



No. S-152905
Vancouver Registry

In the Supreme Court of British Columbia

Between:

THE LAW SOCIETY OF BRITISH COLUMBIA

Petitioner

And:

R. CHARLES BRYFOGLE

Respondent

ORDER MADE AFTER APPLICATION

BEFORE)
) THE HONOURABLE)
) ASSOCIATE CHIEF JUSTICE CULLEN) 15 July 2016
)

ON THE APPLICATION of the petitioner, the Law Society of British Columbia (the "Law Society"), dated 28 October 2015 coming on for hearing at Vancouver, British Columbia on December 1, 2015, and on hearing Michael J. Kleisinger, lawyer for the Law Society, and R. Charles Bryfogle, on his own behalf; AND ON THE FURTHER APPLICATION of the petitioner dated 22 April 2016, coming on for hearing at Kamloops, British Columbia, on 14 and 15 July 2016, and after hearing Mr. Kleisinger, lawyer for the Law Society and Bradford Smith, lawyer for Mr. Bryfogle, and judgment being reserved to this date:

THIS COURT DECLARES AND ORDERS THAT:

1. R. Charles Bryfogle is in contempt of the orders of Mr. Justice Meiklem pronounced April 2, 2007 (the "Meiklem Order") and Associate Chief Justice Cullen pronounced March 9, 2015 for having instituted and initiated legal proceedings, without prior leave of the court, in *R. Charles Bryfogle v. Director, Ministry of Children and Family Development, et al*, Supreme Court of British Columbia, Kamloops Registry No. 50587.

2. Mr. Bryfogle is in contempt of the order of Mr. Justice Groberman (then of the Supreme Court) pronounced on June 9, 2006, as varied by Madam Justice Bruce on January 17, 2012 (the "Groberman/Bruce JJ. Order"), for failing to inform the Unauthorized Practice Committee of Law Society of his involvement in:
 - i. *Hegedus v. Interior Health Authority*, Community Care and Assisted Living Appeal Board File No. 2014-CCA-005; and
 - ii. various legal matters between the Chilcotin National Congress, third parties and government agencies.
3. Mr. Bryfogle shall be subject to a conditional sentence order ("CSO") for a period of 12 months from the pronouncement of this Order.
4. For the duration of the CSO, Mr. Bryfogle shall:
 - (a) keep the peace and be of good behaviour;
 - (b) appear before the court when the court requires him to do so;
 - (c) report to a conditional sentence supervisor (the "Supervisor") within two working days of this Order, or such longer period as the court directs, and thereafter when the Supervisor requires and in the manner that the Supervisor directs;
 - (d) remain within the jurisdiction of the court, unless he obtains written permission to go outside of the jurisdictions from the court or the Supervisor;
 - (e) notify the court or the Supervisor in advance of any change of name or address;
 - (f) notify the court or the Supervisor of any change of employment or occupation;
 - (g) be under house arrest for the first three months of the CSO, and shall not leave his house, except in the case of a legitimate medical emergency or with the prior written permission of the Supervisor;
 - (h) undergo such psychiatric or psychological assessment as directed by the Supervisor;
 - (i) participate in any treatment program or counselling recommended as a result of the assessment and approved by the Supervisor and by the Province (the Supervisor is to contact Mr. Byfogle's medical practitioner to obtain any information that is required to make a referral);

- (j) have no contact or association with the Chilcotin National Congress or any of its representatives in their capacity as a representative of the Chilcotin National Congress;
- (k) have no contact with any representative of the Ministry of Children and Family Development;
- (l) adhere to and not breach any of the existing court orders currently in force against him, including:
 - i. the Groberman/Bruce JJ. Order;
 - ii. the Meiklem Order;
 - iii. the order of Madam Justice Gray dated June 12, 2015; and
 - iv. the order of Associate Chief Justice Cullen dated November 27, 2015;
- (m) not enter any courthouse in the Province of British Columbia, except if:
 - i. he is charged with an offence and must attend court for matters related to that offence; or
 - ii. he is the respondent to a proceeding against him and must attend court for matters related to that proceeding; or
 - iii. he is attending court as a witness to a proceeding pursuant to a subpoena; or
 - iv. he is attending the registry of the Court of Appeal for the specific purpose of filing documents in connection to an appeal which is extant at the pronouncement of this Order.
- (n) not file any documents in any court registry in the Province of British Columbia, except
 - i. if he is charged with an offence and must file documents for matters related to that offence; or
 - ii. if he is the respondent to a proceeding brought against him and must file documents in response to that proceeding; or
 - iii. if the document are signed and filed by a member in good standing of the Law Society; or
 - iv. he is attending the registry of the Court of Appeal for the specific purpose of filing documents in connection to an appeal which is extant at the pronouncement of this Order.

- (o) not involve himself in any proceeding or legal matter in any manner whatsoever on behalf or relating to the Chilcotin Nation and its members, including those who identify with the Chilcotin National Congress; and
 - (p) not involve himself in any proceeding or legal matter whatsoever on behalf or relating to Zsuzsanna Hegedus, except as to appear as a witness under subpoena to a criminal proceeding brought against Ms. Hegedus.
5. After the expiry of the CSO, Mr. Bryfogle will be subject to a probation order for a further period of one year (the "Probationary Period").
6. For the duration of the Probationary Period, Mr. Bryfogle shall:
- (a) keep the peace and be of good behaviour;
 - (b) report to a probation officer within two days of the termination of the CSO, and thereafter as directed by the probation officer;
 - (c) continue to participate in any treatment program or counselling as directed by his probation officer;
 - (d) not enter any courthouse in the Province of British Columbia, except if:
 - i. he is charged with an offence and must attend court for matters related to that offence; or
 - ii. he is the respondent to a proceeding against him and must attend court for matters related to that proceeding; or
 - iii. he is attending court as a witness to a proceeding pursuant to a subpoena; or
 - iv. he is attending the registry of the Court of Appeal for the specific purpose of filing documents in connection to an appeal which is extant at the pronouncement of this Order.
 - (e) not file any documents in any court registry in the Province of British Columbia, except if:
 - i. he is charged with an offence and must file documents for matters related to that offence; or
 - ii. he is the respondent to a proceeding brought against him and must file documents in response to that proceeding; or
 - iii. the document are signed and filed by a member in good standing of the Law Society; or

- iv. he is attending the registry of the Court of Appeal for the specific purpose of filing documents in connection to an appeal which is extant at the pronouncement of this Order.

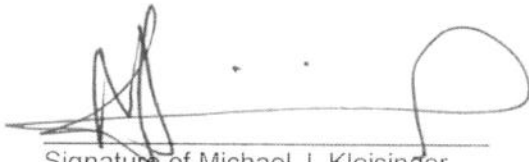
 - (f) not involve himself in any proceeding or legal matter in any manner whatsoever on behalf or relating to the Chilcotin Nation and its members, including those who identify with the Chilcotin National Congress; and

 - (g) not involve himself in any proceeding or legal manner whatsoever on behalf or relating to Zsuzsanna Hegedus, except as to appear as a witness under subpoena to a criminal proceeding brought against Ms. Hegedus.
7. The Court dispenses with the requirement of Mr. Bryfogle to approve of the form of this Order.

WITH THE CONSENT OF THE PARTIES, THIS COURT FURTHER ORDERS THAT:

- 8. The Law Society is awarded its special costs fixed in the amount of \$100,000, representing the special costs awarded in this proceeding and those awarded by Associate Chief Justice Cullen on December 2, 2015, Madam Justice Gray on June 12, 2015 and Madam Justice Bruce on January 17, 2012.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS NOTED ABOVE:



Signature of Michael J. Kleisinger,
Lawyer for the Petitioner



Signature of Bradford Smith,
Lawyer for the Respondent

Digitally signed by
Cullen, J

By the Court

Digitally signed by
Jacqueline Hoang

Registrar