

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

EQUUSTEK SOLUTIONS INC.,
ROBERT ANGUS, and CLARMA ENTERPRISES INC.

PLAINTIFFS

AND:

MORGAN JACK, ANDREW CRAWFORD,
DATALINK TECHNOLOGY GATEWAYS INC., DATALINK 5, DATALINK 6,
JOHN DOE, and DATALINK TECHNOLOGIES GATEWAYS LLC

DEFENDANTS

ORDER

BEFORE)
) THE HONOURABLE) Friday, the 3rd day of August 2012
) MADAM JUSTICE FENLON)
))

ON THE APPLICATION of the plaintiffs dated July 5, 2012 coming on for hearing on July 27, 2012, and on hearing Robbie Fleming, counsel for the plaintiffs, and Andrew Crawford, appearing on his own behalf, and no one appearing for the remaining defendants;

AND UPON the plaintiffs by their counsel undertaking to abide by any order this court may make as to damages in the event that this court is hereafter of the opinion that the defendants have sustained damages by reason of this order which the plaintiffs ought to pay;

AND ON JUDGMENT being reserved to this date:

THIS COURT ORDERS THAT:

1. There will henceforth be a class of "Confidential Documents", which will include all documents in the possession or control of the parties which fall into one of the following categories:
 - a. board schematics;
 - b. parts lists and parts specifications;

- c. source code;
- d. design notes;
- e. any notes or drafts of the above; and
- f. any other documents designated by consent or by order of the court.

2. The defendants be and are prohibited from

- a. disclosing any Confidential Document and any information contained in such a document; or
- b. making any use of any Confidential Document and any information contained in such a document

regardless of how and when such a Confidential Document or information was obtained, to any person whatsoever, until the trial of this action or further order of the court, other than:

- c. as provided for in this order; or
- d. by consent.

- 3. Notwithstanding paragraph 2 above, Andrew Crawford will not be prohibited from disclosing or making any use of any Confidential Document that belongs to Tantalus Systems Corp in the course of his employment with Tantalus Systems Corp.
- 4. Any dispute about whether a particular document or group of documents is a Confidential Document may be resolved by providing a general description only of the documents to the court.
- 5. The obligation of the parties to give discovery of documents pursuant to Rule 7-1 is affirmed, and shall further be governed by the terms of this Order.
- 6. The parties shall identify any Confidential Document, that is required to be disclosed on their list of documents under Rule 7-1, as a "Designated Document", and thereafter those documents shall be dealt with as set out below.
- 7. Notwithstanding paragraph 2 above, the defendants may disclose any Confidential Document to any member in good standing of the Law Society of British Columbia, who has been appointed as their counsel of record in these proceedings, for the purpose of determining which Confidential Documents shall be listed as Designated Documents, upon providing a copy of this Order to that counsel.

8. The following parties (the "Designated Persons") only may view the Designated Documents:
 - a. Counsel of record in these proceedings, to whom copies will be provided;
 - b. Andrew Crawford, to be inspected in counsel's offices, but not copied or taken away;
 - c. Robert Angus, to be inspected in counsel's offices, but not copied or taken away; and
 - d. Designated experts.
9. Unless the court file has been sealed, no Designated Document will be attached to any affidavit or made an exhibit at trial without consent or court order, and will not be produced or made an exhibit at an examination for discovery except in circumstances where only the Designated Persons and the court reporter are present, and only the Designated Persons will be entitled to view the transcript of such a discovery.
10. Experts retained by the parties may review the Designated Documents only after they have been designated as experts by consent or further order of the court; and
 - a. the appointment of the designated experts shall be on terms that the experts may not disclose the Designated Documents or their contents to anyone;
 - b. unless the court file has been sealed, the report of the designated experts shall not be entered as evidence except by consent or further order of the court;
11. For clarity, paragraphs 8 – 10 above do not apply to the plaintiffs except with respect to Designated Documents which they receive from the defendants pursuant to this Order.
12. At the conclusion of the proceedings and any appeals, all copies of the Designated Documents will be returned to the disclosing party, or otherwise disposed of as directed by the court.

13. The parties are at liberty to apply to the court for directions.

BY THE COURT

[District] REGISTRAR

APPROVED AS TO FORM:

Counsel for the Plaintiffs

the Defendant Andrew Crawford