



In the Supreme Court of British Columbia

Claimant: AMY HAMM

Respondent: JESSICA YANIV

NOTICE OF APPLICATION

Name(s) of applicant(s): AMY HAMM

To: JESSICA YANIV

TAKE NOTICE that an application will be made by the applicant(s) to the presiding judge or master at the courthouse at 800 Smithe Street, Vancouver, B.C. V6Z 2E1 on August 28, 2020 at 9:45 by phone for the order(s) set out in Part 1 below.

Claimant counsel Carey Linde 604-684-7794

Respondent self rep: phone to be provided

Part 1: ORDER(S) SOUGHT

1. The plaintiff seeks an order striking the counterclaim herein in its entirety;
2. Judgment to the Claimant with damages to be assessed
3. In the alternative, an order that the defendant post security for costs in the amount of \$5,000 or such other amount as may be determined within 30 days from the date of this order, failing which the counterclaim shall be struck in its entirety without further application and judgment to the Claimant with damages to be assessed.
4. Special Costs

Part 2: FACTUAL BASIS

1. The plaintiff repeats and relies on the allegations of fact and law as set out in the Notice of Civil Claim herein.
2. The counterclaim is in the nature of a rambling and incoherent emotional outburst as opposed to a proper pleading of alleged facts.
3. A common sense reading of the counter claim reveal it as filed for an improper motive and in bad faith.
4. The defendant has a substantial history of deception and abuse of process as expressly found by the BCHRT in Yaniv v. Various Waxing Salons (No. 2), 2019 BCHRT 222.

Part 3: LEGAL BASIS

1. Rule 9-5 (1) Supreme Court Civil Rules
2. The counterclaim discloses no reasonable claim, is unnecessary, scandalous, frivolous, vexatious, malicious and an abuse of process intended to prejudice, embarrass and delay a fair trial in this action.

Part 4: MATERIAL TO BE RELIED ON

1. The pleadings filed herein

The applicant(s) estimate(s) that the application will take 2 hours

- This matter is within the jurisdiction of a master.
 This matter is not within the jurisdiction of a master.

TO THE PERSONS RECEIVING THIS NOTICE OF APPLICATION: If you wish to respond to this notice of application, you must, within the time for response to application described below,

- (a) file an application response in Form 32,
- (b) file the original of every affidavit, and of every other document, that
 - (i) you intend to refer to at the hearing of this application, and


- (ii) has not already been filed in the family law case, and
- (c) serve on the applicant 2 copies of the following, and on every other party one copy of the following:
 - (i) a copy of the filed application response;
 - (ii) a copy of each of the filed affidavits and other documents that you intend to refer to at the hearing of this application and that has not already been served on that person;
 - (iii) if this application is brought under Rule 11-3, any notice that you are required to give under Rule 11-3 (9).

Time for response to application

The documents referred to in paragraph (c) above must be served in accordance with that paragraph,

- (a) unless one of the following paragraphs applies, within 5 business days after service of this notice of application,
- (b) if this application is brought under Rule 11-3, within 8 business days after service of this notice of application, and
- (c) if this application is brought to change, suspend or terminate a final order, to set aside or replace the whole or any part of an agreement filed under Rule 2-1 (2) or to change, suspend or terminate an arbitration award filed under Rule 2-1.2(1), within 14 business days after service of this notice of application.

Date: August 14, 2020



 Signature of
 applicant lawyer for applicant(s)
 Carey Linde

1080 Howe St Vancouver V6Z2T1
 604-684-7794

To be completed by the court only:	
Order made	
<input type="checkbox"/> in the terms requested in paragraphs [number] of Part 1 of this notice of application	
<input type="checkbox"/> with the following variations and additional terms:	
Date: [dd/mmm/yyyy]	Signature of
	<input type="checkbox"/> Judge <input type="checkbox"/> Master

APPENDIX

[The following information is provided for data collection purposes only and is of no legal effect.]

THIS APPLICATION INVOLVES THE FOLLOWING:

[Check the box(es) below for the application type(s) included in this application.]

- discovery: comply with demand for documents
- discovery: production of additional documents
- other matters concerning document discovery
- extend oral discovery
- other matter concerning oral discovery
- amend pleadings
- add/change parties
- summary judgment
- summary trial
- service
- interim order
- change order
- adjournments
- proceedings at trial
- appointment of additional expert(s): financial matters
- other matters concerning experts.