hearing, Justice Wilson issued a decision in Ms. Kuzyk's presence which included a ruling adverse to her client on parenting time (Wilson Order). Prevailing opposing counsel for the mother drafted a form of order and sent it to Ms. Kuzyk, who failed to respond, despite multiple follow-ups from counsel and the Court.

24. Two months after the Wilson Order was granted, Ms. Kuzyk brought an emergency application about parenting time. During the ensuing hearing, Ms. Kuzyk told the Court opposing counsel had sent in the Wilson Order for approval and filing without her having had the opportunity to consent to it; she would not have consented to it as drafted; and she had informed opposing counsel she had sought transcripts, and was waiting for them before responding, while opposing counsel sent in the Wilson Order over her objection.

25. Ms. Kuzyk had not, in fact, ordered a transcript of the hearing before Justice Wilson. In the ASF she admits "she failed to be candid with the Court due to a mistaken belief [that she had ordered the transcript] and allowed the debate to develop rather than focusing on the form of Order." While this mistaken belief may be pertinent to the accusation Ms. Kuzyk made that her opponent had sent in the Wilson Order without waiting for transcripts, it is no explanation for the false allegation that opposing counsel did not give Ms. Kuzyk the opportunity to consent to the order, when, in reality, she had received the draft and failed to respond to persistent follow ups. Ms. Kuzyk wrongly impugned the reputation of opposing counsel, who complained to the LSA.

26. The LSA wrote to Ms. Kuzyk in January 2022 requesting a response. As with the first complaint, she put it off for months while the LSA continued to send demands and provide extensions. She did not provide her substantive response until February 2024, two years after it was due. She admits she failed to respond promptly and that this is deserving of sanction.

Complaint 4 – Conduct While Suspended

27. In January 2022, Ms. Kuzyk was referred to Practice Management. Two months later she was administratively suspended for failure to pay her annual membership fees. When practice management started, she gave several undertakings, including that she would, "immediately and within one business day of reinstatement to an active status" provide the LSA with an application for retrospective renewal of her professional corporation, an application for an Alberta limited liability partnership (LLP), her current business address and contact information, and personal contact information, including a physical address, and contact the LSA to apply for a responsible lawyer designation. The Undertakings contained an acknowledgement that "in accordance with the Rule, to practice law without this designation is not allowed."

28. On March 31, 2022, when Ms. Kuzyk was reinstated, she failed to provide an application to renew her PC, or her current business and contact details. This went on for months, in breach of her undertakings. She admits the conduct and that it deserves sanction.

29. Undertakings aside, Ms. Kuzyk had been informed that if she intended to be a sole practitioner she must renew her PC, designate herself as responsible lawyer, and receive approval to operate a trust account. Although the LSA warned her not to practice without taking these steps, she continued. She admits she breached the Rules and that her conduct is deserving of sanction.

30. She likewise admits she practiced law while being administratively suspended, on November 1, 2022, for failing to complete The Path. She continued to use an LLP designation, after being advised she could not, and she had to ask opposing counsel to re-issue a settlement cheque to be payable to her personally rather than her firm in trust, because she had no LLP and no trust account.

31. Worse, Ms. Kuzyk "misrepresented whether she was in Court or not to others several times during her practice in 2022." In various emails she told clients and opposing counsel she had been in Court and mediation when she had not. In short, she lied to both her opponents and her clients, though the ASF does not use that word. She admits her conduct deserves sanction.

Complaint 5 – The Mr. B Matter

32. Mr. B was a client of Ms. Kuzyk's then-firm, DBB, in a divorce matter. Ms. Kuzyk took over the file in August 2019. It went to a two-day mediation in December 2021 and settled on the first day. The terms included transfer of a jointly-owned condo into Mr. B's name alone.

33. At that time, Ms. Kuzyk was leaving DBB and she continued to act for Mr. B thereafter. In January 2022, opposing counsel sent over settlement documents and an executed transfer of land for the condo. On January 26, 2022, Ms. Kuzyk told counsel she would send him an updated Certificate of Title once it became available, implying she had already sent it in, and it was subject to Land Titles Office delays. Weeks passed, and on March 15, 2022, Ms. Kuzyk told her client she would let him know as soon as the transfer had been registered.

34. In fact, she had never submitted the transfer to Land Titles. The Committee finds Ms. Kuzyk lied to opposing counsel and her client by misrepresenting that she had sent the transfer for filing.

35. This misrepresentation hurt Ms. Kuzyk's client, who could not get refinancing on his own and needed to sell the condo, but could not until the title was updated. He sent worried communications to Ms. Kuzyk, but she did not finally submit and pay for the Document Registration Request until May 5, 2022, almost four months after she had the paperwork required to do so, and several months after she had falsely told her opponent and her client she had already done it.

36. Ms. Kuzyk never submitted the divorce judgment, which was part of the settlement, for filing. Eventually opposing counsel inquired about its status and had to submit it himself. She admits her conduct is deserving of sanction.

37. Since the mediation had been set for two days but finished in one, the mediator sent back the parties a partial refund for her fees. Ms. Kuzyk received a cheque payable to her in trust, to be refunded to Mr. B, for $4,725.00. At that time she had no trust account or approval to open operate one.

38. Her client asked to confirm who had the refund and when it would be sent to him. She said she had a cheque, but she was "still waiting on approval from the Law Society to

have a trust account", but in fact she had not applied. She reminded Mr. B he owed about $5,000.00 in legal fees, and once those were paid, she could return the cheque to the mediator and ask her to make out a new one to Mr. B directly. He agreed to that option, paid the $5,000.00 in fees, and awaited the mediator's cheque.

39. Ms. Kuzyk deposited the mediator's cheque into her personal bank account, effectively misappropriating the funds. When Mr. B followed up, she falsely claimed her trust account was "in the process of being established" and that she could e-transfer the money to him. She said he still owed $1,206.34 in disbursements to her, but she could pay him $3,518.66 to conclude the matter. He agreed. She didn't pay. By March 22, 2022, she had used the entire $4,725.00 for personal expenses.

40. Eventually she told Mr. B she would send the cheque back to the mediator and ask that a replacement be sent to him directly. By this time she had cashed the cheque and spent the money, so she was in no position to do that. When Mr. B contacted the meditator, they informed him Ms. Kuzyk had cashed the cheque.

41. After she failed to respond to Mr. B's entreaties, he told her he would be contacting the LSA and suing. She emailed the mediator's office mispresenting the status of her trust account, saying the money had been deposited in trust, that she was waiting on the account to be approved, and then she would send the money back. None of this was true. Finally, in July 2022, she paid Mr. B back the refund. She admits she was not candid and did not comply with trust rules, and that this is deserving of sanction.

42. The ASF proves Ms. Kuzyk lied to her client Mr. B and to the mediator about what she had done – misappropriate the funds – though she paid Mr. B back, belatedly.

43. Mr. B complained to the LSA. When it sent Ms. Kuzyk a letter requesting a response, in July 2023, she did not provide one, despite multiple promises, deadlines, and extensions, until January 31, 2024.

Complaint 6 – the Ms. T Loan

44. In April 2022 Ms. Kuzyk borrowed $330,000.00 from her friend and neighbour, Ms. T. It was memorialized in a promissory note. Ms. Kuzyk defaulted. Then she was administratively suspended.

45. Although the lender, Ms. T, was not a client, Ms. Kuzyk still had an obligation to be candid with her. And the fact that Ms. Kuzyk was a lawyer began to figure prominently in their discussions. But Ms. Kuzyk did not inform Ms. T she had been suspended, which would hinder her ability to repay. She continued to make excuses about "ramping up" her practice, and lied about being in a Questioning.

46. In April 2023, after learning online that a custodian had been appointed for Ms. Kuzyk's practice, Ms. T confronted her, leading to a string of text messages. In August 2023, Ms. T died. Ms. Kuzyk has paid back $135,000.00 of the principal and $8,500.00 in interest. The remainder is outstanding and is subject to enforcement proceedings against Ms. Kuzyk's property.

47. Ms. Kuzyk had, meanwhile, sold a Canmore property, and used some of the proceeds to pay a portion of Ms. T's loan. She did not, in her Financial Statement of Debtor, declare this sale. Since Financial Statements are sworn, that is a serious omission. Ms. Kuzyk admits she failed to be candid with Ms. T as lender and that this conduct is deserving of sanction.

48. In April 2024 the LSA contacted Ms. Kuzyk about this complaint and sought a response. She never gave one. She now admits she failed to reply promptly and completely to the LSA, and that this conduct is deserving of sanction.

Analysis and Decision – Merits

49. The ASF is in an acceptable form. It confirms the information required in s. 47 of the Pre-Hearing and Hearing Guideline (Guideline) including voluntariness and independent legal advice, and the proviso that Ms. Kuzyk "understands that a Hearing Committee is not bound by a joint submission on sanction." Ms. Kuzyk and the LSA jointly proffer it as proving all citations, except 4 and 9, as we discussed. The Committee accordingly accepts the ASF. Its admissions, described above, support findings of guilt as to citations 1, 2, 3, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20. Ms. Kuzyk is guilty of those 18 citations.

Analysis and Decision – Sanction

50. LSA counsel submitted 24 months is "on the longest side of the suspensions that you would see coming", which is true as a matter of precedent, though we note the *Legal Profession Act* (*Act*) does not prescribe a maximum. Citing *Charkhandeh v College of Dental Surgeons of Alberta*, 2025 ABCA 258, counsel highlights proportionality as an important concern, and underlines that "the most lenient sanction that would serve the legitimate purposes of the sanctioning process should be selected": para 95. The LSA submits 24 months properly denounces Ms. Kuzyk's conduct.

51. The LSA cites eight cases for parity purposes; the member did not refer to any. We have cast a wider net, and reviewed the reported LSA decisions in the last 20 years of hearing committees, for active (non-student) members, on conduct hearings (not resignations or

other similar matters), in which the panel ordered disbarment or suspensions of 18 months or more.[1]

52. Lawyers have been disbarred for conduct similar to, but less egregious than, Ms. Kuzyk's. To take a few possible examples, in *Law Society of Alberta v. Sutherland*, 2011 ABLS 15, five citations were proven, including improperly asserting a solicitor's lien, continuing to act in a conflict, failing to serve conscientiously, and misappropriation by using client funds of $5,560.72 to pay legal bills without permission. No medical evidence was proffered. The member had no prior discipline record. That hearing committee considered what sanction to impose. It wrote, "In many cases where a Member unlawfully converts a client's money, disbarment will be the sanction. However, in cases where the amount of money taken is modest (as here), disbarment is not the automatic sanction, but what becomes important is how the Member deals with the Regulator after the LSA learns of the conversion of trust money. In cases where a Member is contrite, co-operative, makes restitution, and embarks upon a course of remedial action, the Member will have gone a significant distance towards avoiding the imposition of the ultimate sanction of disbarment." Mr. Sutherland was disbarred.

53. In *Law Society of Alberta v. Davis*, 2011 ABLS 16, there were four proven citations, for failure to fulfil undertakings, attempting to mislead a lawyer and the LSA, failure to respond, and breach of LSA trust accounting rules. No actual misappropriation occurred. The hearing committee cited *Bolton v. Law Society* [1994] 2 All ER 486 at 491-2 (C.A.) for the proposition that offences of dishonesty "almost invariably" lead to disbarment, and referred to a statement in *R. v. Manolescu* (Alta. Prov. Ct., as it then was, found at 1997 CanLII 24654) that in respect of trust money, "the standard is virtually one of perfection." Ms. Davis was disbarred.

54. In *Law Society of Alberta vs. Martin McDonald*, 2006 LSA 21, 9 citations were proven including failure to be candid, failure to respond, failing to serve clients diligently, and "misappropriation" – but by taking funds before work was completed, rather than by defalcation for personal use. The hearing committee wrote, "As a self governing profession, it is necessary to demonstrate to the public, that when it has been proven that a Member, over a period of time, and with a number of clients, has acted dishonestly, and has misappropriated trust money, then we will not allow that Member to practice law." Mr. McDonald was disbarred.

55. Disbarment was also ordered in *Law Society of Alberta v. Terry Britton*, 2009 LSA 1, for failure to follow accounting rules, failing to cooperate, and failure to respond, and in *Law Society of Alberta v. Collins*, 2008 LSA 1, for incompetence, acting without instructions, and lack of candor. In *Law Society of Alberta v. Enge*, 2009 ABLS 36, the member was found guilty of failing to properly serve clients, charging unfair fees, refusal to cooperate,

[1] The LSA cites *Law Society of Alberta v. Wood*, 2019 ABLS 28 and *Law Society of Alberta v. Ragan*, 2019 ABLS 10, which are resignation applications and so of limited utility.

and breach of trust conditions. Disbarment was ordered. Similar offences also led to disbarment in *Law Society of Alberta vs. Hermo Pagtakhan*, 2008 LSA 22, for various trust accounting issues and candor citations. That hearing committee reiterated the general principle that, "placing client trust money at risk by failing to properly handle, or to account for the trust funds in accord with the LSA accounting rules, will always be regarded as serious misconduct and will, in most cases, lead to disbarment of the Member".

56. In many of these cases there was no actual "misappropriation" in the sense of defalcation of client money for personal use (as opposed to paying a valid legal bill, for example). Several of the cases involve less serious non-cooperation and dishonesty than Ms. Kuzyk's, and all of them have fewer proven citations than the 18 at issue here.

57. Disbarment is not reserved for the most serious cases. As the Court of Appeal observed, in *Virk v Law Society of Alberta*, 2022 ABCA 2, para. 40, "Disbarment is the most severe sanction, but it is not reserved for cases involving dishonest dealing with money, nor is it reserved for the hypothetical "worst case and worst offender". Every case is different, and comparison with other decisions is rarely decisive. The need to restore public confidence in the profession and protect the public will vary." That said, we acknowledge the Court's recent statement, in *Charkhandeh*, that cancellation of professional registration (here, disbarment) is "economic death", and is a "sanction primarily directed at the protection of the public where the unprofessional conduct demonstrates that the professional is ungovernable, or his or her continued participation in the profession would create an unacceptable risk": para. 90, though it is admittedly difficult for hearing committee panels to reconcile these disparate directions from the Court of Appeal about when disbarment is appropriate.

58. In Ms. Kuzyk's hearing, the LSA did not attempt to distinguish her conduct from that found in the cases cited above which led to disbarment.

59. There are only a handful of reported cases in which suspensions of 18 months or more were levied. We located seven: *Law Society of Alberta v Dear,* 2014 ABLS 54, *Law Society of Alberta v Mawson,* 2019 ABLS 22*, Law Society of Albera v Denis McGechie,* 2007 LSA 21, *Law Society of Alberta v Morales*, 2018 ABLS 23, *Law Society of Alberta v. Ralh,* 2023 ABLS 9, *Law Society of Alberta v. Diana Rutschmann,* 2007 LSA 1; *Law Society of Alberta v. Torske*, 2015 ABLS 13. *Mawson and Morales* are of limited utility for parity purposes because they went by joint submission. That leaves only five reported contested cases in the last twenty years which impose suspensions of 18 months or more, and one of those, *Dear*, has an asterix discussed below.

60. In *McGechie*, the member pleaded to 10 citations, including failing to follow accounting rules, failing to render accounts prior to releasing funds from trust, breaching an undertaking to the LSA, failing to respond to the LSA in a timely manner, failing to serve a client in a competent manner, failing to respond to a client in a timely manner,

breaching a Court Order and failing to comply with trust conditions imposed by the *Excise Tax Act*. He said he suffered from clinical depression during the events at issue, though the decision does not say what evidence was proffered. He was suspended for 18 months. It is fair to say *McGechie* did not involve the misappropriation or long-running dishonesty present in this case.

61. In *Ralh,* five citations were proven, including mortgage fraud, false commissioning, breach of trust conditions, and incompetence. Ralh pleaded guilty by way of an ASF. He was already suspended at the time, voluntarily. The LSA asked for an additional 18 months. The member wanted time served. The hearing committee agreed on the 18 months, but with 6 months' credit for time suspended, meaning an ultimate 12-month suspension. In the circumstances, this may not count as a suspension of 18 months. We note the offences there, including participation in mortgage fraud, are, on their face, more serious than those faced by Ms. Kuzyk.

62. In *Dear*, there were nine citations including misappropriating trust funds, failing to serve clients, and failure to be candid. The member signed an ASF including an admission of guilt, and the parties made what was described as a "joint submission" on sanction:

> [19] The joint submission was that the Member be suspended not disbarred. The length of the suspension was not part of the joint submission. Counsel for the Law Society was asking for a suspension of eighteen months and the Member was asking for a suspension of something less than that. Part of the joint submission was a referral to Practice Review and certain agreed-upon conditions to be implemented by Practice Review upon the Member's reinstatement to practice."

63. The Committee did not, however, analyze the "joint" submission as if it required deference (*Anthony-Cook* had not yet been decided) and instead conducted a contested sentencing exercise, while acceding to the parties' suggestion that disbarment was not available. Mr. Dear was suspended for 18 months.

64. In *Torske*, the member had developed an addiction to painkillers. The LSA put forward three citations alleging he had "brought discredit to the profession", "engaged in conduct that impaired his capacity", and failed to be candid with the LSA. Mr. Torske admitted guilt to two of three citations and the third was dismissed. The member put forward medical evidence of his contemporaneous condition. He was suspended for 18 months.

65. In *Rutschmann*, the member was charged with ten citations, including forgery, swearing false affidavits, misleading the Court and counsel and the LSA, and failing to respond. No misappropriation was proven. After a contested hearing, with current medical evidence (not about the time period at issue), and with no prior record, she was suspended for 24 months.

66. Ms. Kuzyk had many more proven citations (18) than these comparators, and over a lengthier period, around seven years, between 2017 and 2024.

67. Ms. Kuzyk's most serious offences in the Committee's view are her misappropriation from Mr. B, and her repeated lying to clients, opposing counsel, a mediator, and the Court. As we have noted, other members have been disbarred for less serious misappropriation, typically involving using client money to pay bills which are indeed due and owing, and for trust matters without real dishonesty or non-cooperation.

68. Ms. Kuzyk gave a moving statement at the hearing. She admitted she failed to be forthright and candid, did not properly set up her practice, meet administrative requirements, or respond to the LSA. She wants to return to practice, cooperate with the LSA and Practice Review, and work in a firm setting. These intentions are laudable, but the Committee was concerned her description of her conduct, including failing to "set up" a practice, understated the severity and duration of the LSA-related administrative citations.

69. The next portion of her remarks did, however, make clear her deep remorse. She stated she was "very sorry and humiliated" this has happened to her, and knows it hurt her clients. She says this occurred during "a very unusual time in my life, which culminated in a perfect storm". She referred to difficult personal matters which may have been taking place during at least some of the period at issue, including her departure from DBB and certain health concerns.

70. It was not possible to accept Ms. Kuzyk's submission that these offences occurred during a "moment in time" resulting from a "perfect storm" of factors related to personal issues and her departure from her firm. While some citations happened in the immediate aftermath of those events, many did not, and the overall conduct stretched over seven years.

71. Ms. Kuzyk does not assert she had a diagnosed (or diagnosable) clinical mental health condition during the period at issue. Through her counsel she proffered a report from a Dr. S, a psychologist. But it was of limited value. Dr. S did not treat Ms. Kuzyk between 2017-2024. He asked for, but was never given, Ms. Kuzyk's general practitioner chart notes. No contemporaneous medical information from the time at issue was in evidence, as Ms. Kuzyk's counsel forthrightly admitted. Dr. S offers little opinion about that time, and the few sentences included are speculative, noting Ms. Kuzyk denies she was subject to a diagnosed condition.

72. Ms. Kuzyk points out her current circumstances, working several jobs as a grocery clerk, furniture store saleswoman, and restaurant server. While the Committee takes note of Ms. Kuzyk's desire to support her family, it does not consider Ms. Kuzyk's working a normal job to, in these circumstances, constitute a "serious financial or other penalties as a result of the allegations" for the purposes of sentencing under *Jaswal v.*

Newfoundland (Medical Board), 1996 CanLII 11630 (NL SC), emphasis added. It is true, as counsel says, that Ms. Kuzyk has "gone down from practicing law at a very senior level to serving at a restaurant", but these occupations are not necessarily indignities sufficient to influence sanction. More importantly, we cannot conclude Ms. Kuzyk's straits are the result of inability to practice or other factors, including the failure of Ms. Kuzyk's flower business, at the same time as the events at issue, or her other financial problems, which we have only a glimpse into through the loan citations. And the fact Ms. Kuzyk is not currently practicing law is not a result of these allegations having been made, or an interim suspension pending this hearing. Rather, she has been administratively suspended since 2022, as described above.

73. Mr. Kuzyk's counsel also notes, and we accept, that Ms. Kuzyk had no previous record before the package of 18 citations for which guilt was proven here.

74. The LSA's *Pre-Hearing and Hearing Guideline*, at paras. 198-200, explains that "the prime determinant of the appropriate sanction is the seriousness of the misconduct", and sets out a list of factors which can inform that determination:

- *The degree to which the misconduct constitutes a risk to the public*. Ms. Kuzyk's misappropriation of trust money, and her repeated dishonesty with clients who are in the midst of contested legal proceedings, constitutes a risk to those clients, if not the general public.

- *The degree to which the misconduct constitutes a risk to the reputation of the legal profession*. The monetary and candor citations harm the profession's reputation. As the Saskatchewan Court of Appeal wrote, in respect of a suspension for withdrawing trust funds in breach of a Court order, "As [lawyers'] reputations ebb or fall in the public domain, so may the profession's, and the tainted product is not subject to recall": *Anthony Merchant v. Law Society of Saskatchewan)*, 2009 SKCA 33, para. 99.

- *The degree to which the misconduct impacts the ability of the legal system to function properly (e.g., breach of duties to the court, other lawyers or the Law Society, or a breach of undertakings or trust conditions)*. Ms. Kuzyk lied to opposing counsel and the mediator repeatedly. In the Ms. C matter, she made a false accusation about another lawyer in Court. She breached her undertakings to the LSA. Some of the specific elements of dishonesty, in particular, impair the function of the justice system. Ms. Kuzyk often lied to clients and opposing counsel about whether she had taken a step or submitted a form for filing, for example, in the Ms. C and Mr. B matters.

- *Whether and to what extent there was a breach of trust involved in the misconduct.* Ms. Kuzyk's conduct in respect of Mr. B's deposit, and her management of her trust account generally, breached her trust obligations. Her

proven dishonesty with her clients, while not a breach in a financial sense, certainly led them to lose trust in their lawyer as a trusted advisor.

- *The potential impact on the Law Society's ability to effectively govern its members by such misconduct*. Ms. Kuzyk's failure to respond to the LSA was extreme. Even when complaints were made, she strung LSA staff along with no substantive response for as long as *three years*. She breached many trust and incorporation rules. And by not reporting writs against her property she undermined the LSA's ability to monitor lawyers in financial trouble who are at risk of hurting clients, which ended up happening here. She essentially ignored administrative suspensions, continuing to practice. While in argument her counsel noted, accurately, that one of the suspensions was caused by failure to complete The Path, what matters is not the cause of the suspension but her willful and long-running continuing to practice while suspended.

- *The harm caused by the misconduct*. In family law cases, particularly those involving children, the harm caused by delay may be greater than in civil justice generally. Ms. Kuzyk's clients were harmed by her delay and dishonesty. While Mr. B was belatedly made whole from the misappropriation, he was hurt by Ms. Kuzyk's long failure to submit his divorce judgment and land transfer, which prevented him from selling the condo he could not afford to refinance.

- *The potential harm to a client, the public, the profession or the administration of justice that is reasonably foreseeable at the time of the lawyer's misconduct, and which, but for some intervening factor or event, would likely have resulted from the lawyer's misconduct*. Ms. Kuzyk's misconduct involving trust accounting after she left DBB would foreseeably cause harm to other clients in addition to Mr. B.

- *The number of incidents involved*. There were 18 proven citations arising from six different complaints.

- *The length of time involved*. The substance of the Ms. C breaches took place over several years from 2016 to 2019. In respect of the Ms. A loan, the fundamental breach, lack of independent legal advice, took place in 2017, though disputes about the loan (which were not professional misconduct) continued until 2021. Her failure to report writs took place in 2021. The W Order issues occurred in 2021. The undertaking citations largely took place in 2022, as did the Mr. B citations. The Ms. T loan dispute occurred in 2022 and 2023. Non-cooperation with the LSA stretched from 2021 to 2024. These offences took place over a long period, approximately eight years.

75. The LSA did not allege ungovernability. Ungovernability is not a separate, chargeable citation, but a general principle undergirding several of the concerns cited in the Guideline. "Ungovernability" is not a magic word which if uttered requires disbarment. It

is one factor informing the analysis, but not the only one. Several of the citations here do demonstrate ungovernability, in particular the breach of undertakings, prolonged refusal to comply with LSA trust and incorporation rules, and the extraordinary lack of cooperation in respect of the complaints, where Ms. Kuzyk evaded responding for several years.

76. Ms. Kuzyk's proven misconduct is more serious than in many of the cases cited where disbarment was ordered. Of the lengthy-suspension decisions, *McGechie* and *Torske* involved medical issues at the time of the misconduct. *Rutschmann* involves a different sort of misconduct, including forgery, but as in this case there was current medical evidence but nothing contemporaneous with the offences.

Joint vs Contested Sanction Submissions

77. The LSA explained disbarment had been taken off the table by an agreement between Ms. Kuzyk and the LSA, the terms of which appear to be:

    a. Disbarment is removed as a possible sanction. The LSA will argue for a 24-month suspension; the member seeks 18 months;

    b. The LSA will invite dismissal on citation 4, and not urge conviction on citation 9;

    c. In return, Ms. Kuzyk will attest to the facts and admissions contained in the ASF; and

    d. Costs will be paid in the amount sought by the LSA, subject to time to pay.

78. LSA counsel expressed it is "not pursuing disbarment"; 24 months' suspension is a "ceiling"; the agreement is "cutting off the sanction of disbarment"; "we are off disbarment"; and "disbarment is not sought". Member's counsel concurred, saying that, by agreement, disbarment had been "taken off the table".

79. Both sides explained this was part of a *quid pro quo* of an "overall deal" which the LSA was "grateful" for, as there were "between eight and ten witnesses that are saved now from having to testify." There was "a fair bit of back and forth" leading to the comprehensive, 30-page ASF. The LSA gets the admissions, saves hearing time, drops two citations which could be hard to prove, and, in exchange, agrees the member will not be disbarred.

80. The difficulty is that it is not open to the parties to remove sanctions from consideration by agreement in this way unless virtually the entire submission is joint.

81. To explain why, we must start with *Anthony-Cook*, where the Supreme Court put this caveat in a footnote: "these reasons do not address sentencing flowing from plea

agreements in which the parties are not in full agreement as to the appropriate sentence." This left open the question of whether sentencing *ranges* agreed to by parties deserved deference from the decisionmaker, either at the same high level as a joint submission, or something less.

82. Six years later, in *R v. Nahanee*, 2022 SCC 37, the Court addressed that question. It held that to constitute a "joint" submission within the meaning of *Anthony-Cook*, the submission must cover every aspect of the sentence proposed. The judgment was unanimous on this point. Justice Moldaver said, and here we must quote at length:

> To be clear, a joint submission covers off every aspect of the sentence proposed. To the extent that the parties may agree to most, but not all, aspects of the sentence — be it the length or type of the sentence, or conditions, terms, or ancillary orders attached to it — the submission will not constitute a joint submission. The public interest test does not apply to bits and pieces of a sentence upon which the parties are in agreement; it applies across the board, or not at all. Apart from the logistical problems of applying two different tests to parts of the same proposed sentence, at the end of the day, there is only one composite sentence. Arriving at a sentence involves an assessment of all of its component parts. Isolating one or two parts of the sentence and subjecting them to a different test is antithetical to this determination, and may well undermine it.
>
> Contested sentencings are characterized by a lack of agreement on a specific sentence, and therefore cannot offer the same degree of certainty as joint submissions. Joint submissions, which cover off every aspect of the sentence proposed to the court, offer certainty because of agreement in the form of a *quid pro quo*: the accused agrees to plead guilty in exchange for the Crown agreeing to recommend a specific sentence to the court that both the Crown and the accused find acceptable (*Anthony-Cook*, at para. 36). Nothing remains to be litigated. By its very nature, the *quid pro quo* of which I speak does not exist with contested sentencings, regardless of the amount of prior negotiation between the parties culminating in the guilty plea (I.F., Attorney General of Ontario, at para. 7). The proposed sentence is neither fixed nor final. Loose ends remain to be litigated. Even in situations where the Crown and the accused may have resolution discussions prior to a contested sentencing hearing, the fact remains that the Crown is not agreeing to recommend a specific sentence to the court upon which the parties agree.

83. The Court could have decided that ranges deserve at least *some* deference, perhaps less than a true joint submission, but it did not. Instead it preferred a bright-line test: no deference is owed unless the submission is fully joint.

84. Before *Nahanee*, there was judicial debate about how much daylight between the prosecution's position and the accused's was enough to crumble a joint submission into a contested one. All sides said there must be agreement on the "fundamental, principal

or core" element of the sanction; merely agreeing about minor or ancillary orders is not sufficient to attract deference: *R v. M.C.*, 2020 ONCA 510. The prosecutor and accused must "agree on an identical sentence, or at the very least, one that differs only with respect to ancillary matters" and is "the same sentence on all matters of importance": *R v. Sidhu*, 2022 ABCA 66. Although, in a footnote, Justice Wakeling considered that this agreement could include a range rather than a definite number, the decision pre-dates *Nahanee* and does not accord with Justice Moldaver's reasons.

85. In *Hebert v R.*, 2025 NBKB 222, the parties agreed on a suspended sentence (rather than a custodial one) but disagreed about its duration. The Crown sought 18 months, the defence twelve. The defence argued "the sentencing submission was 90% to 95% a joint submission." The Court rejected that argument, observing: "near agreement is not sufficient to constitute an *Anthony-Cook* joint submission … The difference in duration is not an ancillary matter. Ancillary matters are, by their very definition, secondary to the main sentence. … The element of duration is an essential element of the sentence and distinguishes the sentences proposed by the Crown and the Defence."

86. Although it is possible to read the Supreme Court's reasons as saying even a trivial disagreement or oversight in the joint submission makes it contested, losing the deference accorded by *Anthony-Cook*, few subsequent cases have reached that issue. In *Hebert*, the difference in duration was not ancillary but was a key component of the sentence, so the discussion of the point was *obiter*. Would the Supreme Court want sentencing judges to seize on truly minor gaps as justification to throw the joint baby out with the contested bathwater?

87. While these cases arise in the criminal context, and one "must not uncritically simply import criminal law concepts into the law concerning professional discipline": James T. Casey, *Regulation of Professions in Canada* (online), s. 14.5, *Anthony-Cook* has been widely applied in the present context. *Nahanee* is an extension of that body of law, and we cannot discern any salient differences between criminal proceedings and professional discipline which would augur in favour of a different test.

88. Pre-*Nahanee* professional discipline authorities came to differing conclusions about whether a tribunal owed any deference when the parties agreed on the sanction but not its duration. According to Casey, s. 14.5, "where the parties had a partial joint submission but had not agreed on the length of a suspension", no deference was owed, citing *Ghobrial v. Ontario College of Pharmacists*, 2019 ONSC 4776, para. 48. But in *Gavrilko v. The College of Dental Surgeons of British Columbia*, 2004 BCSC 1506, the Court considered an appeal from a decision of a panel of the College of Dental Surgeons of British Columbia cancelling the member's registration as a dentist. The member admitted to 12 of the 13 allegations, and the only issue at the hearing was penalty. The college sought a 6 to 12-month suspension; the member sought 6 months. Without informing the parties that it was of the view that suspension was inappropriate, the panel cancelled the member's registration.

89. On appeal, the Court found that if the panel was considering a submission outside the range offered by counsel, it was required to give notice. And indeed, that is the ratio of *Nahanee*. But the Court also wrote that, “on the core issue of cancellation versus suspension there was a joint submission. While it is true that in one respect the submissions were not the same (the length of the suspension), both parties submitted that a cancellation was not necessary and a suspension was appropriate with the agreed upon remedial actions to be followed. On the critical question it can be said the submissions were "joint" or as counsel for the College referred to it in her submissions before this court "joint in kind"”: para. 10. That observation is not consistent with *Nahanee*, which rejected the notion of joint-in-kind submissions and said no deference is owed to them, apart from giving notice if departure is being considered.

90. That said, the Supreme Court’s reasons in *Nahanee* should not be read as endorsing an overly technical view of a joint submission in professional discipline in which it is impossible for any element to be left out, for several reasons. First, it must be remembered *why* the Court felt contested hearings were different (quoting the summary in *Sentencing: the Practitioners Guide*, Clewley, Young, Kromm eds, online, s. 1.88):

- Contested sentencings do not offer the same benefits of joint submissions which *Anthony-Cook* protects, namely certainty and efficiency. Neither exists where different sentencing ranges are proposed. The *quid pro quo* of a specific sentence being recommended in exchange for there being nothing to litigate does not exist in a contested sentencing hearing by virtue of its very nature.

- If the *Anthony-Cook* test applied to contested hearings, joint submissions would lose much of their attractiveness given a contested hearing would offer much the same certainty. Accused persons might choose to take a chance on a contested hearing, with the potential benefit being a lower sentence than that which would be required to agree to a joint submission. This would have the effect of generating more time-consuming contested hearings, exacerbating the challenges already faced by an over-burdened criminal justice system.

- A sentencing judge would have to consider whether the high end of the range proposed by the Crown could be seen as a breakdown of the proper functioning of the judicial system – meaning the ultimate range of sentence on guilty pleas would become a Crown prerogative.

91. With respect to the New Brunswick Court of King’s Bench’s *obiter* in *Hebert*, if in that case the parties had agreed on the length of the suspended sentence, but disagreed only on a minor term of the probation, say an abstention condition, that sort of ancillary dispute would not undermine the efficiency or certainty rationales for accepting what would be a 95% joint submission. The Court would not be delving into a full contested sanction hearing. A five-minute discussion on whether the accused can drink on

probation should not be thought so inefficient as to justify cracking open a joint submission. It is hard to accept a floodgates argument, either, if the matters left to be adjudicated are minor.

92. Second, to hold that disagreement on ancillary matters is sufficient to make a joint submission contested would create its own problems and poor incentives. Requiring total alignment on every issue would drive up the time and expense of bargaining, to the point it would take up more time than a brisk resolution at the close of a sanction hearing. If parties spend more time negotiating ancillary terms to preserve deference, we hit diminishing returns: the system incurs more out-of-court transaction costs to save little in-court adjudicative costs.

93. A regime of all-or-nothing deference would also create asymmetric leverage. The member would face pressure to concede on marginal terms where it isn't warranted, to preserve complete alignment and the deference it brings. Even without that pressure, counsel may forget to turn their minds to one small component. A recent commentary for defence lawyers warned of this risk, noting, "Practically speaking, this means that even if you have worked out a comprehensive resolution agreement with the Crown but discover during the hearing that you forgot to turn your mind to a detail like the frequency with which your client should report to a probation officer, you should consider whether disagreeing with whatever the Crown proposes is worth subjecting your client to a heightened risk of a jumped sentence": Arash Ghiassi, "Nahanee's Hard Bargain", *For the Defence*, Vol. 43, No. 3. If a minor component of sanction may just have slipped counsels' mind, when the parties appear for the hearing should an adjournment be ordered, to everyone's inconvenience, lest the joint submission become technically "contested"?

94. Third, in professional discipline there is one ancillary matter which is sometimes *not* included in joint submissions: costs. See *Law Society of Alberta v Goldsworthy*, 2025 ABLS 22. We decline to read *Nahanee* to bar this practice, particularly in light of the Court of Appeal's admonishment in *Charkhandeh* to give greater scrutiny to costs issues.

95. For all of these reasons we hold that the submission made to us is contested, not joint, since the disagreement is about the central sanction—suspension—and how long it ought to be, with the parties some distance apart at 18 versus 24 months.

96. As the Supreme Court explained in *Nahanee*, in the absence of a true joint submission the sentencer need not defer to the ranges proposed by the parties, so long as appropriate notice is given where a potential sentence is considered outside the range. At least one learned author has suggested that there is still *some* measure of deference to these ranges. In *Canadian Criminal Procedure*, 6th Ed. § 8:7 (online), the Honourable Roger E. Salhany, Q.C., formerly of the Ontario Superior Court, writes:

> […] In other words, there has been a quid pro quo, each side giving some concession for a lesser plea or a joint recommendation of sentence. Here the sentencer may only depart from the joint recommendation based on good reason, not simply because he or she does not feel that the sentence proposed is not enough or too much. Moreover, before doing so, the sentencer should give counsel notice that he or she is considering departure from the joint recommendation and the opportunity to give reasons why the recommendation should be followed.

97. While that observation is well-taken, it does not accord with the Supreme Court's reasons in *Nahanee*, or the many cases citing it in which no guardrails, apart from advance notice, have been put on the decisionmaker's ability to impose sentences outside the range proposed.

98. Here the submission is not joint, and, based on the factors discussed, the Committee would have disbarred Ms. Kuzyk. The Committee would have been required to give notice to the parties before doing so, and invited submissions.

99. But the posture of this case is unique, which is why the Committee did not take that step. It is apparent here that both parties were under the mutual, mistaken belief the LSA could, through its counsel, take disbarment off the table as a possible sanction. That may have been driven by a reading of *Dear*, cited above. On the basis of this misapprehension, the LSA and the member negotiated a comprehensive resolution involving a lengthy and detailed ASF and admission of guilt. Four days of hearing time were avoided. Two citations were (in effect) invited to be dismissed. There was a true *quid pro quo* in the sense described in *Nahanee* and *Sidhu*.

100. Ms. Kuzyk relied upon the promise she would not be disbarred in exchange for entering into this bargain and making those admissions. "When a plea rests in any significant degree on a promise or agreement of the prosecutor, so that it can be said to be part of the inducement or consideration, such promise must be fulfilled": *Santobello v. New York*, 404 U.S. 257. The ability to rely on the word of prosecuting counsel is a keystone of both professional discipline and criminal law, and is one of the reasons why the Court in *Anthony-Cook* was convinced to set such a high bar for disturbing a joint submission. While it is true the ASF confirms Ms. Kuzyk understood, "that a Hearing Committee is not bound by a joint submission on sanction", that understanding rested on the foundational knowledge that the Committee must defer to a joint submission unless the strict test in *Anthony-Cook* is met, and in this case the submission is not joint, so Ms. Kuzyk lacks *Anthony-Cook*'s protection.

101. Fundamentally, the Committee cannot countenance an outcome in which Ms. Kuzyk was induced to plead guilty to these offences as part of an informed deal with benefits to both sides, based on a mutual misapprehension that disbarment could be removed as a sanction, only to have the rug pulled out from under her at hearing by the Committee.

Even if the Committee were to warn Ms. Kuzyk, as required in *Nahanee*, that it was considering disbarment, her admission to the facts cannot be put back in the bottle at this stage. It would be inequitable and unfair to Ms. Kuzyk, amounting to an inadvertent abuse of process.

102. LSA counsel, with an appropriate spirit of fair play, urges a sentence in the range already proposed and agreed to. It would bring the LSA into disrepute to permit the LSA the benefit of the ASF and its admissions, signed in exchange for the mercy of not being disbarred, and then to disbar the member contrary to that agreement. This decision should stand as sufficient signal that disbarment may not be removed as an option by agreement, nor can the parties agree to ranges of suspension as part of a joint submission. To enjoy the deference owed under *Anthony-Cook*, joint submissions must be truly joint in respect of all primary components of the sanction. Without that degree of alignment, the Committee owes no deference to the proposal. It may order any fit sanction and is not bound by any range proposed, so long as appropriate notice is given if the Committee wishes to exceed the maximum sought.

103. Although it is on the bottom end of an acceptable range, and would not have otherwise been ordered, a 24-month suspension is not demonstrably unfit. Having reviewed the lengthy-suspension cases above, Ms. Kuzyk's conduct is more serious than that in *Dear*, *McGechie*, and *Torske*, and roughly equivalent to that in *Rutschmann*. Her lack of prior record is mitigating, as is her plea to avoid a long merits hearing. Though we find no medical or other compelling excuse for her conduct, we acknowledge her sincere remorse. Had a 24-month suspension been proposed as part of a joint submission, *Anthony-Cook* would not have permitted us to depart from it.

104. Accordingly, the Committee orders Ms. Kuzyk suspended for two years, effective immediately.

Costs

105. The LSA proffered an Estimated Statement of Costs in the amount of $26,192.25. Although the time spent on hearing preparation was large (50.8 hours), we note the matter involved 20 citations and was originally set for a five-day contested hearing, and we cannot in those circumstances say the time was unreasonable. The time spent drafting particulars and an ASF bleeds together somewhat, and while it is also high, at 63.7 hours total, again given the complexity of the ASF it is not unreasonable. In any case, the member does not contest the quantum of costs. That said, LSA counsel fairly conceded that the hearing attendance, and court reporter, may be reduced if the hearing took less than 7 hours, which it did. While we will not re-do the calculation, we trust the LSA will, without the necessity of our further review, and we order costs payable in the amount of $26,192.25 minus those amounts. The costs are payable upon application for reinstatement.

Concluding Matters

106. No Notice to the Attorney General was sought. Although the Committee may order one on its own motion, the facts here do not support it. A Notice to the Profession will, however, duly issue.

107. The exhibits, other hearing materials, and this report will be available for public inspection, including the provision of copies of exhibits for a reasonable copy fee, except that 1) identifying information in relation to persons other than Ms. Kuzyk will be redacted and further redactions will be made to preserve client confidentiality and solicitor-client privilege (Rule 98(3)), and 2) the report of Dr. S. was, at Ms. Kuzyk's request and with the LSA's consent, ordered not to be publicly disclosed since it contains sensitive, private health information of Ms. Kuzyk.

Dated November 28, 2025.

_____
Scott Matheson

_____
Barbara McKinley

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Robert Philp, KC