

00007

  
**NOVA SCOTIA**  
**Department of Justice**  
**Legal Services Division**

4th Floor - 5851 Terminal Road  
PO Box 7  
Halifax NS B3J 2L6

Phone: 902-424-3297  
Fax: 902-424-1730  
E-mail: gorsesa@gov.ns.ca

Edward A. Gores, Q.C.  
Senior Counsel

File No.: 11-1252

May 15, 2012

Rhonda M. Walker  
Director, Corporate Strategy and Operations  
Department of Communities, Culture and Heritage  
6th Floor - 1800 Argyle Street  
Halifax, NS B3J 2R5

Dear Ms. Walker:

**Re: Copyright - Bluenose II**

Enclosed please find Smart & Biggar Invoice No. S 1775082 dated April 30, 2012 in the amount of \$4,161.25 for payment for services rendered for the period ending April 30, 2012 in relation to our Request for Opinion regarding Copyright - Bluenose II.

Yours truly,

  
Edward A. Gores, Q.C.

EAG/sek  
Encl.

00008

**SMART & BIGGAR**

Intellectual Property & Technology Law

55 Metcalfe Street Suite 900  
PO Box 2599 Station D  
Ottawa ON K1P 5Y6 Canada  
Tel. 613.232.2486 | Fax 613.232.8440  
www.smart-biggarc.ca

**Dept. of**  
MAY 11 2012  
**Justice**

**S.20(1)**

Our Ref: 53103-1

May 3, 2012

Mr. Edward Gores  
The Province of Nova Scotia  
Nova Scotia, Department of Justice  
Legal Services Division  
5151 Terminal Road, 4th Floor  
P.O. Box 7  
Halifax, NS B3J 2L6

Dear Ed:

Re: Province of Nova Scotia - Bluenose II Request for Opinion  
Your Ref: 03-1263

Please find enclosed our invoice for services rendered in the above-identified matter for the period ending April 30, 2012.

Please let us know if you have any questions or concerns regarding the foregoing.

Yours very truly,

SMART & BIGGAR

**S.20(1)**

S.20(1)

00025

5101014667

33 Metcalfe Street Suite 900, PO Box 2999 Station B, Ottawa ON K1P 5Y6 Canada  
Tel. 613.232.2486 | Fax 613.232.8440 ottawa@smart-biggar.ca

SMART & BIGGAR

(5105914931)  
Invoice No. S 179588  
August 8, 2012  
HST NO. 122086242

53103-1 S.20(1)

The Province of Nova Scotia  
Nova Scotia, Department of Justice  
Legal Services Division  
5151 Terminal Road, 4th Floor  
P.O. Box 7  
Halifax, Nova Scotia  
B3J 2L6, Canada

Attn: Mr. Edward Gores

Re: Province of Nova Scotia - Bluenose II - Request for Opinion  
Your Ref: 10-2062

		HST
FOR SERVICES RENDERED TO DATE. Please see the attached printout for details.	\$3,500.00	\$525.00
Paid invoice from Gowlings.	\$372.35	\$55.85
service charges re: telephone	\$9.41	\$1.41
<b>NET TOTAL</b>	<b>\$3,881.76</b>	
<b>HST TOTAL</b>	<b>\$582.26</b>	
<b>TOTAL</b>	<b>\$4,464.02</b>	

S.20(1) 7.0hrs @ hr  
 0.9hrs @ hr  
 0.7hrs @ hr  
 0.5hrs @ hr

COPY

5001072075

Y.

5500	DPD NUMBER	41101212712061
COST CENTER	ACCOUNT	00
51510141010	615118	
ORDER NUMBER		
APPROVED FOR PAYMENT	AUDIT	
RETURN TO	VENDOR SUPPLEMENT	1101014171215

ALL AMOUNTS ARE EXPRESSED IN CANADIAN DOLLARS



**NOVA SCOTIA**  
Procurement Services  
**Official Purchase Order**

**PO Number:** 4102372081  
**PO Date:** August 27, 2012  
**Outline Agreement Number:**  
**Tender Number:**

**To:** Vendor No: 10014978  
SMART & BIGGAR  
PO BOX 2992 STN D  
OTTAWA  
ON K1P 5Y8 CA

**RENDER SEPARATE INVOICE FOR EACH ORDER.**

All Invoices, packing slips and bills of lading must show purchase order number, consignee and destination.

**Invoice To:**  
Archives, Museums and Libraries  
Executive Director's office  
1747 Summer Street  
Halifax, NS B3H 3A8

**Pay Terms:**  
Payable immediately

**Delivery To:** Communities, Culture & Heritage  
Archives, Museums & Libraries  
Executive Director's office  
1747 Summer Street  
Halifax NS B3H 3A8 CA

**Delivery Terms:**  
Delivery Date: August 27, 2012

Item	Material Description	PO Order Qty	Unit	Order Price Per Unit	Price	Extended Price
0001	Legal opinion-Business I	1	LE	1 LE	\$3,881.76	\$3,881.76
0010	Legal opinion-Business II	1	EA		\$3,881.76	\$3,881.76
<b>Totals:</b>	<b>Harmonized Sales Tax:</b>					<b>\$692.26</b>
						<b>\$4,464.02 CAD</b>

00027

<b>To:</b>	<b>Vendor No:</b>	<b>10014876</b>
<b>SMART &amp; BIGGAR</b>		
<b>PO BOX 2999 STN D</b>		
<b>OTTAWA</b>		
<b>ON</b>	<b>K1P 5Y6</b>	<b>CA</b>

<b>PO Number:</b>	<b>4102372081</b>
<b>PO Date:</b>	<b>August 27, 2012</b>
<b>Outline Agreement Number:</b>	
<b>Tender Number:</b>	

<b>For Staff Use Only</b>
<b>SAP Requisition Number:</b>
<b>Project # :</b>
<b>Our Reference:</b>
<b>Buyer:</b>
<b>Pam Dunbar</b>
<b>P: 902-424-6478</b>
<b>F: 902-424-6478</b>
<b>E:</b>


**S.16(1) and S.20(1)**

## Payment of Non-Compliant Invoice Authorization Form

Procurement Services  
 1000 University Avenue  
 Halifax, NS B3C 2S1  
 Tel: 902-424-1234  
 Fax: 902-424-1234

Procurement Services endeavors to competitively solicit tenders for goods and services in excess of \$10,000 (excluding taxes) and obtain quotes to ensure best value for purchases under \$10,000 CAD (including taxes). Procurement policies and procedures should be reviewed prior to making any purchase.

- This form is to be completed for all purchases where the purchasing process was not followed and the invoice has already been received from the vendor
- All fields on this form MUST be completed.
- In SAP the Award Type is NC. The Award Category is NC01 for low value purchases and NC02 for high value purchases.
- Keep this form on file for audit purposes and forward a copy to Procurement Services for high value purchases

<b>Section A</b>			
<i>All fields are mandatory. Any forms missing information will be returned to the requesting department.</i>			
SAP Requisition Number: (if available)		PO Creation Date:	
Invoice Date:	August 8, 2012	Purchase Amount (excluding taxes)	\$3,881.76
Invoice Number(s):	5 1795880		
Brief Description of Goods or Services Purchased:	For professional services rendered - Request for Opinion - Copyright - Bluenose II Your Ref# 10-2052		
Awarded To (vendor name):	Smart & Sugar	Have you received Ministerial Approval for this purchase?	X Yes <input type="checkbox"/> No
Requested by (Name):	Edward A. Goras	Phone Number:	424-3297
Purchased by (Name):	Edward A. Goras	Phone Number:	424-3297
<b>Section B - Signatures</b>			
I am submitting a request for the payment of a non-compliant invoice for the above-mentioned product or service. I understand and accept that the current procedure with the Province of Nova Scotia is to obtain competitive tenders on purchase transactions that exceed \$10,000 CAD (excluding taxes) and quotations on purchase transactions under \$10,000 CAD (excluding taxes). I have attached the required back up documentation (Section C), and acknowledge that an order has been placed with a supplier without following proper procurement procedures.			
<i>For purchases under \$10,000 CAD (excluding taxes): To be signed by the supervisor or person with signing authority for the given business area.</i>			
Name of Supervisor:	Bill Greenlaw	Department/Division:	COMMUNITIES, CULTURE AND HERITAGE - AML
Signature:		Date:	August 27, 2012
<i>For purchases over \$10,000 CAD (excluding taxes): To be signed by the Deputy Head or delegated to Acting/Assistant Deputy Head per Sustainable Procurement Policy.</i>			
Name and Title:		Department/Division:	
Signature:		Date:	
Please check one of the following:			
<input type="checkbox"/> Deputy Head <input type="checkbox"/> Assistant Deputy Head <input type="checkbox"/> Acting Deputy Head			

00030

**Payment of Non-Compliant Invoice  
Authorization Form**

Procurement Services  
Procurement Services Unit  
1000-9070-0000  
1000-9070-0000

**Section C**

**To be completed by Department staff**

*(This section is mandatory) Please provide the reason that the procurement process was not followed (attach additional sheets if necessary)*

This firm was retained pursuant to the Department of Justice's private law firm retainer policy to deal with copyright and trademark issues beyond our expertise and experience. At the time the firm was retained, the full extent of services to be required in the future was not known and their involvement in solution building has continued to be required. The firm is a nationally recognized national leader in the intellectual property law field and continues to assist us in meeting the Province's legal needs.



00031

**NOVA SCOTIA**  
**Department of Justice**  
**Legal Services Division**

4th Floor - 5154 Terminal Road  
PO Box 7  
Halifax NS B3J 2L6

Phone: 902-434-3297  
Fac: 902-434-1730  
E-mail: [gorscal@gov.ns.ca](mailto:gorscal@gov.ns.ca)

Edward A. Gores, Q.C.  
Senior Counsel

File No.: 11-1252

**SENT VIA COURIER:**

August 21, 2012

Rhonda M. Walker  
Director, Corporate Strategy and Operations  
Department of Communities, Culture and Heritage  
6th Floor - 1800 Argyle Street  
Halifax, NS B3J 2R5

Dear Ms. Walker:

**Re: Copyright - Bluenose II**

Enclosed, please find two invoices for payment for services rendered for the period ending July 31, 2012 in relation to our Request for Opinion regarding Copyright - Bluenose II:

1. Smart & Biggar Invoice No. S 1795880 dated August 8, 2012 in the amount of \$4,4464.02; and
2. **ALREADY PAID BY SMART & BIGGAR** - Gowling Lafleur Henderson LLP Invoice No. 17513342 dated June 27, 2012 in the amount of \$420.76.

Yours truly,

  
Edward A. Gores, Q.C.

EAG/sek  
Encls.

00032

COPY

**SMART & BIGGAR**

Intellectual Property & Technology Law

55 Metcalfe Street Suite 900  
PO Box 2999 Station D  
Ottawa ON K1P 5Y6 Canada  
Tel. 613.232.2486 | Fax 613.232.8440

[www.smart-biggar.ca](http://www.smart-biggar.ca)

**S.20(1)**

**Our Ref: 53103-1**

August 8, 2012

Mr. Edward Gores  
The Province of Nova Scotia  
Nova Scotia, Department of Justice  
Legal Services Division  
5151 Terminal Road, 4th Floor  
P.O. Box 7  
Halifax, NS B3J 2L6

Dear Ed:

Re: Province of Nova Scotia - Bluenose II Request for Opinion  
Your Ref: 03-1263

Please find enclosed our invoice for services rendered in the above-identified matter for the period ending July 31, 2012.

As previously discussed, the attached invoice S.16(1) and S.20(1)

If you have any questions or concerns with respect to the foregoing, please let us know.

Yours very truly,

**SMART & BIGGAR**

**S.20(1)**

Ottawa Toronto Montreal Vancouver

00033

**gowlings**

montreal • ottawa • toronto • halifax • waterloo region • calgary • vancouver • beijing • moscow • london

**CLAY**

Smart & Biggar  
ATTN: S.20(1)  
Partner  
Barristers & Solicitors  
P.O. Box 2999, Station D,  
55 Metcalfe St., Suite 900  
Ottawa ON K1P 5Y6

June 27, 2012  
INVOICE: 17513342

Our Matter: 07387622 / 87409  
RE: Province of Nova Scotia ats. Rowe - copyright infringement

**TO OUR FEE:**

Fees for Professional Services	\$357.00
HST on Fees	46.41
<b>Total Fees and Taxes</b>	<b>403.41</b>

**DISBURSEMENTS:**

Disbursements (Taxable)	15.35
HST on Disbursements	2.00
<b>Total Disbursements and Taxes</b>	<b>17.35</b>

**TOTAL INVOICE BALANCE:**

Total for this Invoice	420.76
[ Total HST: \$48.41 ]	
<b>Please remit total invoice balance due:</b>	<b>In Canadian Dollars \$420.76</b>

**GOWLING LAFLEUR HENDERSON LLP**

**S.20(1)**

Interest at the rate of 1.5% per annum will be charged on all amounts not paid within one month from the date of this invoice.

errors and omissions excluded  
GST/HST: 18856 4625 RT

page 1 of 2

Gowling Lafleur Henderson LLP - Lawyers, Patent and Trademark Agents  
160 Bloor Street - Suite 2500 - Ottawa - Ontario - K1P 1C3 - Canada - T 613 233 4781 F 613 563 9668 - gowlings.com

00034

**gowlings**

June 27, 2012  
INVOICE: 17513342

Smart & Biggar  
Our Matter: 07387622  
Province of Nova Scotia nts. Rous - copyright infringement

**PROFESSIONAL SERVICES**

04/05/2012

**S.16(1) and S.20(1)**

29/05/2012

30/05/2012

**Total Fees for Professional Services**

**\$357.00**

**DISBURSEMENTS**

**Taxable Costs**

Copying

**\$3.80**

Scanning Service

**\$2.40**

Postage

**\$0.61**

Courier

**\$8.54**

**Total Taxable Disbursements**

**\$15.35**

terms due upon receipt

Interest at the rate of 1.2% per annum will be charged on all amounts not paid within one month from the date of this invoice

entire bill enclosed enclosed

page 2 of 3

00035

**gowlings**

June 27, 2012  
INVOICE: 17513342

**Remittance Copy**

Client: 87409 Smart & Biggar  
Matter: 07387622  
RE: Province of Nova Scotia ats. Roux - copyright infringement  
Amount Due: \$420.76

---

**PAYMENT BY CHEQUE:**

Please return this page with your payment payable to **Gowling Lafleur Henderson LLP**

Remit to:

Gowling Lafleur Henderson LLP  
PO Box 466, STN D  
Ottawa, ON K1P 1C3  
Canada

**PAYMENT BY WIRE TRANSFER:**

**NOT RELEVANT**

Interest due upon receipt  
Interest at the rate of 1.5% per annum will be charged on all amounts not paid within one month from the date of this invoice  
GST is a self-liquidation excluded

page 3 of 3

### Ministerial Spending Approval (over \$5,000)

Department: Communities, Culture and Heritage

Date: November 21, 2011

#### Type of Goods/Service

Please indicate the following with an "X":

- |   |   |
|---|---|
| <input type="checkbox"/> Safety & Security/Medical                      | <input checked="" type="checkbox"/> Operational Requirement |
| <input type="checkbox"/> Satisfaction of Pre-Existing Legal Obligations | <input type="checkbox"/> Grant/Subsidy                      |
| <input type="checkbox"/> Compelling Business Case                       | <input type="checkbox"/> Other                              |

#### Description of Goods/Services to be Purchased/Program or Grant to be Provided:

Smart & Biggar is Canada's largest firm practicing exclusively in intellectual property and technology law and have been selected repeatedly as Canada's leading intellectual property firm in numerous Canadian and international surveys. They have been retained by the Dept of Justice on behalf of CCH to provide expert advice regarding IP issues related to Bluenose II.

Value of Goods/Service/Program Costs: \$ 100,000

#### For Program Funding:

Total cost of program:	\$ <u>100,000</u>
Cost incurred to Date:	\$ <u>26,200</u>
Remaining Costs:	\$ <u>73,800</u>

#### Supporting Reasons: (if you require additional space please submit on separate page):

IP issues related to Bluenose II are complex and require specialized expert opinion and advice in addition to that available within the civil service.

#### Implications of Not Spending funds:

# S.14(1)

#### Procurement Method (if applicable):

- Tender
   
  Standing Offer  
 Other ALTP 4 (sole source)

Approved By:

  
Executive Director

Approved By:

  
Deputy Minister

Approved By:

  
Minister

00037

5101018543

55 Metcalfe Street Suite 900, PO Box 2999 Station O, Ottawa ON K1P 5Y6 Canada  
Tel. 613.232.2486 | Fax 613.232.8440 ottawa@smart-biggarc

SMART & BIGGAR

Intellectual Property & Technology Law

(5105918543)

Invoice No. S 180798  
September 30, 2012  
HST NO. 122086242

531 93-1 S.20(1)

The Province of Nova Scotia  
Nova Scotia, Department of Justice  
Legal Services Division  
5151 Terminal Road, 4th Floor  
P.O. Box 7  
Halifax, Nova Scotia  
B3J 2L6, Canada

Dept. of  
OCT 15 2012  
Justice

Re: Province of Nova Scotia - Bluenosa II - Request for Opinion  
Your Ref: 10-2062

FOR SERVICES RENDERED FOR THE PERIOD ENDING  
September 30, 2012. Please see the attached  
printout for details. HST

\$3,500.00 \$525.00

NET TOTAL \$3,500.00

HST TOTAL \$525.00

TOTAL \$4,025.00

Finance - CSU

OCT 19 2012

S.20(1) S.20(1)  
6.3hrs @ hr  
1.5hrs @ hr  
0.2hrs @ hr

5001083549

5500	DPD NUMBER	411012637121066
COST CENTER	ACCOUNT	616118
5151014010		
ORDER NUMBER		
APPROVED FOR PAYMENT	AUDIT	
RETURN TO	VENDOR/SUPPLEMENT	1101011491715

COPY

ALL AMOUNTS ARE EXPRESSED IN CANADIAN DOLLARS

**S.16(1) and S.20(1)**



00039



**NOVA SCOTIA**  
Procurement Services  
**Official Purchase Order**

**PO Number:** 4102372086  
**PO Date:** October 17, 2012  
**Outline Agreement Number:**  
**Tender Number:**

**To:** Vendor No: 10014975  
SMART & BIGGAR  
PO BOX 2889 STN D  
OTTAWA  
ON K1P 5Y6 CA

**RENDER SEPARATE INVOICE FOR EACH ORDER.**

All invoices, packing slips and bills of lading must show purchase order number, consignee and destination.

**Invoice To:**  
Archives, Museums and Libraries  
Executive Director's office  
1747 Summer Street  
Halifax, NS B3H 3A8

**Pay Terms:**  
Payable immediately

**Delivery To:** Communities, Culture & Heritage  
Archives, Museums & Libraries  
Executive Director's office  
1747 Summer Street  
Halifax NS B3H 3A8 CA

**Delivery Terms:**  
Delivery Date: September 30, 2012

Item	Material	Description	PO Order Qty	Unit	Order Price Per Unit	Price	Extended Price
0007		Legal opinion-Bluenose I	1	LE	1 LE	\$3,500.00	\$3,500.00
0010		Legal opinion-Bluenose II	1	EA		\$3,500.00	\$3,500.00
<b>Totals:</b>		<b>Harmonized Sales Tax:</b>					<b>\$4,025.00 CAD</b>

00040

To: Vendor No: 10014876  
SMART & BIGGAR  
PO BOX 2988 STN D  
OTTAWA  
ON K1P 5Y6 CA

PO Number: 4102372086  
PO Date: October 17, 2012  
Outline Agreement Number:  
Tender Number:

**For Staff Use Only**  
SAP Requisition Number:  
Project # :  
Our Reference:  
Buyer:  
Pam Dunbar  
P: 902-424-8478  
F: 902-424-8478  
E:

**NOVA SCOTIA**  
**Department of Justice**  
**Legal Services Division**

4th Floor - 5151 Terminal Road  
PO Box 7  
Halifax NS B3J 2L6

Phone: 902-424-3297  
Fax: 902-424-1730  
E-mail: garesca@gov.ns.ca

Edward A. Gores, Q.C.  
Senior Counsel

File No.: 11-2523

**SENT VIA COURIER:**

October 15, 2012

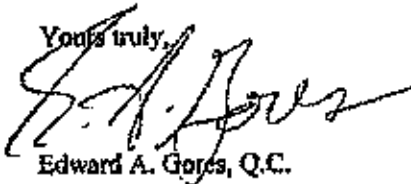
Rhonda M. Walker  
Director, Corporate Strategy and Operations  
Department of Communities, Culture and Heritage  
6th Floor - 1800 Argyle Street  
Halifax, NS B3J 2R5

Dear Ms. Walker:

**Re: Copyright - Bluenose II**

Enclosed, please find Smart & Biggar Invoice No. S 1807980 dated September 30, 2012 in the amount of \$4,625 for payment for services rendered for the period ending September 30, 2012 in relation to our Request for Opinion regarding Copyright - Bluenose II.

Yours truly,



Edward A. Gores, Q.C.

EAG/sek  
Encl.

**SMART & BIGGAR**

Intellectual Property & Technology Law

55 Metcalfe Street Suite 900  
PO Box 2999 Station D  
Ottawa ON K1P 5V8 Canada  
Tel. 613.232.2486 | Fax 613.232.8440  
www.smart-biggarc.ca

**Dept. of**  
**OCT 15 2012**  
**Justice**

S.20(1)  
S.20(1)@smart-biggarc.ca

**Our Ref: 53103-1**

October 2, 2012

Mr. Edward Gores  
The Province of Nova Scotia  
Nova Scotia, Department of Justice  
Legal Services Division  
5151 Terminal Road, 4th Floor  
P.O. Box 7  
Halifax, NS B3J 2L6

Dear Ed:

**Re: Province of Nova Scotia - Bluenose II Request for Opinion**  
**Your Ref: 03-1263**

---

Please find enclosed our invoice for services rendered in the above-identified matter for the period ending September 30, 2012. Please note we have written down the invoice from the time actually spent on this matter.

If you have any questions or concerns with respect to the foregoing, please let us know.

Yours very truly,

SMART & BIGGAR  
**S.20(1)**

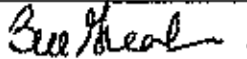
S.20(1)  
Encl.

## Payment of Non-Compliant Invoice Authorization Form

Procurement Services  
Province of Nova Scotia  
Tel: 902-424-3181  
Fax: 902-424-3181

Procurement Services endeavors to competitively solicit tenders for goods and services in excess of \$10,000 (excluding taxes) and obtain quotes to ensure best value for purchases under \$10,000 CAD (excluding taxes). Procurement policies and procedures should be reviewed prior to making any purchase.

- This form is to be completed for all purchases where the purchasing process was not followed and the invoice has already been received from the vendor
- All fields on this form MUST be completed.
- In SAP the Award Type is NC. The Award Category is NC01 for low value purchases and NC02 for high value purchases.
- Keep this form on file for audit purposes and forward a copy to Procurement Services for high value purchases

Section A			
<i>All fields are mandatory. Any forms missing information will be returned to the requesting department.</i>			
SAP Requisition Number: (if available)		PO Creation Date:	
Invoice Date:	September 30, 2012	Purchase Amount (excluding taxes)	\$3500.00
Invoice Number(s):	S 1807980		
Brief Description of Goods or Services Purchased:	For professional services rendered – Request for Opinion – Copyright – Bluenose II Your Ref# 10-2062		
Awarded To (vendor name):	Smart & Biggar	Have you received Ministerial Approval for this purchase?	X Yes <input type="checkbox"/> No
Requested by (Name):	Edward A. Gores	Phone Number:	424-3297
Purchased by (Name):	Edward A. Gores	Phone Number:	424-3297
Section B - Signatures			
I am submitting a request for the payment of a non-compliant invoice for the above-mentioned product or service. I understand and accept that the current procedure with the Province of Nova Scotia is to obtain competitive tenders on purchase transactions that exceed \$10,000 CAD (excluding taxes) and quotations on purchase transactions under \$10,000 CAD (excluding taxes). I have attached the required back up documentation (Section C), and acknowledge that an order has been placed with a supplier without following proper procurement procedures.			
<i>For purchases under \$10,000 CAD (excluding taxes): To be signed by the supervisor or person with signing authority for the given business area.</i>			
Name of Supervisor:	Bill Greenlaw	Department/Division:	COMMUNITIES, CULTURE AND HERITAGE - AML
Signature:		Date:	October 17, 2012
<i>For purchases over \$10,000 CAD (excluding taxes): To be signed by the Deputy Head or delegated to Acting/Assistant Deputy Head per Sustainable Procurement Policy.</i>			
Name and Title:		Department/Division:	
Signature:		Date:	
Please check one of the following:			
<input type="checkbox"/> Deputy Head <input type="checkbox"/> Assistant Deputy Head <input type="checkbox"/> Acting Deputy Head			

00044

Payment of Non-Compliant Invoice  
Authorization Form

Procurement Services  
Province of Nova Scotia  
Tel: 902-424-3333  
Fax: 902-424-0720

**Section C**

**To be completed by Department staff**

*(This section is mandatory) Please provide the reason that the procurement process was not followed (attach additional sheets if necessary)*

This firm was retained pursuant to the Department of Justice's private law firm retainer policy to deal with copyright and trademark issues beyond our expertise and experience. At the time the firm was retained, the full extent of services to be required in the future was not known and their involvement in solution building has continued to be required. The firm is a nationally recognized national leader in the intellectual property law field and continues to assist us in meeting the Province's legal needs.



**NOVA SCOTIA**  
Procurement Services  
**Official Purchase Order**

**PO Number:** 4500262932  
**PO Date:** January 10, 2013  
**Outline Agreement Number:** 4600016278  
**Tender Number:**

**To:** Vendor No: 10014975  
SMART & BIGGAR  
PO BOX 2999 STN D  
OTTAWA  
ON K1P 6Y6 CA

**RENDER SEPARATE INVOICE FOR EACH ORDER.**  
All invoices, packing slips and bills of lading must show purchase order number, consignee and destination.

**Invoice To:**  
Archives, Museums and Libraries  
Executive Director's office  
1747 Summer Street  
Halifax, NS B3H 3A6

**Pay Terms:**  
Within 30 Days, Due Net

**Delivery To:** Communities, Culture & Heritage  
Archives, Museums and Libraries  
Executive Director's office  
1747 Summer Street  
Halifax NS B3H 3A6 CA

**Delivery Terms:**  
FOB Destination  
Delivery Date: January 10, 2013

Item	Material Description	PO Order Qty	Order Unit	Order Price Per Unit	Price	Extended Price
0001	Legal opinion on copyright - Bluenose II	1	LE	1 LE	\$22,920.85	\$22,920.88
Release order against contract 4600016278 item 00001						
0010	Legal opinion-copyright - Bluenose II	1	EA		\$22,920.98	\$22,920.85
<b>Totals:</b>	<b>Harmonized Sales Tax:</b>					<b>\$3,438.14</b>
						<b>\$26,359.08 CAD</b>

00048

To: Vendor No: 10014875  
SMART & BIGGAR  
PO BOX 2999 STN D  
OTTAWA  
ON K1P 5Y6 CA

PO Number: 4500262932  
PO Date: January 10, 2013  
Outline Agreement Number: 4500016276  
Tender Number:

**For Staff Use Only**  
SAP Requisition Number:  
Project #:  
Our Reference:  
Buyer:  
Pam Dunbar  
P: 902-424-6478  
F: 902-424-6478  
E:



# S.16(1) and S.20(1)

6 pages redacted

## Ministerial Spending Approval (over \$5,000)



Department: Communities, Culture and Heritage

Date: December 3, 2012

### Type of Goods/Service

Please indicate the following with an "X":

- |   |  |
|---|--|
| <input type="checkbox"/> Safety & Security/Medical                      | <input type="checkbox"/> Operational Requirement |
| <input type="checkbox"/> Satisfaction of Pre-Existing Legal Obligations | <input type="checkbox"/> Grant/Subsidy           |
| <input type="checkbox"/> Compelling Business Case                       | <input checked="" type="checkbox"/> Other        |

### Description of Goods/Services to be Purchased/Program or Grant to be Provided:

Legal services of pre-eminent copyright law firm Smart & Biggar to assist in defending Province against allegations of copyright infringement related to restoration of Bluenose II

Value of Goods/Service/Program Costs: \$ 200,000

### For Program Funding:

Total cost of programs: \$ 200,000

Cost Incurred to Date: \$ \_\_\_\_\_

Remaining Costs: \$ 200,000

### Supporting Reasons: (If you require additional space please submit on separate page):

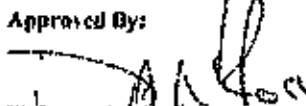
Smart & Biggar is Canada's largest firm practicing exclusively in intellectual property and technology law and have been selected repeatedly as Canada's leading intellectual property firm in numerous Canadian and international surveys. They have been retained by the Dept of Justice on behalf of CCH to provide expert advice regarding IP issues related to Bluenose II.

# S.14(1)

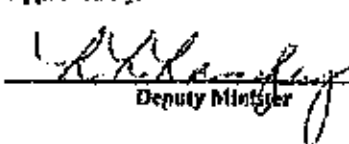
### Procurement Method (if applicable):

- Tender
  Standing Offer  
 Other ALTP

Approved By:

  
Executive Director

Approved By:

  
Deputy Minister

Approved By:

  
Minister

00056

88 Metcalfe Street Suite 500, PO Box 2999 Station O, Ottawa ON K1P 5Y6 Canada  
Tel. 613.232.2485 | Fax 613.232.8440 ottawa@smart-biggar.ca

**SMART & BIGGAR**  
Intellectual Property & Technology Law

S3103-3 S.20(1).

Invoice No. 8 1829626  
December 31, 2012  
HST NO. 122086242

5/25/503511

The Province of Nova Scotia  
Nova Scotia, Department of Justice  
Legal Services Division  
5151 Terminal Road, 4th Floor  
P.O. Box 7  
Halifax, Nova Scotia  
B3J 2L6, Canada

Re: Infringement of the Province of Nova Scotia's  
Rights in Official Marks and Trade-marks  
BLUENOSE and BLUENOSE II

		HST
FOR SERVICES RENDERED for the period ending December 31, 2012. For complete details, please see the attached printout.	\$5,000.00	\$750.00
	\$14.80	\$2.22
	\$16.40	\$2.46
	\$16.40	\$2.46
	\$30.00	\$4.50
service charges re: telephone; computer charges	\$11.12	\$1.57
<b>NET TOTAL</b>	<b>\$5,088.72</b>	
<b>HST TOTAL</b>	<b>\$763.31</b>	
<b>TOTAL</b>	<b>\$5,852.03</b>	

**COPY**  
**S.20(1)**  
7.3 hrs @ hr  
12.8 hrs @ hr  
1.3 hrs @ hr

5001118804

358C	DPD NUMBER	4010102671032
COST CENTER	ACCOUNT	5151014101 6151111
CIDR NUMBER		
APPROVED FOR PAYMENT		
		110121117975

ALL AMOUNTS ARE EXPRESSED IN CANADIAN DOLLARS

00057



**NOVA SCOTIA**  
Procurement Services  
**Official Purchase Order**

PO Number:	4500287032
PO Date:	February 25, 2013
Outline Agreement Number:	4600018278
Tender Number:	8D145304

To:	Vendor No:	10014875
SMART & BIGGAR		
PO BOX 2989 STN D		
OTTAWA		
ON K1P 5Y6 CA		

**RENDER SEPARATE INVOICE FOR EACH ORDER.**

All invoices, packing slips and bills of lading must show purchase order number, consignee and destination.

Invoice To:
Archives, Museums and Libraries
Executive Director's office
1747 Summer Street
Halifax, NS B3H 3A8

Pay Terms:
Within 30 Days, Due Net

Delivery To:	Communities, Culture & Heritage
Archives, Museums and Libraries	
Executive Director's office	
1747 Summer Street	
Halifax	NS B3H 3A8 CA

Delivery Terms:
FOB Destination
Delivery Date: February 25, 2013

Item	Material	Description	PO Order Qty	Unit	Order Price Per Unit	Price	Extended Price	
0001		Legal opinion on copyright-Bluenose II	1	LE	1 LE	\$5,088.72	\$5,088.72	
Release order against contract 4500018278 Item 00001								
0010		Legal opinion-Bluenose II	1	EA		\$5,088.72	\$5,088.72	
<b>Totals:</b>		<b>Harmonized Sales Tax:</b>	<b>\$763.31</b>					<b>\$5,862.03 CAD</b>

00058

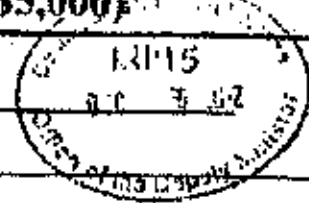
To: Vendor No: 10014975  
SMART & BIGGAR  
PO BOX 2999 STN D  
OTTAWA  
ON K1P 5Y6 CA

PO Number: 4500267032  
PO Date: February 25, 2013  
Outline Agreement Number: 4600016276  
Tender Number: 80145304

**For Staff Use Only**  
SAP Requisition Number:  
Project #:  
Our Reference:  
Buyer:  
Pam Dunbar  
P: 902-424-8478  
F: 902-424-8478  
E:

## Ministerial Spending Approval (over \$5,000)

 Department: Communities, Culture and Heritage

 Date: December 3, 2012


### Type of Goods/Service

Please indicate the following with an "X":

- |   |  |
|---|--|
| <input type="checkbox"/> Safety & Security/Medical                      | <input type="checkbox"/> Operational Requirement |
| <input type="checkbox"/> Satisfaction of Pre-Existing Legal Obligations | <input type="checkbox"/> Grant/Subsidy           |
| <input type="checkbox"/> Compelling Business Case                       | <input checked="" type="checkbox"/> Other        |

### Description of Goods/Services to be Purchased/Program or Grant to be Provided:

Legal services of pre-eminent copyright law firm Smart &amp; Biggar to assist in defending Province against allegations of copyright infringement related to restoration of Bluenose II

 Value of Goods/Service/Program Costs: \$ 200,000

### For Program Funding:

 Total cost of program: \$ 200,000

Cost Incurred to Date: \$ \_\_\_\_\_

 Remaining Costs: \$ 200,000

### Supporting Reasons: (if you require additional space please submit on separate page):

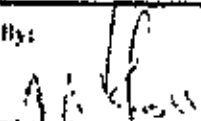
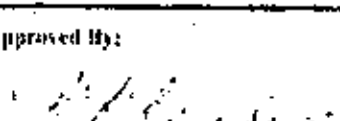

Smart &amp; Biggar is Canada's largest firm practicing exclusively in intellectual property and technology law and have been selected repeatedly as Canada's leading intellectual property firm in numerous Canadian and international surveys. They have been retained by the Dept of Justice on behalf of CCH to provide expert advice regarding IP issues related to Bluenose II.

### Implications of Not Spending funds:

# S.14(1)

### Procurement Method (if applicable):

- Tender
  Standing Offer  
 Other ALTP

Approved By:  Executive Director	Approved By:  Deputy Minister	Approved By:  Minister
---	--	--

# S.16(1) and S.20(1)

3 pages redacted

**Buffett, J Earl**

---

**From:** Walker, Rhonda M  
**Sent:** Monday, February 25, 2013 11:56 AM  
**To:** Buffett, J Earl  
**Subject:** FW: Infringement of the Province of Nova Scotia's Rights in Official Marks and Trade-marks BLUENOSE and BLUENOSE II; Our Ref: 53103-3  
**Attachments:** 53103-3 Invoice 2012-12-31.pdf

Smart and Biggar

**From:** Gores, Edward A  
**Sent:** January 23, 2013 1:13 PM  
**To:** Walker, Rhonda M; Greenlaw, Bill E  
**Subject:** FW: Infringement of the Province of Nova Scotia's Rights in Official Marks and Trade-marks BLUENOSE and BLUENOSE II; Our Ref: 53103-3

Invoice from Smart and Biggar,

Ed

**From:** S.20(1) @smart-biggarr.ca; On Behalf Of S.20(1)  
**Sent:** Monday, January 14, 2013 3:51 PM  
**To:** Gores, Edward A  
**Cc:** S.20(1)  
**Subject:** infringement of the Province of Nova Scotia's Rights in Official Marks and Trade-marks BLUENOSE and BLUENOSE II; Our Ref: 53103-3

**Our Ref: 53103-3**

January 14, 2013

Mr. Ed Gores, Q.C.  
The Province of Nova Scotia  
Nova Scotia, Department of Justice  
Legal Services Division  
5151 Terminal Road, 4th Floor  
P.O. Box 7  
Halifax, Nova Scotia  
B3J 2L6, Canada

**BY E-MAIL**

Dear Ed:

**Re: Infringement of the Province of Nova Scotia's  
Rights in Official Marks and Trade-marks  
BLUENOSE and BLUENOSE II**

---

Please find attached our invoice for services rendered up to and including December 31, 2012 in the above-noted matter. Please note that we have written down the invoice from the time actually spent on this matter.



00064

Please do not hesitate to contact us should you have any questions or concerns.

Yours very truly,

SMART & BIGGAR

S.20(1)

S.20(1)

SMART & BIGGAR  
FETHERSTONHAUGH

1011 GILMAN STREET SUITE 900  
OTTAWA ONTARIO  
K1P 5Y6

S.20(1)

85 Metcalfe Street Suite 900

PO Box 2989 Station D

Ottawa ON K1P 5Y6

Canada

Tel. S.20(1)

Fax. 813.232.8440

S.20(1) @smart-biggarr.ca

<http://www.smart-biggarr.ca/>

THE INFORMATION CONTAINED IN THIS TRANSMISSION IS CONFIDENTIAL AND ONLY FOR THE INTENDED RECIPIENT IDENTIFIED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION OR USE OF THIS COMMUNICATION IS UNLAWFUL. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE 813 232 2466 (COLLECT) OR BY RETURN E-MAIL AND DESTROY THE ORIGINAL MESSAGE AND ALL COPIES



## Statement of Work (SOW)

Copyright Infringement Defense

## 1.0 Overview

The mandate of the Department of Communities, Culture and Heritage is to champion the development, preservation and promotion of the culture and heritage sectors to stimulate economic growth and provide for stewardship of our natural and cultural heritage for the benefit of all Nova Scotians.

Project Name	Bluenose II Restoration Project Delay Claim
Client Department	Communities, Culture and Heritage
Contact Name	Rhonda Walker
Contact Phone	424-7131
Contact e Mail	walkersm@gov.ns.ca
Begin date	August 2012
End date	On-going

## 1.1 Background

In 2010 the Province announced its intention to undertake the restoration of the iconic Bluenose II. S.14(1)

## 2.0 Requirements

### 2.1 Scope

Smart & Biggar have been retained to assist the Province of Nova Scotia in providing an opinion regarding claims by Joan and Lawrence Roue that the Province has breached their copyright and moral rights in the design of the Bluenose and Bluenose II. In respect of that retainer, the law firm has been

retained to assist the Province in defending legal proceedings brought by the Roues in the Federal Court of Canada and in the Supreme Court of Nova Scotia, and to provide legal advice and representation in respect of any claims the Province might have against the Roue family arising out of a breach of a confidentiality agreement by Joan and Lawrence Roue and in respect of claims of a breach by the Roues of copyright, official marks and trade marks held by the Province. Not relevant

## **2.2 Project Tasks and Deliverables**

### **Prepare**

- witnesses
- correspondence with co-respondents
- evidence
- documentation as required by the courts
- correspondence with solicitors for Joan Roue
- represent Province in all court proceedings related to lawsuit

## **3.0 Budget**

The budget for the legal defense of the Province by Smart & Biggar has been set at \$200,000. This includes:

Billed hours

Paralegal fees

Travel costs

and any other costs incurred by Smart & Biggar in providing the legal defense and approved by the Department of Communities, Culture and Heritage.

Invoices must be provided for all costs. All invoices will be reviewed by the Department of Communities, Culture and Heritage prior to approval.

**4.0 Vendor Information**

Please provide your Vendor Contact Information.

Vendor Name	Smart & Biggar
Contact Name	S.20(1)
Contact Phone	
Contact Fax	
Contact e-Mail	

**High Value Alternative Procurement (ALTP Form)**

(equal to or greater than 510,000 excluding taxes)

Version: November 2012

- This form is to be completed for all ALTP purchases equal to or greater than 510,000 excluding taxes
- All purchase orders for ALTP **MUST** be completed
- PO data please refer to the Sustainable Procurement Policy at [www.gov.bc.ca/procurement](http://www.gov.bc.ca/procurement)
- All ALTP purchases **MUST** be sent to Procurement Services Fax 424-7121

**ALTP Consultation:**Did you contact Procurement Services regarding this ALTP? Yes  No If yes, was this ALTP supported by procurement? Yes  No Name of Procurement Officer contacted: Robert SalahDate on which Procurement Officer contacted: November 26, 2012**Purchase Order Information:**

Number: (41... 45... or 46 series): \_\_\_\_\_

Requisition Number (if required): \_\_\_\_\_

PO Creation Date (e.g. Sept 15, 2008): \_\_\_\_\_

Total: (Before tax): 200,000 Currency: CAD

Awarded to (Vendor): Smart & Biggar (10014978)

Type of Purchase: Goods  Services  Construction

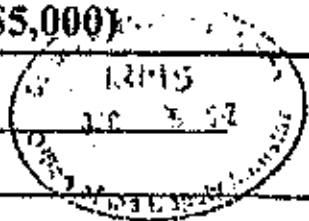
**Administrative Information:**

Department / Division:	Communities, Culture & Heritage – Secretariat Division		
Requested by:	Rhonda Walker	Phone Number:	424-7121
ALTP Type (e.g. 1, 2, 3, 4):	4		
To be signed by the Deputy Head or delegated to Acting/Assistant Deputy Head per Sustainable Procurement Policy.			
	Laura Lee Langley	<u>Dec 21/12</u>	
Signature	Name (Print)	Date	
Please check one of the following:			
<input checked="" type="checkbox"/> Deputy Head		<input type="checkbox"/> Assistant Deputy Head	
		<input type="checkbox"/> Acting Deputy Head	

**Attachments:**

Date: \_\_\_\_\_

## Ministerial Spending Approval (over \$5,000)

Department: Communities, Culture and HeritageDate: December 3, 2012Type of Goods/Service

Please indicate the following with an "X":

- |   |  |
|---|--|
| <input type="checkbox"/> Safety & Security/Medical                      | <input type="checkbox"/> Operational Requirement |
| <input type="checkbox"/> Satisfaction of Pre-Existing Legal Obligations | <input type="checkbox"/> Grant/Subsidy           |
| <input type="checkbox"/> Compelling Business Case                       | <input checked="" type="checkbox"/> Other        |

Description of Goods/Services to be Purchased/Program or Grant to be Provided:

Legal services of pre-eminent copyright law firm Smart & Biggar to assist in defending Province against allegations of copyright infringement related to restoration of Bluensee II

Value of Goods/Service/Program Costs: \$ 200,000For Program Funding:Total cost of program: \$ 200,000

Cost Incurred to Date: \$ \_\_\_\_\_

Remaining Costs: \$ 200,000Supporting Reasons: (If you require additional space please submit on separate page):

Smart & Biggar is Canada's largest firm practicing exclusively in intellectual property and technology law and have been selected repeatedly as Canada's leading intellectual property firm in numerous Canadian and international surveys. They have been retained by the Dept of Justice on behalf of CCH to provide expert advice regarding IP issues related to Bluensee II.

Implications of Not Spending funds:

S.14(1)

Procurement Method (if applicable):

- Tender
  Standing Offer  
 Other MTP

Approved By:  Executive Director	Approved By:  Deputy Minister	Approved By:  Minister
--	-------------------------------------	------------------------------

00071

55 Metcalfe Street Suite 900, PO Box 2999 Station D, Ottawa ON K1P 5V6 Canada  
Tel. 613.232.2486 | Fax 613.232.8460 ottawa@smart-bigger.ca

**SMART & BIGGAR**

Intellectual Property & Technology Law

53103-4 S.20(1)

Invoice No. S 1829648  
December 31, 2012  
HST NO. 122086242

(25555152)

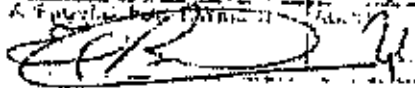
The Province of Nova Scotia  
Nova Scotia, Department of Justice  
Legal Services Division  
5151 Terminal Road, 4th Floor  
P.O. Box 7  
Halifax, Nova Scotia  
B3J 2L6, Canada

Re: Joan Elizabeth Roué et al v.  
Her Majesty the Queen in Right of the  
Province of Nova Scotia et al  
Court File No. 407754

		HST
FOR SERVICES RENDERED for the period ending December 31, 2012. For complete details, please see the attached printout.	\$60,000.00	\$9,000.00
travel expenses	\$1,737.62	\$260.64
service charges re: computer charges; computer charges; telephone; photocopying; facsimile; courier; binding	\$2,373.06	\$355.96
	<b>NET TOTAL</b>	<b>\$64,110.68</b>
	<b>HST TOTAL</b>	<b>\$9,616.60</b>
	<b>TOTAL</b>	<b>\$73,727.28</b>

S.20(1)	105.0 hrs @	hr
	93.6 hrs @	hr
	22.2 hrs @	hr
	5.3 hrs @	hr

5001126742

5500	DPG NUMBER	441012694100
551014010	ACCOUNT	65111P
ORDER NUMBER		
 10014975		

ALL AMOUNTS ARE EXPRESSED IN CANADIAN DOLLARS

COPY





**NOVA SCOTIA**  
Procurement Services  
**Official Purchase Order**

PO Number:	4500269400
PO Date:	March 21, 2013
Outline Agreement Number:	4600016278
Tender Number:	60145304

To:	Vendor No:	10014976
SMART & BIGGAR		
PO BOX 2999 STN D		
OTTAWA		
ON K1P 5Y6 CA		

**RENDER SEPARATE INVOICE FOR EACH ORDER.**

All invoices, packing slips and bills of lading must show purchase order number, consignee and destination.

Invoice To:
Archives, Museums & Libraries
Executive Director's office
1747 Summer Street
Halifax, NS B3H 3A6

Pay Terms:
Within 30 Days, Due Net

Delivery To:	Communities, Culture & Heritage
Archives, Museums and Libraries	
Executive Director's office	
1747 Summer Street	
Halifax	NS B3H 3A6 CA

Delivery Terms:
FOB Destination
Delivery Date: March 21, 2013

Item	Material Description	PO Order Qty	Unit	Order Price Per Unit	Price	Extended Price
0001	Legal opinion on copyright-Bluenose II	1	LE	1 LE	\$64,110.88	\$64,110.88
Release order against contract 4600016278 Item 00001						
0010	Legal opinion on copyright-Bluenose	1	EA		\$64,110.88	\$64,110.88
<b>Totals:</b>	<b>Harmonized Sales Tax:</b>					<b>\$9,616.80</b>
						<b>\$73,727.28 CAD</b>

To: Vendor No: 10014975

SMART & BIGGAR

PO BOX 2099 STN D

OTTAWA

ON K1P 5Y6 QA

PO Number: 4500269400

PO Date: March 21, 2013

Outline Agreement Number: 4600018278

Tender Number: 60146304

### For Staff Use Only

SAP Requisition Number:

Project #:

Our Reference:

Buyer:

Pam Dunbar

P: 902-424-6478

F: 902-424-6478

E:

# S.16(1) and S.20(1)

9 pages redacted



## Statement of Work (SOW)

Copyright Infringement Defense

## 1.0 Overview

The mandate of the Department of Communities, Culture and Heritage is to champion the development, preservation and promotion of the culture and heritage sectors to stimulate economic growth and provide for stewardship of our natural and cultural heritage for the benefit of all Nova Scotians.

Project Name	Bluenose II Restoration Project Delay Claim
Client Department	Communities, Culture and Heritage
Contact Name	Rhonda Walker
Contact Phone	424-7123
Contact e Mail	<a href="mailto:rwalker@nov.ns.ca">rwalker@nov.ns.ca</a>
Begin date	August 2012
End date	On-going

## 1.1 Background

In 2010 the Province announced its intention to undertake the restoration of the iconic Bluenose II. S.14(1)

## 2.0 Requirements

### 2.1 Scope

Smart & Biggar have been retained to assist the Province of Nova Scotia in providing an opinion regarding claims by Joan and Lawrence Roue that the Province has breached their copyright and moral rights in the design of the Bluenose and Bluenose II. In respect of that retainer, the law firm has been

retained to assist the Province in defending legal proceedings brought by the Roues in the Federal Court of Canada and in the Supreme Court of Nova Scotia, and to provide legal advice and representation in respect of any claims the Province might have against the Roue family arising out of a breach of a confidentiality agreement by Joan and Lawrence Roue and in respect of claims of a breach by the Roues of copyright, official marks and trade marks held by the Province. Not relevant

## **2.2 Project Tasks and Deliverables**

### **Prepare**

- witnesses
- correspondence with co-respondents
- evidence
- documentation as required by the courts
- correspondence with solicitors for Joan Roue
- represent Province in all court proceedings related to lawsuit

## **3.6 Budget**

The budget for the legal defense of the Province by Smart & Biggar has been set at \$200,000. This includes:

Billed hours

Paralegal fees

Travel costs

and any other costs incurred by Smart & Biggar in providing the legal defense and approved by the Department of Communities, Culture and Heritage.

Invoices must be provided for all costs. All invoices will be reviewed by the Department of Communities, Culture and Heritage prior to approval.

**4.0 Vendor Information**

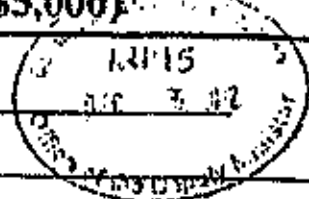
Please provide your Vendor Contact Information.

Vendor Name	Smart & Biggar
Contact Name	S.20(1)
Contact Phone	
Contact Fax	
Contact e-Mail	

## Ministerial Spending Approval (over \$5,000)

Department: Communities, Culture and Heritage

Date: December 3, 2012



### Type of Goods/Service

Please indicate the following with an "X":

- |   |  |
|---|--|
| <input type="checkbox"/> Safety & Security/Medical                      | <input type="checkbox"/> Operational Requirement |
| <input type="checkbox"/> Satisfaction of Pre-Existing Legal Obligations | <input type="checkbox"/> Grant/Subsidy           |
| <input type="checkbox"/> Compelling Business Case                       | <input checked="" type="checkbox"/> Other        |

### Description of Goods/Services to be Purchased/Program or Grant to be Provided:

Legal services of pre-eminent copyright law firm Smart & Biggar to assist in defending Province against allegations of copyright infringement related to restoration of Bluenose II

Value of Goods/Service/Program Costs: \$ 200,000

#### For Program Funding:

Total cost of program: \$ 200,000

Cost Incurred to Date: \$ \_\_\_\_\_

Remaining Costs: \$ 200,000

*approved*


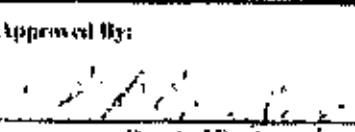

### Supporting Reasons: (If you require additional space please submit on separate page):

Smart & Biggar is Canada's largest firm practicing exclusively in intellectual property and technology law and have been selected repeatedly as Canada's leading intellectual property firm in numerous Canadian and international surveys. They have been retained by the Dept of Justice on behalf of CCH to provide expert advice regarding IP issues related to Bluenose II.

# S.14(1)

### Procurement Method (if applicable):

- Tender
  Standing Offer
  Other ALTP

Approved By:  Executive Director	Approved By:  Deputy Minister	Approved By:  Minister
---	--	--



00088

55 Metcalfe Street Suite 900, PO Box 2999 Station B, Ottawa ON K1P 5Y6 Canada  
Tel. 613.332.2486 | Fax 613.332.6440 ottawa@smart-bigger.ca

**SMART & BIGGAR**  
Innovated Property & Technology Inc.

S3103-4 S.20(1)

Invoice No. B 1835437  
January 31, 2013  
HST NO. 122086242

Page: 2

1510295712

NET TOTAL \$72,325.38

HST TOTAL \$10,848.81

TOTAL \$83,174.19

S.20(1)	S.20(1)	30.7 hrs @	/hr
		69.8 hrs @	/hr
		76.5 hrs @	/hr

5500	OPD NUMBER	415101021618131912
COST CENTER	ACCOUNT	00
3150141010	615118	
OTHER NUMBER		
APPROVED FOR PAYMENT	SUMIT	
		11010114191214

5001123281

COPY

ALL AMOUNTS ARE EXPRESSED IN CANADIAN DOLLARS

00091

55 Metcalfe Street Suite 900, PO Box 2999 Station D, Ottawa ON K1P 5V6 Canada  
Tel. 613.232.2486 | Fax 613.232.8440 ottawa@smart-biggar.ca

**SMART & BIGGAR**  
Intellectual Property & Technology Law

53103-4 S.20(1)

Invoice No. S 1835437  
January 31, 2013  
HST NO. 122086242

The Province of Nova Scotia  
Nova Scotia, Department of Justice  
Legal Services Division  
5151 Terminal Road, 4th Floor  
P.O. Box 7  
Halifax, Nova Scotia  
B3J 2L6, Canada

Re: Joan Elizabeth Roué et al v,  
Her Majesty the Queen in Right of the  
Province of Nova Scotia et al  
Court File No. 407754

		HST
FOR SERVICES RENDERED for the period ending January 31, 2013. For complete details, please see the attached printout.	\$62,000.00	\$9,300.00
travel expenses for S.20(1) on December 10-11, 2012	\$1,927.48	\$289.12
travel expenses for S.20(1) on January 7-10, 2013	\$1,957.95	\$293.69
travel expenses for S.20(1) on January 7-10 and 16-17, 2013	\$3,646.30	\$546.95
travel expenses for S.20(1) on January 16-17, 2013	\$1,047.60	\$157.14
	\$52.25	\$7.84
	\$22.98	\$3.45
	\$75.25	\$11.29
	\$82.95	\$12.44
service charges re: computer charges; computer charges; computer charges; telephone; photocopying; facsimile; courier; drawings prepared; binding	\$1,512.62	\$226.89

ALL AMOUNTS ARE EXPRESSED IN CANADIAN DOLLARS



**NOVA SCOTIA**  
Procurement Services  
**Official Purchase Order**

**PO Number:** 4600268392  
**PO Date:** March 11, 2013  
**Outline Agreement Number:** 4600016278  
**Tender Number:** 60145304

**To:** Vendor No: 10014975  
SMART & BIGGAR  
PO BOX 2899 STN D  
OTTAWA  
ON K1P 5Y8 CA

**RENDER SEPARATE INVOICE FOR EACH ORDER.**

All invoices, packing slips and bills of lading must show purchase order number, consignee and destination.

**Invoice To:**  
Archives, Museums and Libraries  
Executive Director's office  
1747 Summer Street  
Halifax, NS B3H 3A6

**Pay Terms:**  
Within 30 Days, Due Net

**Delivery To:** Communities, Culture & Heritage  
Archives, Museums and Libraries  
Executive Director's office  
1747 Summer Street  
Halifax NS B3H 3A6 CA

**Delivery Terms:**  
FOB Destination  
Delivery Date: March 11, 2013

Item	Material	Description	PO Order Qty	Unit	Order Price Per Unit	Price	Extended Price
0001		Legal opinion on copyright-Bluenose II	1	LE	1 LE	\$72,325.38	\$72,325.38
Release order against contract 4600016278 item 00001							
0010		Legal opinion-Bluenose II	1	EA		\$72,325.38	\$72,325.38
<b>Totals:</b>		<b>Harmonized Sales Tax:</b>	<b>\$10,848.81</b>				<b>\$83,174.19 CAD</b>

To: Vendor No: 10014975  
SMART & BIGGAR  
PO BOX 2899 STN D  
OTTAWA  
ON K1P 5Y8 CA

PO Number: 4500268392  
PO Date: March 11, 2013  
Outline Agreement Number: 4500016278  
Tender Number: 60145304

**For Staff Use Only**  
SAP Requisition Number:  
Project # :  
Our Reference:  
Buyer:  
Pam Dunbar  
P: 802-424-6478  
F: 902-424-6478  
E:

# S.16(1) and S.20(1)

4 pages redacted



## Statement of Work (SOW)

Copyright Infringement Defense

## 1.0 Overview

The mandate of the Department of Communities, Culture and Heritage is to champion the development, preservation and promotion of the culture and heritage sectors to stimulate economic growth and provide for stewardship of our natural and cultural heritage for the benefit of all Nova Scotians.

Project Name	Bluenose II Restoration Project Delay Claim
Client Department	Communities, Culture and Heritage
Contact Name	Rhonda Walker
Contact Phone	424-7121
Contact e Mail	<a href="mailto:rwalker@nov.ns.ca">rwalker@nov.ns.ca</a>
Begin date	August 2012
End date	On-going

## 1.1 Background

In 2010 the Province announced its intention to undertake the restoration of the iconic Bluenose II. S.14(f)

## 2.0 Requirements

### 2.1 Scope

Smart & Biggar have been retained to assist the Province of Nova Scotia in providing an opinion regarding claims by Joan and Lawrence Roue that the Province has breached their copyright and moral rights in the design of the Bluenose and Bluenose II. In respect of that retainer, the law firm has been

retained to assist the Province in defending legal proceedings brought by the Roues in the Federal Court of Canada and in the Supreme Court of Nova Scotia, and to provide legal advice and representation in respect of any claims the Province might have against the Roue family arising out of a breach of a confidentiality agreement by Joan and Lawrence Roue and in respect of claims of a breach by the Roues of copyright, official marks and trade marks held by the Province. Not relevant

## **2.2 Project Tasks and Deliverables**

### **Prepare**

- witnesses
- correspondence with co-respondents
- evidence
- documentation as required by the courts
- correspondence with solicitors for Joan Roue
- represent Province in all court proceedings related to lawsuit

## **3.0 Budget**

The budget for the legal defense of the Province by Smart & Biggar has been set at \$200,000. This includes:

Billed hours

Paralegal fees

Travel costs

and any other costs incurred by Smart & Biggar in providing the legal defense and approved by the Department of Communities, Culture and Heritage.

Invoices must be provided for all costs. All invoices will be reviewed by the Department of Communities, Culture and Heritage prior to approval.



**4.0 Vendor Information**

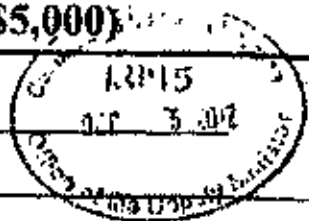
Please provide your Vendor Contact Information.

Vendor Name	Smart & Bigger
Contact Name	S.20(1)
Contact Phone	
Contact Fax	
Contact e-Mail	

### Ministerial Spending Approval (over \$5,000)

Department: Communities, Culture and Heritage

Date: December 3, 2012



#### Type of Goods/Service

Please indicate the following with an "X":

- |   |  |
|---|--|
| <input type="checkbox"/> Safety & Security/Medical                      | <input type="checkbox"/> Operational Requirement |
| <input type="checkbox"/> Satisfaction of Pre-Existing Legal Obligations | <input type="checkbox"/> Grant/Subsidy           |
| <input type="checkbox"/> Compelling Business Case                       | <input checked="" type="checkbox"/> Other        |

Description of Goods/Services to be Purchased/Program or Grant to be Provided:  
Legal services of pre-eminent copyright law firm Smart & Biggar to assist in defending Province against allegations of copyright infringement related to restoration of Bluenose II

Value of Goods/Service/Program Costs: \$ 200,000

#### For Program Funding:

Total cost of program: \$ 200,000 *approximate*

Cost incurred to Date: \$ \_\_\_\_\_

Remaining Costs: \$ 200,000

Supporting Reasons: (If you require additional space please submit on separate page):  
Smart & Biggar is Canada's largest firm practicing exclusively in intellectual property and technology law and have been selected repeatedly as Canada's leading intellectual property firm in numerous Canadian and international surveys. They have been retained by the Dept of Justice on behalf of CCH to provide expert advice regarding IP issues related to Bluenose II.

Indications of Not Spending Funds:

# S.14(1)

#### Procurement Method (if applicable):

- Tender  Standing Offer
- Other MTP

Approved By:  Executive Director	Approved By:  Deputy Minister	Approved By:  Minister
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