

Action No. 0801-14555

IN THE COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL DISTRICT CALGARY

BETWEEN:

**ARTUR PAWLOWSKI and ARTUR PAWLOWSKI ON BEHALF OF ALL HOMELESS
INDIVIDUALS IN THE CITY OF CALGARY and ALL INDIVIDUALS PARTICIPATING
IN THE STREET CHURCH MINISTRIES IN THE CITY OF CALGARY**

Plaintiffs

- and -

*I hereby certify this to be a true copy of
the original
Dated this 17th day of May 2008
for Clerk of the Court*

THE CITY OF CALGARY

Defendant

BEFORE THE HONOURABLE
MADAM JUSTICE B.L. RAWLINS
IN CHAMBERS

AT THE COURT HOUSE, IN CALGARY,
ALBERTA, ON THURSDAY, THE 17th
DAY OF APRIL, 2008.

ORDER

UPON the application of the City of Calgary ("the City"); and upon hearing read the Affidavits of Kevin Latch sworn December 11, 2007 and February 5, 2008, the Affidavit of Pat Nixon sworn November 30, 2008, and the Affidavits of Artur Pawlowski sworn February 25 and March 26, 2008, and upon reviewing the written submissions of the Applicant, the Respondents and the Intervenor Alberta Justice, and upon hearing representations from counsel for all parties;

IT IS HEREBY ORDERED THAT:

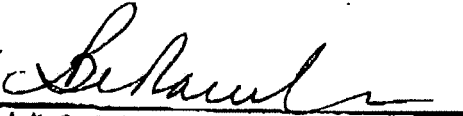
2

1. The Plaintiff, Artur Pawlowski ("Mr. Pawlowski"), is hereby held to be in contempt of this Honourable Court for breaching the terms of the May 1, 2007 Order of Madam Justice Rawlins;
2. Mr. Pawlowski, is hereby prohibited from using or permitting any other person to use amplified sound anywhere in the City of Calgary until further Order of this Honourable Court;
3. Further, Mr. Pawlowski must not be present at any Street Church Ministries activity at which amplified sound is used;
4. If Mr. Pawlowski is present at any Street Church Ministries activity and any person commences to use amplified sound, Mr. Pawlowski must depart immediately. For clarity, this means that Mr. Pawlowski must, within 15 minutes of the amplified sound starting, remove himself to a distance of at least one kilometer from the amplification equipment. If he fails to depart immediately, he will be deemed to be in further contempt of this Honourable Court;
5. Use of any amplified sound by Street Church Ministries, whether by Mr. Pawlowski directly or by any other person, will be deemed to be contempt of this sanction;
6. Should amplified sound be used by Street Church Ministries, until further Order of this Honourable Court, the City and the Calgary Police Service (the "CPS") shall be at liberty to seize any amplification equipment, including but not limited to any vehicle being used as or in conjunction with such equipment, whether the equipment is attached thereto or not, and hold same until further Order of this Honourable Court;
7. This sanction for contempt shall continue in force until June 1, 2008. If, within that time, the Plaintiffs are able to locate private property upon which they may be

allowed to utilize amplified sound, they may so advise the City and seek their consent to an Order relaxing this provision. Should no agreement between the parties be reached, the Plaintiffs may apply to this Honourable Court for an Order relaxing this provision and allowing them to use amplified sound, subject to applicable City bylaws. If no such relaxation is obtained, then the prohibition on amplified sound outlined in paragraphs 2 through 6 herein shall remain in force until further Order of this Honourable Court;

- 8. The CPS is hereby directed to enforce the terms of the within Order;
- 9. Any person who is made aware of the within Order shall not in any way interfere with the lawful enforcement of the within Order;
- 10. A copy of the within Order shall be posted on the Plaintiffs' website, www.streetchurch.ca, on or before May 3, 2008;
- 11. Anything seized pursuant to this Order shall be held and safeguarded by the City or CPS until further Order of this Court;
- 12. Should the Plaintiffs, or any other person interfere with the enforcement of said Order, after having been made aware of its contents and having been given a reasonable opportunity of ten minutes to comply, any peace officer having jurisdiction is directed to forthwith arrest him/her at the earliest possible time and bring him/her before a Justice of the Peace, Provincial Court Judge or Justice of the Court of Queen's Bench of Alberta to show cause for civil contempt.

13. The City is granted its costs of the within application to be taxed on Column 2 payable by July 31, 2008.


J.C.C.Q.B.A.

Entered this 2nd day of
May, 2008

V.A. BRANDT 

Clerk of the Court

Approved as to the Order granted:

MILLER THOMSON LLP

Per: 
Ivan Bernardo
Solicitors for the Plaintiffs

Action No. 0001-14555

IN THE COURT OF QUEEN'S BENCH
OF ALBERTA
JUDICIAL DISTRICT OF CALGARY

BETWEEN:

ARTUR PAWLOWSKI and ARTUR
PAWLOWSKI ON BEHALF OF ALL
HOMELESS INDIVIDUALS IN THE CITY OF
CALGARY and ALL INDIVIDUALS
PARTICIPATING IN THE STREET CHURCH
MINISTRIES IN THE CITY OF CALGARY

Plaintiffs

- and -

THE CITY OF CALGARY

Defendant

CLERK OF THE COURT

MAY - 2 2008

CALGARY, ALBERTA

ORDER

PAUL L. TOLLEY, CITY SOLICITOR
The City of Calgary
Law Department
P.O. Box 2100, Station "M"
12th Floor, 800 Macleod Trail S.E.
Calgary, Alberta
T2P 2M5
(403) 268-2441
Fax: (403) 268-4884
Box No.42

Solicitor: Colleen Sinclair
File No.: L 5847