

CANADA / JUDGMENT

# Cheesman v. Dobrer

2025 BCSC 1097

## COURT

Supreme Court of British Columbia

## DECIDED

27 February 2025

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2025 BCSC 1097 Cheesman v. Dobrer IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: Cheesman v. Dobrer, 2025 BCSC 1097 Date: 20250227 Docket: S240905 Registry: Vancouver Between: Matthew Cheesman Plaintiff And: Adam Dobrer and Hillel BC Society Defendants Before: The Honourable Justice A. Ross Oral Reasons for Judgment In Chambers Counsel for the Defendant Adam Dobrer: S.A. Dawson G. Rincon Counsel for the Defendant Hillel BC Society: D.H. Coles Counsel for the Attendee Jewish Faculty Network: C. Allevato V. Saran Place and Date of Hearing: Vancouver, B.C. February 27, 2025 Place and Date of Judgment: Vancouver, B.C. February 27, 2025

- [1] THE COURT: For the sake of expediency, I am delivering these reasons orally. When I refer to the need for expediency, the underlying application in this matter is scheduled to proceed on March 4, 2025, for three days. In this application, the applicant seeks intervenor status on the application that is proceeding next week.
- [2] For context, the plaintiff's claim is in defamation. It relates to events at the University of British Columbia touching on the current conflict in Gaza. Within the plaintiff's defamation action, the defendants have filed an application to dismiss the action under the provisions of the Protection of Public Participation Act, S.B.C. 2019, c. 3 [PPPA]. As noted, the applicant here seeks to intervene in that application. This application is made by a group called the Jewish Faculty Network ("JFN").
- [3] All parties agree that an application of this sort invokes the exercise of my discretion.
- [4] In this application, I am exercising my discretion against allowing the JFN to have intervenor status on the "SLAPP" application that is coming up next week.
- [5] I have various reasons for making this decision.
- [6] The first reason is the late nature of the application. The application materials from the parties are already filed. By definition, if intervenor status were granted, new arguments would be put forward by the intervenor, requiring the defendants to answer those arguments in time for the hearing next week. In my opinion, that is inappropriate.

- [7] Further, at the time this application was made on behalf of JFN, the proposed intervenor was represented by the same law firm as the plaintiff. I was later informed that that firm had indicated to JFN that it would not be acting for them (should intervenor status be granted). However, in my opinion, that scenario raises a significant concern that the submission of the intervenor does not represent a unique and independent prospective, but it is, in fact, simply a repetition of the plaintiff's position in the guise of an argument in the public interest.
- [8] Further, I have concern about the nature of the representative position of the spokesperson for JFN. JFN is not a legal entity. I was not taken to any document indicating a governing structure of that organization. The person who swore an affidavit in support of this application is certainly a member of JFN, but I have no information to confirm whether that person's views are prevailing views among the organization.
- [9] Still further, in my opinion, granting intervenor status in an application under the PPPA should be a rare event. The PPPA was introduced in order to facilitate a quick and efficient resolution to actions known as SLAPP litigation. In my opinion, it is antithetical to the quick resolution of those actions for the defendants to have to deal with this sort of application or to deal with intervenors in general.
- [10] Finally, in my opinion, the intervention of JFN would not assist the judge deciding the SLAPP application. I have heard from counsel for JFN that JFN would be providing information regarding academic independence and freedom on university campuses. In my opinion, that will not be helpful for the judge making the decision.
- [11] So, for all the reasons set out above, I dismiss the application for intervenor status.
- [12] I am not inclined to grant costs to any party.
- [13] That ends my reasons. "A. Ross J."

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