

SEP 30 2019



S1910927

ACTION NO.  
VANCOUVER REGISTRY

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

BETWEEN

JAYCEN STEPHENS AND OWEN MANN-CAMPBELL

PLAINTIFFS

AND

JUUL LABS CANADA, LTD. AND JUUL LABS, INC.

DEFENDANTS

Brought under the *Class Proceedings Act*, R.S.B.C. 1996, c. 50

**NOTICE OF CIVIL CLAIM**

**This action has been started by the plaintiffs for the relief set out in Part 2 below.**

If you intend to respond to this action, you or your lawyer must

- (a) file a response to civil claim in Form 2 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim on the plaintiffs.

If you intend to make a counterclaim, you or your lawyer must

- (a) file a response to civil claim in Form 2 and a counterclaim in Form 3 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim and counterclaim on the plaintiffs and on any new parties named in the counterclaim.

JUDGMENT MAY BE PRONOUNCED AGAINST YOU IF YOU FAIL to file the response to civil claim within the time for response to civil claim described below.

**Time for response to civil claim**

A response to civil claim must be filed and served on the plaintiffs,

- (a) if you were served with the notice of civil claim anywhere in Canada, within 21 days after that service,
- (b) if you were served with the notice of civil claim anywhere in the United States of America, within 35 days after that service,

(c) if you were served with the notice of civil claim anywhere else, within 49 days after that service, or

(d) if the time for response to civil claim has been set by order of the court, within that time.

## CLAIM OF THE PLAINTIFFS

### Part 1: STATEMENT OF FACTS

1. This action concerns the electronic cigarette, or more commonly called e-cigarette, product, JUUL®. E-cigarettes are battery-powered smoking devices which contain cartridges filled with a liquid that contains nicotine, propylene glycol, glycerine, benzoic acid and flavourings. Vaping is the act inhaling of the vapour created by the e-cigarette. JUUL is a type of e-cigarette which is described on the official Canadian website as "created to be a satisfying alternative to cigarettes".
2. The Plaintiffs, Jaycen Stephens and Owen Mann-Campbell (the "Plaintiffs"), have an address for delivery of 820 – 980 Howe Street, in the City of Vancouver, in the Province of British Columbia. The Plaintiffs had been using a JUUL brand e-cigarette ("Vaping") since 2018 and subsequently experienced adverse health conditions as a result of Vaping, including pulmonary disease. The Plaintiffs bring this action on their own behalf and on behalf of a proposed class of similarly situated persons who have purchased and used JUUL e-cigarettes in Canada, to be further defined in the Plaintiffs' application for class certification.
3. The Defendant, JUUL Labs Canada Ltd. (hereinafter, "JUUL"), has a registered and records office address of Suite 2600 Three Bentall Centre, 595 Burrard Street, P.O. Box 49314 in Vancouver, BC, V7X 1L3.
4. The Defendant, JUUL Labs, Inc. (hereinafter, "JUUL USA"), has a place of business at 560 20<sup>th</sup> Street, San Francisco, California USA, 94107-4344.
5. At all material times, each of the Defendants hereinabove was the agent, servant, employee, partner, alter ego, aider and abettor, co-conspirator and/or joint venturer of each of the remaining Defendants named herein and were at all times operating and acting within the purpose and scope of said agency, service, employment, partnership, conspiracy, and/or joint venture, and each Defendants has ratified and approved the acts of each of the remaining Defendants.
6. At all material times, the Defendants designed, manufactured, and distributed e-cigarettes for sale in Canada and/or worldwide.
7. E-cigarettes, or Vaping, are an alternative to traditional cigarettes, or smoking. However, they are both addictive and contain, *inter alia*, cancer-causing chemicals.

## United States

8. On or about August 30, 2019, the U.S. Food & Drug Administration ("FDA") issued, *inter alia*, a statement about the harmful effects of using e-cigarettes, and in particular, potentially severe respiratory and pulmonary diseases which result from using e-cigarettes. The article also speaks of a recent death of an individual as a result of Vaping.
9. Also on or about August 30, 2019, the U.S. Center for Disease Control ("CDC") provided, *inter alia*, recommendations to clinicians in suspected cases of patients with pulmonary disease as a result of using e-cigarettes. The article also reported an "outbreak" of possible cases around the country where e-cigarettes were the cause of reports of respiratory and pulmonary issues.

## Canada

10. On or about September 6, 2019, Health Canada issued a public notice about the dangers of using e-cigarettes. This public notice advised that there have been reports of pulmonary illness, and even death, as a result of Vaping.
11. The information on the Health Canada website regarding this public notice included the following:

This caution comes in the wake of the recent cases of acute pulmonary illnesses and several deaths reportedly linked to the use of vaping products in the United States. The United States Food and Drug Administration (US FDA) and the Centers for Disease Control and Prevention (US CDC) released a statement August 30 on their ongoing investigation into the cause of the illnesses. The same day, the US CDC issued an official health advisory. On September 6, the US CDC released publications to provide an update on the status of the investigation. The source of the illnesses remains unclear at this time; however, the US CDC reports that chemical exposure is the likely cause. Many patients have reported vaping tetrahydrocannabinol (THC) and/or nicotine-containing products. However, at this time no specific product, substance or device has been linked to all cases of vaping illness in the U.S.

## JUUL Labs Canada Ltd.

12. The official JUUL Canada website describes their e-cigarette products as follows:

JUUL was designed with smokers in mind.

JUUL has no buttons or switches. The JUUL vapourizer has regulated temperature control and uses JUUL pods filled with a proprietary e-liquid formulation that combines glycerol, propylene glycol, natural oils, extracts and flavor, nicotine and benzoic acid. These qualities are unique to JUUL.

[...]

JUUL uses an intelligent heating mechanism that creates an aerosol and is engineered to minimize combustion.

JUUL is a closed system vapour product and is not designed to be refillable.

JUUL is rechargeable via a USB port.

13. JUUL pods, which are e-liquid cartridges which deliver the vapour experience with inhalation, are said to contain the following chemicals:

- Propylene glycol and glycerine (30/60 mix);
  - (up to 90%)

Propylene glycol and glycerine are clear liquids that are used to create a visible vapor, and are commonly used by the medical, beauty and food industries. A majority, if not all e-liquids, contain propylene glycol (PG).
- Nicotine
  - Nicotine is a stimulant that comes from the tobacco plant. We use highly purified/USP grade/pharmaceutical grade nicotine.
- Benzoic Acid
  - Benzoic acid is a naturally occurring ingredient, found in tobacco and other substances. When combined with nicotine as part of our nicotine salts formulation, it helps provide cigarette-like satisfaction.
- Flavor
  - JUUL flavors consist of both naturally occurring and artificial flavor ingredients which provide the specific taste profile for each flavor.

14. The JUUL starter kit, as advertised on their Canadian website, consists of the following:

- JUUL device;
- USB charging dock;
- Four JUUL pods in 5% nicotine strength (Virginia Tobacco, Mint, Vanilla, and Mango),

For a cost of \$64.99 CDN.

15. JUUL has emerged as a leading e-cigarette brand and, in or around July 2019, opened its first brick-and-mortar store in North America in Toronto.

16. The Defendants marketed, and sold e-cigarettes throughout North America, including within the province of British Columbia.

17. The Defendants distributed their e-cigarettes to various retail outlets, which ultimately sold them to unsuspecting consumers, including the Plaintiffs.

18. Individuals who have used e-cigarettes, including those manufactured and distributed by JUUL, have reported experiencing symptoms associated with respiratory or pulmonary symptoms, including the following:
  - Shortness of breath;
  - Chest pain;
  - Coughing;
  - Asthma;
  - Influenza;
  - Pneumonia (the above conditions collectively referred to as "Pulmonary Disease");
  - Vocal change;
  - Vocal loss;
  - Anxiety; and
  - Such further symptoms that may be proven at trial.
19. The symptoms associated with Pulmonary Disease have been reported by individuals who have used JUUL e-cigarettes.
20. The Defendants have represented in their advertisements, representations and communications to consumers that Vaping is a safer alternative to smoking. Misleading and/or deceptive statements, express and implied, made by the Defendants include the following:
  - That their products are a tool to help adult smokers stop smoking;
  - That smokers should "Make the Switch";
  - That the Defendants' products are "totally safe";
  - That the FDA "was about to come out and say it was 99 percent safer than cigarettes";
  - "JUUL labs was founded with the goal of impacting the lives of the world's one billion smokers by eliminating cigarettes";
  - "No tar. No smoke. No ash." and other similar representations which imply that Vaping is safer than smoking;

- Representations targeted to selling JUUL e-cigarettes minors, including marketing of fruit-flavoured e-cigarette pods, and other advertisements designed to induce purchase of JUUL e-cigarettes by minors; and
  - Such other representations or statements as may be proven at trial.
21. To date, the FDA has not approved any e-cigarette product, including products manufactured by the Defendants, as a smoking cessation aid under the safety and efficacy standard governing FDA-regulated medical products.
22. The Plaintiffs bring this action against the Defendants, and each of them, based on their manufacturing of e-cigarettes, their disregard to the harmful effects of using their products, and their failure to adequately warn consumers of the risks associated with their products.

### **The Plaintiff Jaycen**

23. Prior to 2018, the Plaintiff Jaycen Stephens ("Plaintiff Jaycen") did not smoke cigarettes.
24. Due to representations made in the public domain that e-cigarettes were safe and a healthier alternative to smoking, the Plaintiff Jaycen purchased and commenced using JUUL e-cigarettes in 2018, while he was an 18-year-old minor.
25. Immediately after commencing JUUL e-cigarettes, the Plaintiff Jaycen has sustained damages including, but not limited to, the following:
- Shortness of breath;
  - Chronic bronchitis
  - Chest pain;
  - Coughing;
  - Pneumonia;
  - Increased addiction to nicotine;
  - Anxiety; and
  - Such other injuries as shall be proven at trial,

all of which injuries have caused and continue to cause the Plaintiff Jaycen pain, suffering, loss of enjoyment of life, permanent physical disability, loss of earnings, past and prospective, loss of income earning capacity, loss of opportunity to earn income and loss of housekeeping capacity, past and prospective.

26. In 2019, the Plaintiff Jaycen was advised by a family doctor that his symptoms were likely related to Vaping. It was recommended to him to stop using e-cigarettes.

27. The Plaintiff Jaycen would not have purchased and/or used JUUL e-cigarettes had he been provided with accurate information and/or warnings with respect to the possible health complications from Vaping. The Plaintiff Jaycen was misled by the statements made by the Defendants with respect to the safety and efficacy of their products and by advertising made by the Defendants designed to market their products to minors.

### **The Plaintiff Owen**

28. Due to representations made in the public domain that e-cigarettes were safe and a healthier alternative to smoking, the Plaintiff Owen Mann-Campbell ("Plaintiff Owen") purchased and commenced using JUUL e-cigarettes in 2018, while he was an 18-year-old minor.

29. Immediately after commencing JUUL e-cigarettes, the Plaintiff Owen has sustained damages including, but not limited to, the following:

- Shortness of breath;
- Chest pain;
- Coughing;
- Increased addiction to nicotine;
- Anxiety and depression;
- Weight loss; and
- Such other injuries as shall be proven at trial,

all of which injuries have caused and continue to cause the Plaintiff Owen pain, suffering, loss of enjoyment of life, permanent physical disability, loss of earnings, past and prospective, loss of income earning capacity, loss of opportunity to earn income and loss of housekeeping capacity, past and prospective.

30. In 2019, the Plaintiff Owen was advised by a family doctor to stop using e-cigarettes.
31. The Plaintiff Owen would not have purchased and/or used JUUL e-cigarettes had he been provided with accurate information and/or warnings with respect to the possible health complications from Vaping. The Plaintiff Owen was misled by the statements made by the Defendants with respect to the safety and efficacy of their products and by advertising made by the Defendants designed to market their products to minors.

### **Part 2: RELIEF SOUGHT**

32. The Plaintiffs claim, on their own behalf, and on behalf of a class of similarly situated persons residing in Canada, as follows:

- a. An order certifying this action as a class proceeding and appointing the Plaintiffs as the representative Plaintiffs under the *Class Proceedings Act*;
- b. General damages;
- c. Special damages;
- d. Punitive damages;
- e. Relief pursuant to the *Business Practices and Consumer Protection Act*, S.B.C. 2004, c. 2, and comparable legislation in the other provinces and territories;
- f. Recovery of health care costs incurred by the Ministry of Health Services on their behalf pursuant to the *Health Care Cost Recovery Act*, S.B.C. 2008, c. 27, and comparable legislation in the other provinces and territories;
- g. Costs;
- h. Interest pursuant to the *Court Order Interest Act*, R.S.B.C. 1996, c. 79; and
- i. Such further and other relief this Honourable Court may deem just.

### **Part 3: LEGAL BASIS**

#### ***Negligence and Failure to Warn***

33. As the manufacturers, marketers, developers, distributors, labelers and/or importers of e-cigarettes, the Defendants were in such a close and proximate relationship to the Plaintiffs, and other class members, as to owe them a duty of care. The Defendants caused the e-cigarettes to be introduced into the stream of commerce in Canada, and they knew that any damages or adverse effects related to the e-cigarettes would cause foreseeable injury to the Plaintiffs and class members.
34. The Defendants, and each of them, owed a duty to the Plaintiffs and class members to exercise reasonable care when designing, testing, manufacturing, marketing, labelling, promoting, and selling e-cigarettes.
35. The Defendants, and each of them, owed a duty of care to the Plaintiffs and class members to ensure that e-cigarettes were safe and effective for their intended use. Particulars of the Defendants' negligence include:
  - a. Downplaying, misrepresenting or under-reporting serious side effects and harmful complications of JUUL e-cigarettes;
  - b. Placing JUUL e-cigarettes on the market when they knew or ought to have known that this product has potential risks that outweighs its potential benefits;
  - c. Manufacturing and/or marketing a product that they know, or ought to have known, had an unreasonably high risk of causing illnesses, including Pulmonary Disease;



- d. Failing to warn, or appropriately warn, of the risk of illnesses, including Pulmonary Disease, associated with JUUL e-cigarettes;
- e. Failing to supervise, or appropriately supervise as indirect sellers, the representations made to consumers, regarding the risk of illnesses, including Pulmonary Disease, associated with JUUL e-cigarettes;
- f. Failing to implement a timely recall of JUUL e-cigarettes once the risk of illnesses, including Pulmonary Disease, were known to them;
- g. Manufacturing and/or marketing a product that was not fit for the purpose for which it was intended;
- h. Failing to manufacture and/or market a product in a good and workmanlike manner and in accordance with generally accepted standards; and
- i. Such further and other particulars of negligence as will be alleged at trial.

**Toxic Tort**

- 36. The Defendants knew, or alternatively through the exercise of reasonable diligence ought to have known, that JUUL e-cigarettes contained toxins including propylene glycol, glycerine, and benzoic acid.
- 37. The Defendants knew, or alternatively through the exercise of reasonable diligence ought to have known, that the introduction of the said toxins in a human body could result in injury, including Pulmonary Disease.
- 38. The Defendants are liable for physiological harm, emotional harm, and costs associated with medical monitoring for the Plaintiffs and class members as a result of the Defendants' negligence.

**Business Practices and Consumer Protection Act**

- 39. The Defendants' solicitations, offers, advertisements, promotions, sales and supply of e-cigarettes as an alternative to smoking by the Plaintiffs and by class members were "consumer transactions" within the meaning of the *Business Practices and Consumer Protection Act*, S.B.C. 2004, c. 2 ("BPCPA"). With respect to those transactions, the Plaintiffs and class members who purchased JUUL e-cigarettes are "consumers" and the Defendants were "suppliers" within the meaning of the BPCPA.
- 40. The Defendants' conduct in their solicitations, offers, advertisements, promotions, sales and supply of JUUL e-cigarettes had the capability, tendency or effect of deceiving or misleading consumers regarding the safety and efficacy of e-cigarettes. The Defendants' conduct in their solicitations, offers, advertisements, promotions, sales and supply of e-cigarettes were deceptive acts and practices contrary to s. 4 of the BPCPA. The Defendants' deceptive acts and practices included the failure to properly disclose all material facts regarding the risks of Vaping with the JUUL brand.

41. As indirect sellers of JUUL e-cigarettes, the Defendants were aware, or ought by the exercise of reasonable diligence been aware, of misrepresentations made to consumers by retailers, which solicitations, offers, advertisements, promotions, sales and supply of JUUL e-cigarettes were deceptive acts and practices contrary to s. 4 of the BPCPA. Said deceptive acts and practices, which the Defendants are vicariously liable for, included the failure to properly disclose all material facts regarding the risks of Vaping with the Defendants' brand.
42. As a result of the Defendants' deceptive acts and practices, the Plaintiffs and class members have suffered loss and damages. The Plaintiffs seek injunctive relief and declaratory relief and damages and statutory compensation pursuant to ss. 171 and 172 of the BPCPA on his own behalf and on behalf of class members who purchased JUUL e-cigarettes. Such relief includes the disgorgement of the profits or revenues received by the Defendants from the sale of JUUL e-cigarettes in Canada.
43. The declaratory and injunctive relief sought by the Plaintiffs in this case includes an order under s. 172 of the BPCPA that the Defendants advertise any judgment against them and that they properly inform consumers and their retailers of the risks of JUUL e-cigarettes.
44. The Plaintiffs further plead and rely on the comparable legislation from the other provinces and territories:
  - a) *Consumer Protection Act*, R.S.Q. c. P-40.1, as amended, including ss. 219 and 272;
  - b) *Fair Trading Act*, R.S.A. 2000, c. F-2, as amended, including ss. 6, 7, and 13;
  - c) *The Consumer Protection Act*, S.S. 1996, c. C-30.1, as amended, including ss. 5-8, 14, 16, 48, and 65;
  - d) *The Business Practices Act*, S.M. 1990-91, c. 6, as amended, including ss. 2 and 23;
  - e) *Consumer Protection Act*, 2002, S.O. 2002, c. 30, Sched. A. as amended, including ss. 8, 11, and 14;
  - f) *The Competition Act*, R.S. 1985, c. C-34, as amended, including ss. 36 and 52;
  - g) *Consumer Product Warranty and Liability Act*, S.N.B. 1978, c. C-18.1, including ss. 4, 10, 12, 14-18, 23, and 27;
  - h) *Consumer Protection Act*, R.S.N.S. 1989, c. 92, including ss. 26 and 28A;
  - i) *Business Practices Act*, R.S.P.E.I. 1998, c. B-7, as amended, including ss. 2-4; and
  - j) *Trade Practices Act*, R.S.N.L. 1990, c. T-71, as amended, including ss. 5, 6, and 14.

### **Causation and Damages**

45. As a result of the Defendants' negligence and the Defendants' breach of the BPCPA, the Plaintiffs and class members have suffered and will continue to suffer loss and damage. Such loss and damage was foreseeable by the Defendants. Particulars of the loss and damage suffered by the Plaintiffs and class members which were caused or materially contributed to by the aforementioned acts of the Defendants include:
- Personal injury;
  - Special damages for medical expenses and out-of-pocket expenses;
  - Loss of both past and prospective income; and
  - Cost of future care.
46. The conduct of the Defendants warrants a claim for punitive damages. They have conducted themselves in a high-handed, wanton, and reckless manner, and without regard to public safety.
47. This case raises issues of general deterrence. A punitive damage award in this case is necessary to express society's condemnation of conduct such as the Defendants', to advance public safety and to achieve the goal of both specific and general deterrence.

### **Health Care Cost Recovery**

48. The Plaintiffs and class members have a claim for the recovery of health care costs incurred on their behalf by the British Columbia Ministry of Health Services and by other provincial and territorial governments. The Plaintiffs plead the *Health Care Cost Recovery Act*, S.B.C. 2008, c. 27 and the comparable legislation from the other provinces and territories:
- a. The Minister of Health of Alberta, for the cost of health services received by Class Members pursuant to Part 5, Division 1, of the *Hospital Act*, R.S.A. 2000, c. H-12, as amended, including in-patient and out-patient services, transportation services, public health services, mental health services and drug services;
  - b. The Minister of Health of Saskatchewan, for the cost of health services received by Class Members pursuant to s. 19(5) of *The Department of Health Act*, S.S. 1978, c. D-17, as amended;
  - c. Health Insurance BC for the cost of insured services received by Class Members pursuant to the *Medicare Protection Act*, R.S.B.C. 1996, c. 286, as amended, including prescribed services of hospitals and health facilities, prescribed medically necessary services rendered by physicians and prescribed health care services rendered by prescribed practitioners;
  - d. The Minister of Health and Social Services of Quebec, for the cost of all insured services furnished or to be furnished pursuant to s. 10 of the *Hospital Insurance Act*, R.S.Q. c. A-28;

- e. Her Majesty the Queen in Right of the Province of New Brunswick, for the cost of entitled services received by Class Members pursuant to s. 5 of the *Health Services Act*, R.S.N.B. 1973, c. H-3, as amended, including accommodation and meals, necessary nursing services, laboratory, radiological and other diagnostic procedures, drugs, use of operating rooms, case rooms and anesthetic facilities, and routine surgical supplies;
- f. Her Majesty the Queen in Right of the Province of Nova Scotia, for the cost of insured hospital services received by Class Members pursuant to s. 18 of the *Health Services and Insurance Act*, R.S.N.S. 1989, c. 197, as amended, including benefits under the Insured Prescription Drug Plan, ambulance services to which the Province has made payment and insured professional services;
- g. The Minister of Health of Newfoundland and Labrador, for the cost of insured services received by Class Members pursuant to s. 5 of the *Hospital Insurance Agreement Act*, R.S.N. 1990, c. H-7, s. 5, as amended.

### **Jurisdiction**

49. The Plaintiffs rely on ss. 13, 7, and 10 of the *Court Jurisdiction and Proceedings Transfer Act*, S.B.C. 2003, c. 28 and pleads that there is a real and substantial connection between the subject matter of this action and the Province of British Columbia for the following reasons:

- The Defendants marketed and sold JUUL e-cigarettes in Canada;
- The Plaintiffs resides in British Columbia; and
- The Plaintiffs' damages were sustained in British Columbia.

Form 11 (Rule4-5(2))

### **ENDORSEMENT ON ORIGINATING PLEADING OR PETITION**

#### **FOR SERVICE OUTSIDE BRITISH COLUMBIA**

The Plaintiffs claim the right to serve this pleading/petition on the Defendants outside British Columbia on the ground that:

The Plaintiffs have at all material times been a resident of British Columbia and have suffered loss in British Columbia. The Supreme Court of British Columbia has jurisdiction with respect to this matter and the Plaintiffs plead the *Court Jurisdiction and Proceedings Transfer Act*, 2003, SBC Chapter 28 and amendments thereto.

Plaintiffs' address for service:	<b>RICE HARBUT ELLIOTT LLP</b> Barristers and Solicitors 820 - 980 Howe Street Vancouver, BC V6Z 0C8
Fax number address for service (if any):	(604) 682-0587
E-mail address for service (if any):	Nil
Place of trial:	Vancouver
The address of the registry is:	800 Smith Street, Vancouver

Date: 30/SEP/2019

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 Signature of  plaintiffs  
 lawyer for plaintiffs  
 Anthony Leoni

Rule 7-1 (1) of the Supreme Court Civil Rules states:

(1) Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,

(a) prepare a list of documents in Form 22 that lists

(i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and

(ii) all other documents to which the party intends to refer at trial, and

(b) serve the list on all parties of record.

**Appendix**

**Part 1: CONCISE SUMMARY OF NATURE OF CLAIM:**

A claim for negligence and failure to warn resulting in illnesses suffered by consumers who have vaped using JUUL electronic cigarettes (e-cigarettes), with injury, loss and damages to the Plaintiffs and a class of similarly situated persons resident in Canada.

**Part 2: THIS CLAIM ARISES FROM THE FOLLOWING:**

A personal injury arising out of:

- a motor vehicle accident
- medical malpractice
- another cause

A dispute concerning:

- contaminated sites
- construction defects
- real property (real estate)
- personal property
- the provision of goods or services or other general commercial matters
- investment losses
- the lending of money
- an employment relationship
- a will or other issues concerning the probate of an estate
- a matter not listed here

**Part 3: THIS CLAIM INVOLVES:**

- a class action
- maritime law
- aboriginal law
- constitutional law
- conflict of laws
- none of the above
- do not know

**Part 4:**

1. *Class Proceedings Act*, R.S.B.C. 1996, c. 50;
2. *Health Care Costs Recovery Act*, S.B.C. 2008, c. 27;
3. *Business Practices and Consumer Protection Act*, S.B.C. 2004, c. 2.