

CANADA / JUDGMENT

Baldwin v. 0772835 B.C. Ltd.

2025 BCSC 2274

COURT

Supreme Court of British Columbia

DECIDED

30 October 2025

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2025 BCSC 2274 Baldwin v. 0772835 B.C. Ltd. IN THE SUPREME COURT OF BRITISH COLUMBIA
Citation: Baldwin v. 0772835 B.C. Ltd., 2025 BCSC 2274 Date: 20251030 Docket: S-157078 Registry:
Vancouver Between: Michael Baldwin, Athena Balogh, John Borrell, Janet Rebel, Callen
Schomaker, Katie Schomaker, Keith Shearer, Shelly Shearer, and James Treuer Plaintiffs And
0772835 B.C. Ltd., Local 1661 Building Inc., Almaval Building Inc., Streamline Properties Inc.,
Jeffrey K. Wiegel, Michael J. Knight, Mark Standerwick, Katherine Ducey, Campbell Froh May
and Rice LLP, Citizens Bank of Canada and Interior Equities Corp. Defendants Before: The
Honourable Justice Stephens Oral Reasons for Judgment In Chambers The Plaintiffs, Athena
Balogh, John Borrell, Janet Rebel, Katie Schomaker and James Treuer, appearing in person: A.
Balogh J. Borrell J. Rebel K. Schomaker J. Treuer Counsel for the Defendant Jeffrey K. Wiegel: R.
Eichler Counsel for Defendants Campbell Froh May and Rice LLP, Mark Standerwick, and
Katherine Ducey: P.M.J. Arvisais Counsel for the Defendant Citizens Bank of Canada: S. Peloquin
C. Conly Counsel for the Defendant Interior Equities Corp.: J.P. Scouten No other appearances
Place and Date of Trial/Hearing: Vancouver, B.C. October 8 and 30, 2025 Place and Date of
Judgment: Vancouver, B.C. October 30, 2025

- [1] THE COURT: I am the case management judge in this proceeding. Before me is a notice of application to amend filed September 8, 2025, filed by the eight remaining plaintiffs in this action who are: Athena Balogh, John Borrell, Janet Rebel, Callen Schomaker, Katie Schomaker, James Treuer, Keith Shearer, and Shelly Shearer. They have jointly filed this application. They are all self-represented.
- [2] The original notice of application as filed attached a proposed first further amended notice of civil claim. That was initially opposed by the defendant bank, that is Citizens Bank of Canada, and some other defendants. But subsequently the plaintiffs (that is, when I say plaintiffs, I am referring to the eight remaining plaintiffs) augmented the proposed form of the first further amended notice of civil claim, and now none of the defendants oppose an order to amend, in the notice of application, in the form of the revised proposed first further amended notice of civil claim, which has been provided to me.

- [3] I take what has occurred to be an amendment to the notice of application, to substitute the first further amended notice of civil claim as proposed, which has been provided me today, with that previously attached to the notice of application.
- [4] Just by way of background, at the time of the filing of the notice of application, there was a ninth plaintiff, Mr. Baldwin. He has since discontinued and so there are eight remaining plaintiffs.
- [5] By way of further background, the original notice of civil claim in this action was filed on behalf of all the then-plaintiffs, I understand there were 28, by a lawyer who later withdrew. Subsequently, in 2019, six of the then-plaintiffs, five of whom are now current plaintiffs, filed amended notices of civil claim and those five are: Janet Rebel, Keith and Shelly Shearer, John Borrell, and Athena Balogh. That may have, at the time, created some confusion, and I express no comment on that, since what is now proposed in the current notice of application on behalf of the eight remaining plaintiffs is to file an amended first further amended notice of civil claim, on behalf of those eight plaintiffs, that overtakes the originally filed notice of civil claim and the amended notices of civil claim.
- [6] Also, by way of background, and it will be implicit from what I have said already, that the original notice of civil claim was filed on behalf of over 20 plaintiffs, and now there only remain eight.
- [7] This is therefore an unopposed application. I am satisfied that it is appropriate to grant an order as sought in para. 1 of the notice of application, permitting the amendment of the notice of civil claim and the referenced amended notices of civil claim in the form which is attached as the proposed revised first further amended notice of civil claim that I was provided today. And so I grant the order in para. 1 with respect to the first further amended notice of civil claim in the revised form that I have been provided.
- [8] The granting of this order therefore provides a pleading for the plaintiffs which is joint between them, which applies to the eight existing plaintiffs going forward.
- [9] Court Clerk, I grant the relief in para. 1 of the notice of application, with the caveat that the form of first further amended notice of civil claim will be as in the revised form that the plaintiffs provided to the defendants and was provided to me today.
- [10] THE CLERK: Yes, Justice, I got that, thank you.
- [11] THE COURT: Now, what would occur now, Ms. Rebel, other plaintiffs, is that you would prepare a form of order, you will circulate it so all of the plaintiffs and all of the counsel for the defendants, sign it, and then you would submit it for entry. I have made the order today, but a formal order needs to be signed and entered, and I just ask that counsel for the defendants, if there is any process matters that the plaintiffs are unsure about, if you could just assist so this order can be filed.

- [12] KATIE SCHOMAKER: Just to make a quick note that it will be me filing it, so any assistance would be greatly appreciated, thank you.
- [13] THE COURT: All right. And again, counsel for the defendants are not the lawyers for the plaintiffs, and I take this opportunity to urge the plaintiffs to get their own legal advice, but I am confident that counsel for the defendants will assist with any procedural aspects that may be necessary to have the order entered. "Stephens J."
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