

## **Denman Conservancy Association (DCA) – Legal Action Update**

Submitted by Patti Willis

In the May 1, 2003 Grapevine, DCA reported that the membership had authorized the Board to sue 4064 Investments Ltd., Mr. Jenks and two other companies. The suit seeks to have covenants placed on the Railway Grade Marsh and Komasa Bluffs as well as damages to compensate for the logging in the Railway Grade Marsh area that the covenants would have prevented.

As you remember, the contracts by which 4064 bought these properties from Hancock on June 30, 1997 required that covenants be placed in these two areas. When logging occurred in the Railway Grade Marsh three years ago without the covenants in place, DCA asked Hancock to enforce the contract, which Hancock declined to do. However, they assigned their rights in the matter to DCA.

**To update:** All four defendants -- 4064 Investments Ltd., Michael Jenks, Northland Developments Ltd. and Coast Mountain Enterprises Inc. -- have been served with a Writ of Summons and Statement of Claim. We have now received the defendants' "Statements of Defence." As well, "Lists of Documents of the Defendants" and "List of Documents of the Plaintiff" (DCA) have now been exchanged. Funding for a portion of this project has been provided by the Environmental Dispute Fund (EDRF) of West Coast Environmental Law. We expect the summer will slow down the process somewhat, but DCA will continue to keep you apprised of developments as they occur.