Court File No. T-316-22

**FEDERAL COURT**

B E T W E E N:

**CANADIAN CIVIL LIBERTIES ASSOCIATION**

Applicant / Moving Party

- and -

**ATTORNEY GENERAL OF CANADA**

Respondent / Responding Party

- and -

**ATTORNEY GENERAL OF ALBERTA**

Intervener

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Court File No. T-347-22

**FEDERAL COURT**

B E T W E E N:

**CANADIAN CONSTITUTION FOUNDATION**

Applicant / Moving Party

- and -

**ATTORNEY GENERAL OF CANADA**

Respondent / Responding Party

- and -

**ATTORNEY GENERAL OF ALBERTA**

Intervener

Applications for Judicial Review under Sections 18 and 18.1 of the *Federal Courts Act*

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**JOINT REPLY WRITTEN REPRESENTATIONS OF THE MOVING PARTIES, CCLA AND CCF**

**(Motion to Adduce an Additional Affidavit pursuant to Rules 312 and 369)**

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## WRITTEN REPRESENTATIONS IN REPLY

1. The Attorney General of Canada's response characterizes this motion as a "wish[]" that there were more evidence.[1] But this motion is not designed to augment the record — it is designed to rectify it. Early in these proceedings, the Attorney General took the position that the record should be limited to Minister of Public Safety's submissions to the Governor in Council ("**GIC**") on February 14 and 15, 2022. Justice Mosley corrected this misapprehension in August, making it clear that "[d]ecisions of the GIC are always *de facto* made by Cabinet and not by the GIC itself".[2] The evidentiary record on judicial review should reflect this reality.

2. Although the Attorney General produced some of Cabinet's decision-making inputs (e.g., minutes of the Incident Response Group, the tables appended thereto, etc.) in July, the proceedings before the Public Order Emergency Commission in October and November yielded further evidence regarding what Cabinet did (and did not) consider before invoking the *Emergencies Act*. This motion seeks to adduce this evidence, which is necessary and reliable.

3. In reply, the Canadian Civil Liberties Association and the Canadian Constitution Foundation ("**CCF**") (jointly the "**Moving Parties**") make three specific points supporting the admissibility of the Affidavit of Cara Zwibel and its exhibits (the "**Commission Evidence**"). However, there is one exception to this: the Moving Parties will no longer pursue the admission of the Policing Plan (Exhibit F).

### I. The decision of the GIC was *de facto* made by Cabinet and the Prime Minister

4. The parties agree that the decision-maker was the Governor in Council, but continue to disagree about what precisely that entails. The Moving Parties have argued that the decision of the GIC was made *de facto* by the federal Cabinet, informed by discussions before its committees, for reasons that will be explained, the Prime Minister himself. In response, the Attorney General attempts to revive the formalistic argument, which it made in response to the CCF's motion on Cabinet confidences, that the decision-maker is limited to "the Governor General of Canada acting

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1 See Written Representations of the Attorney General of Canada (December 23, 2022), at para. 32.
2 See *Canadian Constitution Foundation v. Canada (Attorney General)*, 2022 FC 1233, at para. 56.

by and with the advice of, or by and with the advice and consent of, or in conjunction with the King's Privy Council for Canada".[3]

5. Justice Mosley rejected this very argument in his reasons on the CCF's motion, holding that "where s. 17(1) of the *Emergencies Act* authorizes the GIC to declare a public order emergency, this must be understood as conferring power upon Cabinet".[4] His reasons for rejecting the Attorney General's argument on that occasion could not be clearer:

- this argument "ignores the reality that the Cabinet, informed by the discussions before the IRG, was the decision maker responsible for the declaration of the Emergency Proclamation and subsequent regulations".[5]
- it is "dissociated from constitutional convention and the practical functioning of the executive";[6]
- "[w]here the Constitution or a statute requires that a decision be made by the "Governor General in Council" […] [t]he cabinet (or a cabinet committee to which routine Privy Council business has been delegated) will make the decision";[7] and
- "[d]ecisions of the GIC are always *de facto* made by Cabinet and not by the GIC itself".[8]

6. Justice Mosley was equally clear that the Attorney General's formalistic approach "would effectively prevent any Court from reviewing materials relied upon by the Cabinet under any circumstances, even where confidentiality under s. 39 is never invoked".[9]

7. The Attorney General neither cites nor engages with Justice Mosley's recent decision in its Written Representations. Nor does it acknowledge that the Supreme Court of Canada has long held that regardless of whether the decision-maker is referred to as the "Governor in Council",

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3 Written Representations of the Attorney General of Canada (December 23, 2022), at para. 19, citing *Interpretation Act*, R.S.C. 1985, c. I-21, s. 35.
4 *Canadian Constitution Foundation v. Canada (Attorney General)*, 2022 FC 1233, at para. 56 (emphasis added).
5 *Canadian Constitution Foundation v. Canada (Attorney General)*, 2022 FC 1233, at para. 52.
6 *Canadian Constitution Foundation v. Canada (Attorney General)*, 2022 FC 1233, at para. 53.
7 *Canadian Constitution Foundation v. Canada (Attorney General)*, 2022 FC 1233, at para. 55 (emphasis in original), quoting Peter W. Hogg, *Constitutional Law of Canada*, 5th ed (Toronto: Thomson Reuters Canada, 2021), at § 9:5, "The cabinet and the Privy Council".
8 *Canadian Constitution Foundation v. Canada (Attorney General)*, 2022 FC 1233, at para. 56.
9 *Canadian Constitution Foundation v. Canada (Attorney General)*, 2022 FC 1233, at para. 56.

"Cabinet", the "government", or the "executive", the reality is that many executive powers are exercised by the Cabinet:

> Once a government is in place, democratic principles dictate that the bulk of the Governor General's powers be exercised in accordance with the wishes of the leadership of that government, namely the Cabinet. So the true executive power lies in the Cabinet. And since the Cabinet controls the government, there is in practice a degree of overlap among the terms "government", "Cabinet" and "executive".[10]

The Supreme Court recently confirmed that orders made by the Governor in Council are "based on advice given by Cabinet" and "[s]ince its advice is nearly always binding, Cabinet effectively determines what decision will be made".[11]

8. Treating the Cabinet as *de facto* making the decision of the Governor in Council is particularly important in the within proceeding because of the way in which the *Emergencies Act* was actually invoked. As the Attorney General notes, Cabinet was convened on February 13, 2022, and the Act was invoked the next day after "[t]he GIC was duly convened … separately from Cabinet".[12] But the record on this motion explains what actually happened on February 13 and 14, 2022. As the Clerk of the Privy Council explains in her sworn testimony before the Public Order Emergency Commission, Cabinet delegated the invocation decision to the Prime Minister on February 13, and he exercised that authority on February 14 (Exhibit D):

> MR. MITCH McADAM: Yeah, I'm confused because I think you said earlier today that under the *Emergencies Act* it's the Governor-in-Council that invokes the Act.
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> MS. JANICE CHARETTE: Yeah.

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[10] *Reference re Canada Assistance Plan (B.C.)*, [1991] 2 S.C.R. 525, at pp. 546-47, cited in *Nova Scotia (Attorney General) v. Judges of the Provincial Court and Family Court of Nova Scotia*, 2020 SCC 21, at para. 26.

[11] *Nova Scotia (Attorney General) v. Judges of the Provincial Court and Family Court of Nova Scotia*, 2020 SCC 21, at para. 26. Note that in this case a decision of the Lieutenant Governor in Council in Nova Scotia was at issue. However, Nova Scotia's *Interpretation Act*, s. 7(q), defines Lieutenant Governor in Council in the same way (*mutatis mutandis*) as the federal *Interpretation Act*: "Lieutenant Governor in Council", "Governor in Council" or "Government" means the Lieutenant Governor acting by and with the advice of the Executive Council of the Province. The Supreme Court of Canada's analysis therefore also applies to the federal Governor in Council. See also *The Dominion of Canada v. The Province of Ontario* (1907), 10 Ex. C.R. 445, at p. 488, 1907 CanLII 311 (C.A. E.X.C.) ("in respect of provincial matters the Lieutenant-Governor acts upon the advice of the Executive Council of the Province").

[12] Written Representations of the Attorney General of Canada (December 23, 2022), at para. 22.

MR. MITCH McADAM: So if the Cabinet didn't meet again, how did the Act get invoked? Was the power to do so delegated to the Prime Minister? Or just how did that happen?

MS. JANICE CHARETTE: Yeah. The decision in terms of invocation was left with the -- was left *ad referendum* to the decision of the Prime Minister following his consultation with the leaders of the provinces and territories amongst other deliberations that he might undertake.[13]

The Cabinet could not have delegated the power to invoke the *Emergencies Act* to the Prime Minister unless it possessed this power.

9. Treating the Cabinet as *de facto* making the decision of the Governor in Council is also consistent with the way in which the federal government purported to discharge the *Emergencies Act*'s requirement under s. 25 for the "Governor in Council" to consult with the Lieutenant Governor in Council of each province prior to declaring a public order emergency. As indicated in the "Report to the Houses of Parliament: *Emergencies Act* Consultations", and as confirmed in the testimony above, the Prime Minister discharged this requirement by convening the First Ministers the next morning.[14]

10. In sum, the GIC's decision to invoke the *Emergencies Act* was *de facto* made by Cabinet, which in turn delegated the final decision to the Prime Minister.[15]

## II. The Commission Evidence Is Admissible

11. Once it is recognized that the decision of the GIC was *de facto* made by the Cabinet and Prime Minister, it follows that the Commission Evidence is admissible.

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[13] Commission Testimony of Clerk Charette and Deputy Clerk Drouin (November 18, 2022), Affidavit of Cara Zwibel ("**Zwibel Affidavit**"), Exhibit D [MRMP, at p. 55, lines 13-24] (emphasis added).

[14] Affidavit of Stephen Shragge, Exhibit B, "Report to the Houses of Parliament: *Emergencies Act* Consultations", at pp. 2, 5 [PDF, at pp. 25, 28].

[15] And that power does belong to Cabinet (see *Canadian Constitution Foundation v. Canada (Attorney General)*, 2022 FC 1233, at para. 56).

### A. *Documents Relating to the Recommendations from the Clerk to the Prime Minister (Exhibits A, B, and D)*

12. The Invocation Memorandum (Exhibit B) was before the decision-maker. Indeed, it was sent directly to the Prime Minister, the delegate of Cabinet's decision-making authority, by the Chief of Staff of the Clerk of the Privy Council (Exhibit A). As the Clerk put it, the purpose of the memorandum was to "captur[e] all that we thought was necessary, pulling it all together in one spot, the culmination, as I would describe it, of the public service advice to the prime minister on the decision as to whether or not to invoke [the *Emergencies Act*]" (Exhibit D).[16]

13. The Attorney General's submission to the contrary does not fully account for the context surrounding the Invocation Memorandum. The Attorney General relies on the fact that Cabinet met the day before the Invocation Memorandum was written to argue that the memorandum could not have gone to Cabinet and therefore was not before the decision-maker. However, as explained above (para. 8), the Clerk testified before the Public Order Emergency Commission that on February 13 the Cabinet delegated to the Prime Minister the authority to make the final decision to invoke the *Emergences Act*, which he did on February 14. In these circumstances, the Moving Parties question how the Attorney General can credibly advance the argument that the memorandum was not before the decision-maker, or the argument that it should be discounted because it was only "for the purpose of individual consideration and use by [a] single minister".[17] The Invocation Memorandum was before *the* key minister, the Chair of the Cabinet, the Prime Minister, at precisely the right time, i.e. after the First Ministers had been consulted, as s. 25 of the *Emergencies Act* required. It is admissible.

### B. *Documents Relating to Policing Views on Available Tools and the Threat Assessments (Exhibits E and L)*

14. The e-mail from the RCMP Commissioner to the Minister Mendicino's Chief of Staff on February 14, 2022 (Exhibit E), was sent <u>in response to an inquiry from the Minister</u>. In these circumstances, it is reasonable to infer that it was before the Minister, who made the key

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[16] Commission Testimony of Clerk Charette and Deputy Clerk Drouin (November 18, 2022), Zwibel Affidavit, Exhibit D [MRMP, at p. 50, lines 19-23].

[17] Written Representations of the Attorney General of Canada (December 23, 2022), at para. 26.

submissions to the Governor in Council.[18] In other words, this document was effectively before the decision-maker, contrary to the Attorney General's submission.

15. The Attorney General is correct that the e-mail regarding an alternative threat assessment which was never done (Exhibit L) was not before the decision-maker. However, as explained in the Moving Parties' Joint Written Representations, this evidence bears on the reasonableness of the declaration of the public order emergency because it goes to the question of what Cabinet did *not* consider in making its decision.

16. The Attorney General has argued that this document does not fall into the "absence of evidence" exception because there was not a complete absence of evidence. But this is too narrow a reading of that exception.

17. This exception is drawn from *Re Keeprite Workers' Independent Union et al. and Keeprite Products Ltd.*[19] That case involved judicial review of a labour arbitrator's decision; the applicant alleged that decision rested on a finding made without evidence; and an affidavit was admitted because the applicant established this absence of evidence. Justice Stratas has indicated that the absence of evidence exception is helpful "where the party alleges that an administrative decision is unreasonable because it rests upon a key finding of fact unsupported by any evidence at all".[20]

18. The "absence of evidence" exception should be available not only where there is a complete absence of evidence. The reason is that *Keeprite* was decided in the context of judicial review in the 1980s, which was built around jurisdiction and jurisdictional error, including the jurisdictional error of making a finding without evidence. Since then, *Vavilov* has replaced the confounding focus on jurisdiction with a more flexible but still rigorous approach based in reasonableness. It follows that parties need no longer show a complete absence of evidence to support a reviewable error. Rather, they can show that the decision was substantively unreasonable because it was made

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[18] See *Canadian Constitution Foundation v. Canada (Attorney General)*, 2022 FC 1233, at para. 17.

[19] *Re Keeprite Workers' Independent Union et al. and Keeprite Products Ltd*. (1980), 29 O.R. (2d) 513, 1980 CanLII 1877 (C.A.), cited in *Association of Universities and Colleges of Canada v. Canadian Copyright Licensing Agency (Access Copyright)*, 2012 FCA 22, at para. 20(c); *Bernard v. Canada (Revenue Agency)*, 2015 FCA 263, at para. 24.

[20] *Bernard v. Canada (Revenue Agency)*, 2015 FCA 263, at para. 24.

without *sufficient* evidence, as opposed to a complete absence of evidence. This Honourable Court should adopt this more flexible approach to the *Keeprite* exception.

19. Exhibit L is admissible because it highlights conclusions the decision-maker reached without sufficient evidence. The s. 58 explanation indicates that there was a threat to the security of Canada. However, the Canadian Security Intelligence Service had concluded there was no such threat for the purposes of s. 2 of the *Canadian Security Intelligence Service Act* (Exhibits H, I, and K). The Invocation Memorandum promised an alternative threat assessment to the Prime Minister (Exhibit B). Exhibit L is evidence that this threat assessment was never prepared (also see Exhibit J).

### C. *Transcripts and Witness Summaries (Exhibits C, D, G, H, I, J, and K)*

20. The Moving Parties readily accept the Attorney General's point that the transcripts and witness summaries (Exhibits C, D, G, H, I, J, and K) were not before the decision-maker in the technical sense. Indeed, they were produced months after the decision at issue. However, they are admissible for two reasons.

21. First, as explained in the Moving Parties' Joint Written Representations, the transcripts and summaries provide necessary context for the rest of the Commission Evidence. The Prime Minister's and Clerk's transcripts (Exhibits C and D) explain the development and use of the Invocation Memorandum. The RCMP Commissioner's transcript (Exhibit G) explains how and why the Policing Plan was not considered by the decision-maker.

22. Second, the summaries relating to the threat assessments (Exhibits H, I, J, and K) contain information that was before the IRG, and are admissible on that basis.

23. Whatever discrepancy the Attorney General may wish to allege between the witnesses' sworn recollections and what actually transpired is a matter of weight, and is not a bar to admissibility. The Moving Parties observe that the Attorney General of Canada did not challenge the accuracy of *any* of this testimony during the Commission, which all came from federal government witnesses. Canada had the right to cross-examine these witnesses and could have corrected any errors, and did not so in relation to this evidence.

## III. Admission of the Commission Evidence Would Not Impinge on the Commission or Otherwise Defy the Interests of Justice

24. Contrary to the Attorney General's argument, granting this motion would not impinge on the Commission's process. The Public Order Emergency Commission and this Court have different mandates, which will remain distinct even if the evidence is adduced.

25. The Commission has a broad mandate, which is set out in s. 63(1) of the *Emergencies Act* and the Order in Council establishing the Commission. Section 63(1) confirms that any inquiry must examine "the circumstances that led to the declaration being issues and the measures taken for dealing with the emergency". The Order in Council is similarly broad, and directs the Commission:

- to examine issues including "the evolution and goals of the convoy and blockades, their leadership, organization and participants", "the impact of domestic and foreign funding", "the impact, role and sources of misinformation and disinformation", "the impact of the blockades, including their economic impact", and "the efforts of police and other responders prior to and after the declaration";[21]
- to "set out findings and lessons learned, including on the use of the [Act] and the appropriateness and effectiveness of the measures taken under [it]";[22] and
- to "make recommendations" on the "use or any necessary modernization of the Act, as well as on areas for further study or review".[23]

26. The broad mandate of the Commission is also reflected in the decision to constitute the Commission under the *Inquiries Act*, which is designed for inquiries on matters "connected with the good government of Canada or the conduct of any part of the public business thereof".[24]

27. This Honourable Court's mandate is whether the invocation of the *Emergencies Act* and the regulations enacted on that basis were consistent with the law. While the Commission's mandate "overlaps" with this Court's, this is mostly because they will both consider the same fact situation. The Commission's also includes an examination of the political situation that gave rise

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21 Order in Council, P.C. 2022-392 (April 25, 2022), at para. (a)(ii).
22 Order in Council, P.C. 2022-392 (April 25, 2022), at para. (a)(iii).
23 Order in Council, P.C. 2022-392 (April 25, 2022), at para. (a)(iii).
24 *Inquiries Act*, R.S.C. 1985, c. I-11, s. 2.

to the protests, and making recommendations about good policy going forward. Indeed, it conducted a week of policy hearings for the latter purpose.[25]

28. None of the foregoing is affected by the Commissioner's approach of bringing a "judicial attitude" to the Commission's work. That decision does not convert the Commission into a court. It does not displace the necessity or permissibility of judicial review.

29. Nor does the Commissioner's approach change the fact that the *Emergencies Act* was designed with both a public inquiry and judicial review in mind. Inquiries are provided for in s. 63(1). But the legislative record of Bill C-77 (which would later become the *Emergencies Act*) reveals the "reasonable grounds" test in the Act was inserted to better facilitate judicial review.

30. At the second reading of Bill C-77, a Member of Parliament pointed out a "defect" in the legislation: that it "generally [did] not contemplate a role for the court system".[26] The Bill was later referred to a legislative committee. Before the committee, Minister of National Defence Perrin Beatty (the sponsoring Minister) addressed this defect by proposing to insert the legal requirement that the Governor in Council have "reasonable grounds" to believe a public order emergency exists. He explained that this would ensure judicial review was possible:

> … this will give someone who wants to contest the government's decision to invoke a declaration of a national emergency the ability to take us to court, if they believe it has been frivolously done. It will guarantee Canadians the ability that the courts could rule on whether the government had reasonable grounds to believe that a national emergency existed. This will, as a consequence, give added protection to the civil liberties of Canadians and I think it is something that should give considerable reassurance to Canadians.[27]

31. Minister Beatty was clear that "the courts have an important role in controlling the actions of the executive in times of emergency".[28] Although it happens that Commissioner Rouleau is a

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[25] See https://publicorderemergencycommission.ca/public-hearings/, discussing the "policy phase" of the Commission's work.

[26] Canada, Parliament, *House of Commons Debates*, 33rd Parl., 2nd Sess., Vol. 9 (November 17, 1987), at p. 10890, online: https://parl.canadiana.ca/view/oop.debates_HOC3302_09/478.

[27] Canada, Parliament, House of Commons, Legislative Committee on Bill C-77, an Act to amend the taking of special temporary measures to ensure safety and security during national emergencies and to amend other Acts in consequence thereof, *Minutes of Proceedings and Evidence of the Legislative Committee*, 33rd Parl., 2nd Sess., vol. 1, no. 1 (February 23, 1988), at p. 15, online: https://parl.canadiana.ca/view/oop.com_HOC_3302_37_1/21.

[28] Canada, Parliament, House of Commons, Legislative Committee on Bill C-77, an Act to amend the taking of special temporary measures to ensure safety and security during national emergencies and to amend other Acts

judge and *this* Commission was constituted under the *Inquiries Act*, neither was required by the *Emergencies Act*. Parliament's intention that the courts would be called upon to answer the legal question of whether any invocation of the Act was legal.

32. This legislative history is a definitive response to the Attorney General's suggestion that "[a]s a matter of comity", this Court should defer to the Commission. Comity cannot relieve this Court of its judicial duty to decide the very legal matters that Parliament (to say nothing of the Constitution) intended it would.

33. Additionally, the outcomes of the Commission process and this Court's process are different. The Commission will make recommendations and discuss lessons learned. But only this Court will be able to provide declaratory relief if it determines that the thresholds in the *Emergencies Act* were not met or that the regulations at issue were not *Charter*-compliant.

34. Two final issues raised by the Attorney General should be addressed.

35. First, the Attorney General's reliance on s. 30(10)(a)(i) of the *Canada Evidence Act* is misplaced. This paragraph does not "render[] inadmissible any part of a business record made in the course of an investigation or inquiry".[29] It simply states that the record being part of an inquiry does not make it automatically admissible as a business record.

36. Indeed, documents created in the course of an inquiry can be admitted in other ways. Section 30 of the *Canada Evidence Act* itself goes on to say that the section "shall be deemed to be in addition to and not in derogation of … any existing rule of law under which any record is admissible in evidence or any matter may be proved".[30] Here, the documents are admissible under the principled approach to hearsay: they are both necessary and reliable. The Supreme Court of Canada has recently confirmed that "if the reliability of the evidence is sufficiently established, the necessity requirement can be relaxed". [31] Here, the evidence is plainly reliable.

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in consequence thereof, *Minutes of Proceedings and Evidence of the Legislative Committee*, 33rd Parl., 2nd Sess., vol. 1, no. 1 (February 23, 1988), at p. 15, online: https://parl.canadiana.ca/view/oop.com_HOC_3302_37_1/21.

29 Written Representations of the Attorney General of Canada (December 23, 2022), at para. 40.

30 *Canada Evidence Act*, s. 30(11)(b); see *R. v. Crate*, 2012 ABCA 144, at para. 11, noting that "[t]he legislation expressly provides that it does not preclude other routes to admission"; *Commission de la Santé & de la Sécurité du Travail c. La Reine* (2000), 204 F.T.R. 70, 2000 CanLII 16617 (F.C.), at paras. 42-44, 50.

31 *R. v. Furey*, 2022 SCC 52, at para. 3, citing *R. v. Baldree*, 2013 SCC 35, at para. 72.

37. The reason for the exclusion of investigation and inquiry documents in s. 30(10)(a) is that documents made in the course of investigations (e.g., police officers' notes) "raise a concern that the declarant's intentions or objectives when creating them may call into question their inherent reliability".[32] This separates these documents from typical business records. However, that is not a concern here, where the documents at issue are transcripts of sworn testimony or summaries of interviews drafted by Commission counsel which witnesses had the opportunity to, and did, adopt the summaries prior to their admission into evidence. All of the documents were produced in a proceeding that, on the Attorney General's own view, overlaps to some degree with these judicial reviews; Canada was also a party to that proceeding and had the opportunity to examine the witnesses.

38. Second, the Attorney General's complains that the Moving Parties are somehow unfairly curating the record. This complaint can be summarily dismissed. The Attorney General had clear options to address any concerns on this front. It could have put before this Court the full record before the decision-maker. It chose not to do so. It also could have sought to adduce responding records based on evidence before the Commission. The Attorney General chose not to do so either. It now falls to the Moving Parties, and this Court, to ensure that a full record is available prior to the hearing on the merits.

39. The Moving Parties' intent here is not, as the Attorney General suggests, to "create a parallel proceeding in which they ask this Court to render a decision … based on a curated selection of evidence that was before the Commission".[33] The goal here is to present this Court with the more complete record that the Attorney General ought to have provided itself, which will facilitate

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[32] Gourlay et al., *Modern Criminal Evidence* (Toronto: Emond, Montgomery Publications Limited), 2022) at pp. 594-595. See also *Distrimedic Inc. v. Dispill Inc.*, 2013 FC 1043, at para. 83.

[33] Written Representations of the Attorney General of Canada (December 23, 2022), at para. 40.

sound adjudication on the merits. In this way, the Moving Parties' interest is justice; justice should be interested in this motion.

ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 30th DAY OF DECEMBER, 2022

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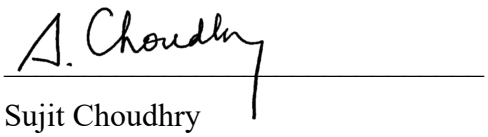

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