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**OLIVER & CO.**  
BARRISTERS AND SOLICITORS

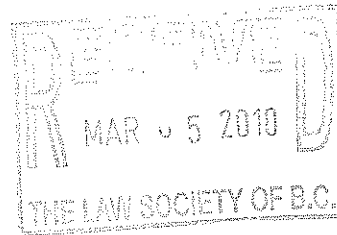
R. KEITH OLIVER, B.Sc., LL.B.\*  
Law Corporation

202 - 2963 GLEN DRIVE  
COQUITLAM, B.C.  
CANADA V3B 2P7  
FAX: (604) 357-1435  
TELEPHONE: (604) 484-9372

March 04, 2010

Law Society of British Columbia  
845 Cambie Street,  
Vancouver, B.C.  
V6B 4Z9

Attention: Susanne Raab  
**Re: File # 2009-1058**



Dear Ms. Raab

**Re: Harold C. Gaffney, your file 2009-1058**

I have for reference your letter dated February 25<sup>th</sup>, 2010 and received March 3rd, 2010. I have considered the matters as are the subject matter of the complaint and provide to you my explanation and response.

**Background**

During the interval from June 1<sup>st</sup>, 2006 through to the present time, I have represented Mrs. Gaffney, the spouse of the complainant, Harold Gaffney.

The litigation as between Mr. Gaffney and Mrs. Gaffney dealt in part with the sale of residential property as was previously jointly owned by Mr. and Mrs. Gaffney. On the sale of the property, an order was made directing that the proceeds of sale be used in a certain priority with the residue of the funds to be paid into trust, subject to a charge on those funds in favour of the costs awards as made in favour of Mrs. Gaffney, and subject to

a further potential residual interest in favour of Mr. Gaffney to the extent that the proceeds, if any, were greater than the Bills of Costs awarded against him. The litigation proceedings as between Mrs. Gaffney and Mr. Gaffney went through various levels of court, including the Supreme Court of Canada and ultimately numerous cost awards were made against Mr. Gaffney. The funds from the sale of the property remained in trust throughout the proceedings.

The decisions in the proceedings between Mrs. Gaffney and Mr. Gaffney included the order for the sale of the property, the dismissal of Mr. Gaffney's Appeals of interim and final Orders in that action, the dismissal of Mr. Gaffney's Appeal in a related action and the dismissal of Mr. Gaffney's Applications for leave to Appeal to the Supreme Court of Canada from two of the Court of Appeal decisions, and finally the denial of Mr. Gaffney's application to the Supreme Court of Canada for a reconsideration. All of the final Orders provided for Mr. Gaffney to pay the Costs of Mrs. Gaffney. In the Court of Appeal, the award of Costs was as Special Costs, and a s.29 (vexatious litigant) Order was made against Mr. Gaffney. Following the proceedings set forth above, to December 5<sup>th</sup>, 2007, I prepared draft Bills of Costs and delivered them to Mr. Gaffney. A copy of the draft Bills of Costs are attached, together with my covering letter. I also delivered to Mr. Gaffney drafts of the Orders of the Court of Appeal, for his endorsement. In his email exchange with me it appears that he was refusing to endorse those Orders with his signature because the Court had not Ordered him to do so, rather than because he had any issue with their contents. That email exchange is also attached.

By the time that I had delivered the Bills of Costs to Mr. Gaffney, my client had already incurred legal fees greatly in excess of the amount expected from her share of

the net sale proceeds and the Bills of Costs were at least approaching the amount expected to be available from Mr. Gaffney's share of the proceeds. Mrs. Gaffney was in a situation where there was little if any prospect of making any actual recovery against Mr. Gaffney for the amounts by which the Bills of Costs could exceed the amount of his share of the sale proceeds. Subsequently, Mr. Gaffney required me to re-attend Court for further matters, and on December 17<sup>th</sup>, 2007, I informed Mr. Gaffney that it was not my intention to have my client suffer any further costs in relation to dealings with him and I further informed him that if he wished to assess the Bills of Costs that he was at liberty to do so. I did not anticipate that Mr. Gaffney would take issue with the fact that the quantum payable to my client on the various Bills of Costs would greatly exceed the amount actually held by me in trust, and he has not done so. Nevertheless, as the litigation between Mr. and Mrs. Gaffney had been very acrimonious and Mr. Gaffney's approach to the litigation had been to run up costs at every step, I did not want to see my client suffer further with respect to additional fees or costs arising from needless assessment of the various Bills of Costs, if such could be avoided. (In hindsight, I now see this as an issue that I perhaps should have dealt with differently.) Nevertheless, at the time, as Mr. Gaffney had received the draft Bills of Costs and had not made any formal dispute with respect to the fact that the Bills of Costs would greatly exceed the amounts in trust, and as Mr. Gaffney had not challenged the quantum of the costs nor did he proceed with an assessment of the Bills of Costs, I proceeded to withdraw the funds from trust for payment according to the scheme set out in the Court Order. Since my bills to my client exceeded the total amount payable to her from her share of the proceeds, and Mr. Gaffney's obligation to her in costs exceeded the total amount of his share of the proceeds, I made two payments from my trust account, one; to my general account in the then total remaining due on my accounts to Mrs. Gaffney and two; to Mrs.

Gaffney in the sum of \$15,000.00. That left a residual amount of \$14,666.29 that I retained in trust, against the expected further expenses of dealing with Mr. Gaffney. A copy of the trust reconciliation showing those payments, recorded by cheques numbered 908 and 911 is attached.

I had already issued invoices to my client for the work done for her in relation to the proceedings and she did not take issue and did not dispute my entitlement to the fees as had been invoiced.

After Mr. Gaffney declined to proceed any further, by way of Assessment of costs, or Settlement applications, and after his Supreme Court of Canada disappointments, and after payment of my then current billings to my client, I paid out the remaining funds to Mrs. Gaffney, in the sum of \$10,000.00 on April 25<sup>th</sup>, 2008. That payment is referenced on the trust reconciliation at cheque number 982. By this time I had delivered Mr. Gaffney a draft certificate of result of sale, in the form attached to his letter, demonstrating to him part of the deficit in his entitlement, and I was convinced that he had ceased to make any further applications to court, for assessments or otherwise.

#### **Reference to the Rules of the Law Society of British Columbia**

I refer to Law Society Rules 3-56 and 3-57. I refer you to these as an explanation of the transaction but I likewise acknowledge that with the benefit of hindsight this may well have been a transaction that I should have addressed differently given the particularly difficult relationship that had already developed between Mr. Gaffney and me as well as between Mr. Gaffney and others.

Under Rule 3-56, it is acknowledged that a lawyer must not withdraw or authorize the withdrawal of any trust funds unless the funds are:

“(a) properly required for payment to or on behalf of a client or to satisfy a court order.”

In the circumstances here it was my belief at the time that the funds in trust were properly required for payment on behalf of my client in relation to the fees that she had already incurred in her multiplicity of dealings with Mr. Gaffney. Further, there were numerous court orders already made against Mr. Gaffney in relation to his obligation for costs, which would be used to permit my client to pay her own fees.

By reference to Rule 3-57(6), I further note that a lawyer may be entitled to take monies from trust for fees that are not disputed. As at the time of my dealings with Mr. Gaffney, it was my sincere belief and remains my sincere belief that the Bills of Costs as had been delivered to Mr. Gaffney greatly exceeded the amount of funds I held in trust and that at least that portion of the Bills of Costs as equalled the amount of the funds in trust were not in dispute, nor could they be reasonably in dispute. Quite simply, it was my view at the time and remains my view now that the Bills of Costs were fair and reasonable and that under no reasonable approach by any Registrar assessing those Bills of Costs, would there ever be a reduction of the Bills of Costs to an amount less than the amount held in trust.

Further, it was my view at the time and remains my view now that even if I had gone through the assessment of the Bills of Costs, the only practical result of doing so would have been to increase the fees chargeable to my client for the preparation and

attendance on the assessment of the Bills of Costs and as such would have added to the Bills of Costs that were otherwise chargeable against Mr. Gaffney. The effect of both of these would be to create an untenable situation of increasing the amount that could be pursued as against Mr. Gaffney by Mrs, Gaffney in circumstances where she neither had the financial resources to do so nor any realistic probability of making such recovery from him.

Again, in hindsight, while pursuit of such steps to formalize the assessment of the Bills of Costs would have avoided any issue or complaint with respect to my conduct, I believed at the time that at least with respect to the funds in trust, there was no credible dispute that could be raised as would reduce the Bills of Costs to an amount less than the amounts held in trust. This I saw as being in accord with Rule 1(5) of the Rules of Court as promote the just, speedy and inexpensive determination of every proceeding on its own merits, and the principle that counsel should seek to avoid pursuit of interlocutory or procedural steps and issues that do not actually advance the interests of their clients, but only serve to increase costs for the litigants.

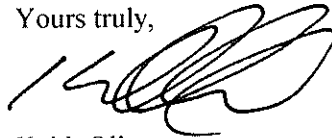
I note that Mr. Gaffney never proceeded with an assessment of the Bills of Costs, nor did I. The effect for Mr. Gaffney has been that as a result of the decision not to proceed with the assessment of the Bills of Costs, he has not been further pursued in execution for the residue of costs that would still be owing in excess of the amounts that were transferred from trust to my client and used to pay her fees. In fact, I note that in the fall of 2008 a third party made inquiry of me as to whether there was any intention on my client's part with respect to proceeding with execution on the outstanding costs awards owing by Mr. Gaffney to Mrs. Gaffney. I confirmed at that time that it was my client's

desire to incur no further fees nor to have any further contact with Mr. Gaffney in relation to costs or otherwise.

I acknowledge that this is an ambiguous situation. At the time of the transfer of funds, I believed that it was appropriate and that I had reasonable basis for doing so and that there was no credible argument that could be made that would reduce the amount of the Bills of Costs below the amount held by me in trust. I considered the propriety of the transaction based on my client's entitlement to the proceeds and the fact that there had been several court orders with respect to awards of costs against Mr. Gaffney that greatly exceeded the amount held in trust. I took some comfort in the fact that there was no indication that Mr. Gaffney disputed the Bills of Costs, at least to the extent of the funds in trust, although in hindsight I again recognize that the ambiguity of the situation could well have been avoided had I simply forced the matter through a formal assessment of the Bills of Costs. Given the long litigation history with Mr. Gaffney and the fact that this was an unusual situation, I would with hindsight, encourage my client to proceed with such an assessment, notwithstanding that there was no real ambiguity in my mind as to the entitlement of my client to the full benefit of the proceeds as held in trust.

I hope that this provides you with adequate explanation. If you would like to discuss the matter further with me, please feel free to call me.

Yours truly,

A handwritten signature in black ink, appearing to be "Keith Oliver", written over a horizontal line.

Keith Oliver

**OLIVER & CO.**  
BARRISTERS AND SOLICITORS

R. KEITH OLIVER, B.Sc., LL.B.  
Law Corporation

202 - 2963 GLEN DRIVE  
COQUITLAM, B.C.  
CANADA V3B 2P7  
TELEPHONE: (604) 464-5585  
FAX: (604) 357-1435

VIA FAX: (604) 685-6518

December 5, 2007

Our File No. 4798.001/RKO

Mr. Harold Cecil Gaffney  
312 - 450 Bromley Street  
Coquitlam, B.C.  
V3K 6S5

This is the original for your records  
of a facsimile transmission sent to  
you on Dec 6/07

Dear Sir:

**Re: Sheila Frances Gaffney v. Harold Cecil Gaffney**  
**Supreme Court of BC - Registry No. S102880**

This letter and its enclosures are to put you on notice as to the approximate amount of costs that are owing by you and which will be payable to our client out of the proceeds of sale of the condominium from your share before there is anything paid to you. Should you require us to do anything further in any of the actions for which we have received orders of costs, those costs will of necessity rise.

We have not yet tallied anything for the costs of the bankruptcy appeal although we are entitled to and we have not yet tallied anything for the costs at the Supreme Court of Canada in the bankruptcy file although we are certain that we will receive an award of costs, as will the Trustee.

As you can see the present Bills of Costs will entitle us to \$34,537.24 as they presently stand. Should you wish to limit the amount of costs in these four court files that we are entitled to, to this amount you may do so by endorsing and returning to us endorsed copies of each of the 3 party and party bills of costs in respect of the Supreme Court file, Court of Appeal file number CA35577, CA35415 and with respect to Court of Appeal file 35077 by signing the invoice that we have prepared and forwarded for that purpose.

If we have your endorsed Bills of Costs in hand when the money comes through and no other actions are taken by you that require us to expend costs on behalf of our client before we can distribute the funds we will then distribute the funds with any balance remaining of your share being made available to you. At this time we have not yet received a Statement of Adjustments from the purchaser's solicitor so we do not yet know how much money will be available for your share of net sale proceeds. When we have that information we will provide it to you.



We look forward to receiving the enclosed Bills of Costs endorsed by you consenting to the amounts set out therein.

Yours truly,

A handwritten signature in black ink, appearing to be 'R. Keith Oliver', written in a cursive style.

**R. KEITH OLIVER**

RKO:sw

Enclosures

cc. Client

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

SHEILA FRANCES GAFFNEY

PETITIONER

AND:

HAROLD CECIL GAFFNEY

RESPONDENT

**BILL OF COSTS OF THE PETITIONER**

	Tariff scale B	Unit Value \$110.00	
Item	Description		Number of Units
1A	Correspondence, conferences, instructions, investigations or negotiations by a party until the commencement of a proceeding, for which provision is not made elsewhere in this tariff.		5
1B	Correspondence, conferences, instructions, investigations or negotiations by a party after the commencement of a proceeding to the completion of the trial or hearing, for which provision is not made elsewhere in this tariff.		20
1C	Correspondence, conferences, instructions, investigations or negotiations by a party after the trial or hearing to enforce any final order obtained in that trial or hearing, for which provision is not made elsewhere in this tariff.		8
3	All process, for which provision is not made elsewhere in this tariff, for commencing and prosecuting a proceeding.		6
13A	All process and correspondence associated with retaining and consulting all experts for the purpose of obtaining opinions for use in the proceeding.		4

16	Preparation for an interlocutory application or other matter referred to in Item 17, for 1/2 day hearing Sept 5 <sup>th</sup> , 2007	1.5
16.	Preparation for an interlocutory application or other matter referred to in Item 17, for 1/2 day hearing Nov 2nd, 2007	1.5
16.	Preparation for an interlocutory application or other matter referred to in Item 17, for 1/2 day hearing Nov 7th, 2007	1.5
16	Preparation for an interlocutory application or other matter referred to in Item 17, for 1/2 day hearing Nov 20 <sup>th</sup> , 2007	1.5
16	Preparation for an interlocutory application or other matter referred to in Item 17, for 1 day hearing Nov 26 <sup>th</sup> , 2007	3
17	Hearing of interlocutory application ½ day hearing Sept 5 <sup>th</sup> , 2007	2
17	Hearing of interlocutory application ½ day hearing Nov 2nd, 2007	2
17	Hearing of interlocutory application ½ day hearing Nov 7th, 2007	2
17	Hearing of interlocutory application ½ day hearing Nov 20 <sup>th</sup> , 2007	2
17	Hearing of interlocutory application 1 day hearing Nov 26 <sup>th</sup> , 2007	4
18	Preparation for an application or other matter referred to in Item 19, for 1/2 day hearing April 11 <sup>th</sup> , 2007	2
19	Hearing of Petition, for 1/2 day hearing, April 11 <sup>th</sup> , 2007	2.5
18	Preparation for an application or other matter referred to in Item 19, for 1/2 day hearing April 25 <sup>th</sup> , 2007	2

19	Hearing of Petition, for 1/2 day hearing, April 25 <sup>th</sup> , 2007	2.5
20	Preparation for attendance referred to in Item 21, for each day of attendance for 1/2 day	1
21	Attendance before a registrar to settle an order or to assess costs, for 1/2 day	2
31	Process relating to entry of an order or a certificate of costs where Item 21 or 34 does not apply. (May 22 <sup>nd</sup> Order)	1
31	Process relating to entry of an order or a certificate of costs where Item 21 or 34 does not apply. (Sept 5th Order)	1
31	Process relating to entry of an order or a certificate of costs where Item 21 or 34 does not apply. (Nov 2nd Order)	1
31	Process relating to entry of an order or a certificate of costs where Item 21 or 34 does not apply. (Nov 20th Order)	1
31	Process relating to entry of an order or a certificate of costs where Item 21 or 34 does not apply. (Nov 26th Order)	1

	Claimed:		Allowed:
Total number of units:	<u>81</u>		<u>                    </u>
Multiply by unit value	<u>110.00</u>	X	<u>                    </u>
Subtotal	<u>8,910.00</u>		<u>                    </u>
GST (\$8,910.00 x .06)	<u>534.60</u>		<u>                    </u>
PST (\$8,910.00 x .07)	<u>623.70</u>		<u>                    </u>
Total Fees:	<u>\$ 10,068.30</u>		<u>\$10,068.30</u>

DISBURSEMENTS:

NON-TAXABLE DISBURSEMENTS:

Description:

File Writ of Summons	\$	208.00		
File Notice of Motions (X3)		186.00		
Paid Appraiser		545.00		
File Appointment for Review		<u>52.00</u>		
Total Non-Taxable Disbursements:	\$	991.00	\$	991.00

TAXABLE DISBURSEMENTS:

Description:

Agent's Fees	\$	145.00		
Service of Documents		75.00		
Courier		37.25		
Quicklaw		91.38		
Photocopies 272 @ \$.25		<u>68.00</u>		
Total Taxable Disbursements:		416.63		
GST (\$416.63 X .06)		<u>25.00</u>		
Total Taxable Disbursements (including GST)	\$	441.63	\$	441.63
TOTAL FEES AND DISBURSEMENTS:			\$	11,500.93

Date of Assessment: \_\_\_\_\_

Signature of assessing officer: \_\_\_\_\_

APPROVED AS TO AMOUNT

\_\_\_\_\_  
HAROLD GAFFNEY

NO. S102880  
NEW WESTMINSTER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

SHEILA FRANCES GAFFNEY

PETITIONER

AND:

HAROLD CECIL GAFFNEY

RESPONDENT

**CERTIFICATE OF COSTS**

I certify that on the        day of        , 2008, the Petitioner has been awarded costs  
against the Respondent in the sum of \$

Dated: \_\_\_\_\_

\_\_\_\_\_  
Registrar

COURT OF APPEAL FILE NO. CA035415  
SUPREME COURT FILE NO. S102880  
SUPREME COURT NEW WESTMINSTER REGISTRY

COURT OF APPEAL OF BRITISH COLUMBIA  
Appeal from Madam Justice W. Baker's Order pronounced on September 5th, 2007

BETWEEN:

SHEILA FRANCES GAFFNEY

(Petitioner)  
RESPONDENT

AND:

HAROLD CECIL GAFFNEY

(Respondent)  
APPELLANT

**BILL OF COSTS OF THE RESPONDENT**

Tariff scale 1      Unit Value \$60.00

Item	Description	Number of Units
1	Advising the Respondent on appeal,	5
6	Preparation for an Application, September 21st, 2007	5
7	Attendance at the Application of September 21st, 2007	5
6	Preparation for an Application, November 29th, 2007	5
7	Attendance at the Application of November 29th, 2007	5
10	Preparation for hearing of appeal, per ½ day	10
11	Attendance at hearing of appeal, per ½ day	10
12	Preparation and settlement of Judgment	2

THIS COURT ORDERS;

- 1 The Appeal is Dismissed;
- 2 The Respondent shall have her costs, as Special Costs, payable from the Appellant's share of proceeds of sale of the subject property.
- 3 The Appellant shall be prohibited, pursuant to s. 29 of the Court of Appeal Act, from bringing any Applications whatsoever in this Court, without first obtaining leave from a Justice of this Court.

BY THE COURT

\_\_\_\_\_  
Registrar

APPROVED AS TO FORM:

\_\_\_\_\_  
R. KEITH OLIVER, ESQ.  
Counsel for the Respondent

\_\_\_\_\_  
HAROLD C. GAFFNEY  
Appellant



**OLIVER & CO.**  
Barristers & Solicitors

#202-2963 Glen Drive  
Coquitlam, British Columbia  
Canada V3B 2P7

**File:** 4798.101  
**Date:** March 2, 2010  
**To:** Gaffney, Sheila  
301-9344 Cameron St  
Burnaby, British Columbia  
V3J 1L9  
**Attention:** Ms. Sheila Gaffney  
**Project:** Gaffney, trust

**STATEMENT OF TRUST ACCOUNT**

Page 1 of 1

Date	Chq #	Paid To:	Received From:	B	Transaction	Balance
Jun 28/06		trust	client	2	1,000.00	1,000.00
Jul 10/06	1066	O & Co	trust	2	-1,000.00	0.00
Aug 28/06		trust	client	2	240.00	240.00
Sep 11/06	1086	O & Co	trust	2	-240.00	0.00
Nov 28/06		trust	client	2	240.00	240.00
Nov 28/06	1101	O & Co	trust	2	-239.15	0.85
Dec 14/07		trust	Cadman	3	214,215.07	214,215.92
Dec 18/07	907	Noella	trust	3	-286.38	213,929.54
Dec 20/07	906	Donohoe	trust	3	-3,403.84	210,525.70
Dec 20/07	908	CIBC	trust	3	-131,661.68	78,864.02
Dec 20/07	911	client	trust	3	-15,000.00	63,864.02
Dec 20/07	912	O & Co	trust	3	-49,397.87	14,466.15
Jan 18/08	11687	trust	Cadman	3	200.14	14,666.29
Jan 31/08	946	O & Co	trust	3	-1,452.22	13,214.07
Feb 6/08	1306	O & Co	trust	3	-1,630.83	11,583.24
Mar 28/08	1312	trust	trust	2	-0.85	11,582.39
Mar 28/08	1312	trust	trust	3	0.85	11,583.24
Apr 11/08	977	O & Co	trust	3	-420.00	11,163.24
Apr 24/08	981	O & Co	trust,	3	-140.00	11,023.24
Apr 25/08	982	client	trust	3	-10,000.00	1,023.24
Jun 12/08	1071	O & Co	trust	3	-1,023.24	0.00
<b>Balance Held in Trust</b>						<b>\$0.00</b>

R. Keith Oliver  
RKO:pc

13 Preparation and assessment of bill of Costs

2

	Claimed:		Allowed:
Total number of units:	<u>49</u>		<u>                    </u>
Multiply by unit value	<u>60.00</u>	X	<u>                    </u>
Subtotal	<u>2,940.00</u>		<u>                    </u>
GST (\$2,940.00 x .06)	<u>176.40</u>		<u>                    </u>
PST (\$2,940.00 x .07)	<u>205.80</u>		<u>                    </u>
Total Fees:	<u>\$3,322.20</u>		<u>                    </u>

DISBURSEMENTS:

NON-TAXABLE DISBURSEMENTS:

Description:

File Appointment for Review	<u>52.00</u>		
Total Non-Taxable Disbursements:	\$ 52.00	\$	52.00

TAXABLE DISBURSEMENTS:

Description:

Photocopies 12 @ \$.25	3.00		
Agent's Fees	<u>10.00</u>		
Total Taxable Disbursements:	\$ 13.00		
GST (\$3.00 X .06)	<u>0.78</u>		
Total Taxable Disbursements (including GST)	\$ 13.78	\$	13.78

TOTAL FEES AND DISBURSEMENTS: \$ 3,387.98

Date of Assessment: \_\_\_\_\_

Signature of assessing officer: \_\_\_\_\_

APPROVED AS TO AMOUNT

\_\_\_\_\_  
HAROLD GAFFNEY

COURT OF APPEAL FILE NO. CA035415  
SUPREME COURT FILE NO. S102880  
SUPREME COURT NEW WESTMINSTER REGISTRY

COURT OF APPEAL OF BRITISH COLUMBIA  
Appeal from Madam Justice W. Baker's Order pronounced on September 5<sup>th</sup>, 2007

BETWEEN:

SHEILA FRANCES GAFFNEY

(Petitioner)  
RESPONDENT

AND:

HAROLD CECIL GAFFNEY

(Respondent)  
APPELLANT

**CERTIFICATE OF COSTS**

I certify that on the      day of                      , 2008, the Respondent, Sheila Gaffney has been awarded costs against the Appellant, Harold Gaffney in the sum of \$

Dated:                                      , 2008

\_\_\_\_\_  
Registrar

COURT OF APPEAL FILE NO. CA035577  
SUPREME COURT FILE NO. S102880  
SUPREME COURT NEW WESTMINSTER REGISTRY

COURT OF APPEAL OF BRITISH COLUMBIA  
Appeal from Mr. Justice Robert Crawford Order pronounced  
on April 25<sup>th</sup>, 2007 and Supplemental Order pronounced on May 22, 2007

BETWEEN:

SHEILA FRANCES GAFFNEY

(Petitioner)  
RESPONDENT

AND:

HAROLD CECIL GAFFNEY

(Respondent)  
APPELLANT

**BILL OF COSTS OF THE RESPONDENT**

Tariff scale 1      Unit Value \$60.00

Item	Description	Number of Units
1	Advising the Respondent on appeal,	5
6	Preparation for an Application, November 29th, 2007	5
7	Attendance at the Application of November 29th, 2007	5
10	Preparation for hearing of appeal, per ½ day	10
11	Attendance at hearing of appeal, per ½ day	10
12	Preparation and settlement of Judgment	2
13	Preparation and assessment of bill of Costs	2

	Claimed:		Allowed:
Total number of units:	<u>39</u>		<u>                    </u>
Multiply by unit value	<u>60.00</u>	X	<u>                    </u>
Subtotal	<u>2,340.00</u>		<u>                    </u>
GST (\$2340.00 x .06)	<u>140.40</u>		<u>                    </u>
PST (\$2340.00 x .07)	<u>163.80</u>		<u>                    </u>
Total Fees:	<u>\$2,518.20</u>		<u>                    </u>

DISBURSEMENTS:

NON-TAXABLE DISBURSEMENTS:

Description:

File Appointment for Review	<u>52.00</u>		
Total Non-Taxable Disbursements:	\$ 52.00	\$	52.00

TAXABLE DISBURSEMENTS:

Description:

Photocopies 12 @ \$.25	3.00		
Agent's Fees	<u>10.00</u>		
Total Taxable Disbursements:	\$ 13.00		
GST (\$13.00 X .06)	<u>0.78</u>		
Total Taxable Disbursements (including GST)	\$ 13.78	\$	13.78

TOTAL FEES AND DISBURSEMENTS: \$ 2,583.98

Date of Assessment: \_\_\_\_\_

Signature of assessing officer: \_\_\_\_\_

APPROVED AS TO AMOUNT

\_\_\_\_\_  
HAROLD GAFFNEY

COURT OF APPEAL FILE NO. CA035577  
SUPREME COURT FILE NO. S102880  
SUPREME COURT NEW WESTMINSTER REGISTRY

COURT OF APPEAL OF BRITISH COLUMBIA  
Appeal from Mr. Justice Robert Crawford Order pronounced  
on April 25<sup>th</sup>, 2007 and Supplemental Order pronounced on May 22, 2007

BETWEEN:

SHEILA FRANCES GAFFNEY

(Petitioner)  
RESPONDENT

AND:

HAROLD CECIL GAFFNEY

(Respondent)  
APPELLANT

**CERTIFICATE OF COSTS**

I certify that on the     day of                     , 2008, the Respondent, Sheila Gaffney has been awarded costs against the Appellant, Harold Gaffney in the sum of \$

Dated:                     , 2008

\_\_\_\_\_  
Registrar



**OLIVER & CO.**  
Barristers & Solicitors

#202-2963 Glen Drive  
Coquitlam, British Columbia  
Canada V3B 2P7  
Tel: 604/484-9372

**File:** 4798.001  
**Date:** December 5, 2007  
**To:** **Gaffney, Sheila**  
301-9344 Cameron St  
Burnaby, British Columbia  
V3J 1L9  
**Attention:** Mr. Harold Gaffney  
**Project:** Gaffney re Gaffney  
**Invoice:** #6938

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**FOR PROFESSIONAL SERVICES RENDERED**

Further to the Award of Special costs in the Court of Appeal, in CA Action no 035077, here is my bill of special costs.

1604	Service of Notice of Appeal in CA 035077. Review materials	1.50
07	and discuss with Sheila.	
1704	Prepare and file Appearance in Court of Appeal	.50
07		
1804	review Appeal materials to see if relevant to further Supreme	1.00
07	Court Applications	
1306	Served with Stay application for June 20th. Call registry to	1.50
07	discuss, call other lawyers to see if someone could stand in for me. Discuss with Donohoe as June 20 is day for hearing of Bankruptcy Appeal.	
1906	Review Stay materials.	.50
07		
2006	Attend Court of Appeal. Smith, J.A. refused to hear Harold on the Stay Application. Got excused from further attendance at hearing of Bankruptcy Appeal.	4.00
07		
0307	Served with 2nd application for a Stay, on short leave for	1.50
07	040707. Cancel other business for next day, review materials.	
0407	Attend Court of Appeal for adjournment of Stay application.	4.00
07	Adjournment granted by Low, J.A.	
0607	review Appeal and Stay material. Draft affidavit for Sheila to sign.	2.00
07		
0907	Served with further affidavit from Harold. Revise Sheila's affidavit and see her for signature and to discuss.	1.50
07		
1107	Foa from Harold. Review materials for Stay application and preparation	1.00
07		
1207	Attend Court of Appeal Chambers for application. Thackray J.A. refused stay.	4.00
07		
1707	Served again by Harold for 4th time re Stay application.	1.80
07	Review materials. Review Ct of Appeal Act for procedures	

2007 07	Attend Ct of Appeal Chambers. Low J.A. dismissed harold's application.	4.00
1708 07	review harold's Ct of Appeal Factum.	1.00
2008 07	discuss with Sheila. Outline strategies re Harold's harrassment by multiple appeal applications.	1.00
2208 07	Work on Respondent's Factum.	4.00
2308 07	Further work on Factum.	2.00
2808 07	Call from Court of Appeal. Discuss with Sheila.	.50
2908 07	Revisions to factum	.50
3008 07	Further revisions to Factum.	.50
0409 07	Final revisions to factum. Prepare copies for filing.	1.50
2711 07	preparation for hearing of Appeal	3.00
2911 07	Hearing of Appeal, Order dismissing Appeal, Costs, s 29.	5.00
3011 07	Draft order, start working of Bill of Special Costs	2.00
0312 07	further work on Bill of Special costs.	2.00
	anticipated back and forth with harold	2.00
	Settlement of Special Costs.	4.00
	Draft Orders of Thackray, Low, McKenzie JJA and forward to Harold for endorsement	1.00
	emails from Harold and replies re his endorsement on Orders.	1.00
		59.80

Keith Oliver

59.8 x \$250.00 =

14,950.00

Fee this invoice \$14,950.00

**DISBURSEMENTS**

**Taxable Expenses**

Parking Charges	Jun 20/07	12.00
	Jul 4/07	12.00
	Jul 12/07	12.00
	Jul 20/07	12.00
	Nov 29/07	18.00
Agent's fees		73.50
Photocopying		14.00
Total Taxable Expenses		<u>153.50</u>

Handling Fee (Subject to GST)      5% x \$153.50 =      7.68      161.18

\$15,111.18

PST      7.0%      x 14,950.00 =      1,046.50

GST (Registration No. R116714163)      6.0%      x 15,111.18 =      906.67

**AMOUNT NOW DUE** **\$17,064.35**

R. Keith Oliver  
RKO:pc

Terms: Net 30 days, service charge applied to overdue accounts  
4798.001acc

APPROVED AS TO AMOUNT

HAROLD GAFFNEY



Keith Oliver <rko@rkolaw.ca>

# Order of Justice Bernard and drafted Order of the appeal of Nov. 29th, 07

8 messages

Harold Gaffney <harold\_gaffney1@hotmail.com>

2 December 2007 10:13

To: Keith Oliver <rkolaw@gmail.com>, Keith Oliver <koliver@telus.net>

Cc: Tina Zanetti <tinaz@shaw.ca>, "Anthony Jasich LL.B" <anthonyjasich@shaw.ca>

To Keith Oliver:

On Friday you faxed a copy of Justice Bernard, which I attach a copy, however you have not provided me with an entered order of the first order of Justice Bernard. All that you have provided me with is an unentered Order, which I attach a copy.

Please fax me the order of Justice Bernard that you claimed before the panel on Nov. 29, 07, was entered.

Further, please provide me with your drafted order of the appeal before Chief Justice Lance Finch, Justice John Hall and Risa Levine.

I wait for your immediate response.

Harold Gaffney

Books, DVD's, gadgets, music and more. [Shop online with Sympatico / MSN Shopping today!](#)

2 attachments

Order of Justice Bernard .PDF  
113K

No.1 Order of Justice Bernard .PDF  
134K

Keith Oliver <rkolaw@gmail.com>

3 December 2007 08:30

Reply-To: rkolaw@gmail.com

To: Harold Gaffney <harold\_gaffney1@hotmail.com>

Harold:

You already have a copy of the Order of Justice Bernard, entered. You included that Order in your Application book for a Stay, at pages 7,8 and 9.




I attach draft Orders from the Court of Appeal. If you want to approve these and return them to me this week, I will get the entered copy to you as soon as they are returned to me from the Court. If you do not get an approved copy back to me this week, I will seek dispensing with your signature on each, and will get you a filed copy in due course. By signing these Orders, you are not agreeing with the Orders, merely agreeing that the

form I have used correctly sets out what the Judges said. If I have to go back and get your signature dispensed with, I will be charging you for that appearance, payable from your part of the proceeds of sale of the Condo. If you sign the Orders, you will save at least \$1000.00.

Keith Oliver  
[Quoted text hidden]

R. Keith Oliver  
Barrister & Solicitor  
202-2963 Glen Drive,  
Coquitlam, B.C. V3B 2P7  
604-484-9372

**3 attachments**

-  **Order Nov 29 v 2.doc**  
74K
-  **Order Nov 29 v 3.doc**  
74K
-  **Order Nov 29 v 6.doc**  
74K

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**Harold Gaffney** <harold\_gaffney1@hotmail.com>

**4 December 2007 08:51**

To: rkolaw@gmail.com  
Cc: "Anthony Jasich LL.B" <anthonyjasich@shaw.ca>, Tina Zanetti <tinaz@shaw.ca>

To Keith Oliver:

Thus far your order does not accurately reflect the ruling of the panel on November 29th, 2007 therefore rather than threatened me with costs, and try to have the order entered, you must obtain the transcript and the Reasons for Judgments of the Nov. 29th, 2007 proceedings. Without it, the registrar will not settle it.

The first absurdity in your drafted order is you referring yourself as ESQ when you very well know that you are nothing but a fraud. similar to Martin Wirick, who finally was disbarred after years of committing crimes against innocent people, many were seniors. If you think you can get \$1,000.00 without the transcript and without the judgment than go ahead and commit on another fraud on the court, keep in mind that I will get triple costs against you further down the line.

In the meantime, I am copying this email to Jennifer Jordan, so that she be aware of your attempt to defraud the court one more time.

Yours truly,

Harold Gaffney

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Date: Mon, 3 Dec 2007 08:30:16 -0800  
 From: rkolaw@gmail.com  
 To: harold\_gaffney1@hotmail.com  
 Subject: Re: Order of Justice Bernard and drafted Order of the appeal of Nov. 29th, 07  
 [Quoted text hidden]

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Your chance to win great prizes with Telus and Windows Live Messenger for Mobile. [Click here for more information!](#)

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**Keith Oliver <rkolaw@gmail.com>** **4 December 2007 10:47**  
 Reply-To: rkolaw@gmail.com  
 To: Harold Gaffney <harold\_gaffney1@hotmail.com>

Harold:  
 I will submit the Orders, as drafted, but without your endorsement. If teh Court wants you back in to settle the form of Order, I will add the costs of that to the Special costs already Ordered. The \$1000.00 was an estimate only. I will charge you exactly what it costs, which could exceed \$1000.00.  
 Keith Oliver ESQ.  
 [Quoted text hidden]

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**Harold Gaffney <harold\_gaffney1@hotmail.com>** **4 December 2007 11:21**  
 To: rkolaw@gmail.com

Mr. Oliver:

You are attempting to draw me into endorsing your fraud. I can't recall the court saying to refer the order to me for endorsement.

When I see the judge's reasons in writing then I will respond specifically to your allegation.

I note that you have included "with consent". I'm calling your bluff, and in any case that is why I ordered the transcript, so if you want a copy of it, you will have to pay half. It would be one more absurdity, if the court was to give you what you wanted and at the same time withheld the judges written reasons from me.

Harold Gaffney

---

Date: Tue, 4 Dec 2007 10:47:46 -0800  
 [Quoted text hidden]

[Quoted text hidden]

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**Keith Oliver <rkolaw@gmail.com>** **4 December 2007 13:13**  
 Reply-To: rkolaw@gmail.com  
 To: Harold Gaffney <harold\_gaffney1@hotmail.com>

Harold:

Signing the Order does not endorse my "fraud". It merely tells the Court that you understand what the Court has Ordered, even if you disagree with it.

I also sent you the Orders of Thackray, Low and McKenzie JJA for your endorsement. As you have not returned those to me, I assume you are refusing to endorse those as well. If you want to set a single date for settlement of all of the Orders, let me know and I'll set it up. The Special costs Order will apply to all of the settlement hearings.

[Quoted text hidden]

---

**Harold Gaffney <harold\_gaffney1@hotmail.com>**

**4 December 2007 17:25**

To: rkolaw@gmail.com

Cc: Tina Zanetti <tinaz@shaw.ca>

Mr. Oliver:

The issue of those orders does not even come up until Justice Finch gives his decision in writing. It may very well be that Justice Finch recants everything that he put in just as you recanted your special costs before Judge Bernard on November 26.

Seems to me that you must persuade the chief judge to issue his reasons sooner so that you can put in your orders.

In the interim, tell me who is the person you had sign the second order on 30 Nov 07. He is not the registrar of New Westminster Supreme Court. Is it possible that you strayed outside the Supreme court into say the Provincial Court registry.

Harold Gaffney

---

Date: Tue, 4 Dec 2007 13:13:55 -0800

[Quoted text hidden]

[Quoted text hidden]

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**Keith Oliver <rkolaw@gmail.com>**

**5 December 2007 09:03**

Reply-To: rkolaw@gmail.com

To: Harold Gaffney <harold\_gaffney1@hotmail.com>

Harold:

This is how it works:

First, in the Supreme Court; the Order is submitted to the clerk at the counter in the Registry. In the case of the second Order by Bernard, J., I attached a letter asking for priority treatment, as there is a deadline on having a filed copy of that Order. The counter clerk checks the Order for the proper form and someone checks it against the courtroom clerk's notes of what was Ordered. If it is accurate, one of the Registrars, in this case Chris Gilmour, signs it and then it gets entered. It is not necessary to have it signed by the Judge. Once entered, it is placed in the file and a copy is returned to the lawyer who submitted it. That is how I got it. Once in the file, it is available to anyone who searches the file. That is how you got it.

Once entered, the Order is enforceable, the Judge is functus. The matters dealt with in the Order can then only be altered by a higher Court, but in your case, you may not go to a higher Court, as the Order of the full Court of Appeal includes a s. 29 prohibition. That means that you may not file any further Appeals without leave of a Justice of the Court of Appeal. That prohibition is to stop you bringing any more of your Applications in the Court of Appeal, where you have no hope of success, but have brought your applications for the purpose of causing inconvenience and expense to the Respondent.

Second, in the Court of Appeal; The Order speaks from the moment it is granted in the Courtroom. It does not wait for a decision in writing, as there will not be anything further coming from the Chief Justice. It does not wait for a document to be produced to the Registry and stamped. There will be no reconsideration by the Chief Justice. There is no reason to look at any transcript of the proceedings. As to your reluctance to sign the Court of Appeal Orders that I have sent to you, that will only delay the settlement of any amount payable to you from the proceeds of sale of your home, as until I get all of the loose ends dealt with, I cannot submit my final bill of costs. I will be holding your share of the proceeds, after payment of registered charges, against those costs, as I expect the final bills of costs will come close to exhausting those funds. If you want the costs issue dealt with at an early date, we must first have finished with any further loose ends, like settlement of Orders. If you would rather drive those costs up past the point where there is any money left to pay them, that is, of course, your call.

[Quoted text hidden]

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COURT OF APPEAL FILE NO. CA034015  
SUPREME COURT FILE NO. S102880  
SUPREME COURT NEW WESTMINSTER REGISTRY

COURT OF APPEAL OF BRITISH COLUMBIA  
Appeal from Madam. Justice Baker's Order pronounced on September 5th, 2007

BETWEEN:

SHEILA FRANCES GAFFNEY

(Petitioner)  
RESPONDENT

AND:

HAROLD CECIL GAFFNEY

(Respondent)  
APPELLANT

**ORDER**

BEFORE THE HONOURABLE JUSTICES FINCH, HALL AND LEVINE JJA

Vancouver, British Columbia, Thursday November 29<sup>th</sup>, 2007

THE APPEAL herein coming on for hearing before us on the 29<sup>th</sup> day of November, 2007, AND UPON HEARING the Appellant in Person and R. KEITH OLIVER, Esq. of counsel for the Respondent, and upon reading the materials filed herein;

THIS COURT ORDERS;

- 1 The Appellant's application is Dismissed;
- 2 The Appeal is summarily Dismissed;
- 3 The Respondent shall have her costs, payable in the same manner as the costs awarded in the Court below, that is, from the Appellant's share of proceeds of sale of the subject property.

BY THE COURT

\_\_\_\_\_  
Registrar

APPROVED AS TO FORM:

\_\_\_\_\_  
R. KEITH OLIVER, ESQ.  
Counsel for the Respondent

\_\_\_\_\_  
HAROLD C. GAFFNEY  
Appellant

COURT OF APPEAL FILE NO. CA035577  
SUPREME COURT FILE NO. S102880  
SUPREME COURT NEW WESTMINSTER REGISTRY

COURT OF APPEAL OF BRITISH COLUMBIA  
Appeal from Mr. Justice Bernard's Order pronounced on November 26th, 2007

BETWEEN:

SHEILA FRANCES GAFFNEY

(Petitioner)  
RESPONDENT

AND:

HAROLD CECIL GAFFNEY

(Respondent)  
APPELLANT

**ORDER**

BEFORE THE HONOURABLE JUSTICES FINCH, HALL AND LEVINE JJA

Vancouver, British Columbia, Thursday November 29<sup>th</sup>, 2007

THE APPEAL herein coming on for hearing before us on the 29<sup>th</sup> day of November, 2007, AND  
UPON HEARING the Appellant in Person and R. KEITH OLIVER, Esq. of counsel for the  
Respondent, and upon reading the materials filed herein;

THIS COURT ORDERS;

- 1 The Appellant's application for a Stay is Dismissed;
- 2 The Appeal is summarily Dismissed;
- 3 The Respondent shall have her costs, payable in the same manner as the costs awarded in the Court below, that is, from the Appellant's share of proceeds of sale of the subject property.

BY THE COURT

\_\_\_\_\_  
Registrar

APPROVED AS TO FORM:

\_\_\_\_\_  
R. KEITH OLIVER, ESQ.  
Counsel for the Respondent

\_\_\_\_\_  
HAROLD C. GAFFNEY  
Appellant

COURT OF APPEAL FILE NO. CA035077  
SUPREME COURT FILE NO. S102880  
SUPREME COURT NEW WESTMINSTER REGISTRY

COURT OF APPEAL OF BRITISH COLUMBIA  
Appeal from Mr. Justice Robert Crawford Order pronounced on April 25th, 2007  
& Supplemental Order pronounced on May 22, 2007

BETWEEN:

SHEILA FRANCES GAFFNEY

(Petitioner)  
RESPONDENT

AND:

HAROLD CECIL GAFFNEY

(Respondent)  
APPELLANT

**ORDER**

BEFORE THE HONOURABLE JUSTICES FINCH, HALL AND LEVINE JJA

Vancouver, British Columbia, Thursday November 29<sup>th</sup>, 2007

THE APPEAL herein coming on for hearing before us on the 29<sup>th</sup> day of November, 2007, AND  
UPON HEARING the Appellant in Person and R. KEITH OLIVER, Esq. of counsel for the  
Respondent, and upon reading the materials filed herein;