

NICK BENKOVICH; KEVIN FOWKE; KRISTEN NEWMAN; JANET TULLOCK;
ANDREW WILLIAMS; AND MIREILLE KHORAYCH

Respondents

SCHEDULE "A"
TO REQUEST FOR AN ORDER DURING PROCEEDINGS

Introduction

1. This Request for an Order during Proceedings is filed pursuant to Rule 19 and Rule 19.5 of the Tribunal's *Rules of Procedure* on behalf of the Personal Respondent, Mireille Khoraych.

8. By naming Ms. Khoraych as a Respondent in Application No. 3, the Applicant has effectively required Ms. Khoraych to remove herself as counsel of record since there is an obvious conflict of interest in being both named as a party, and remaining as counsel of record. For these reasons it is imperative that the Tribunal deal with this Request for Order During Proceedings on an urgent basis, before the Summary Hearing for Application No. 2 and Application No. 3 is held on March 21, 2014. To do otherwise would require the Respondent City and the other named Respondents to incur additional and significant costs in relation to the appointment of yet another counsel who is not familiar with all of the circumstances of these cases. It would be inappropriate and contrary to the fair, just and expeditious resolution of disputes to permit an Applicant to effectively

entitled to counsel of their choice, and that counsel has always been Ms. Khoraych.

9. In addition to the foregoing, the Tribunal has indicated that it will also hear the parties' submissions on whether or not the Applicant should be declared a vexatious litigant as well as whether or not some or all of the individual respondents should be removed from one or both of the Applications.

The Law

10. Rule 1.7(3) of the Tribunal's Rules provides that the Tribunal may add or remove a party "in order to provide for the fair, just and expeditious resolution of any matter before it".