



This is the 1<sup>st</sup> Affidavit of  
Mark Jurisich in this case  
and was made on May 26, 2023

No. S-224947  
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

Between:

Mary Reynolds

Plaintiff

And:

Deep Water Recovery Ltd., Mark Jurisich,  
John Doe #1, John Doe #2, John Doe #3, and John Doe #4

Defendants

**AFFIDAVIT**

I, Mark Jurisich, Operations Manager, of 5084 Island Highway South, in Union Bay, British Columbia, AFFIRM THAT:

1. I am an individual defendant and operations manager of the corporate defendant, Deep Water Recovery Ltd. ("Deep Water Recovery"), and, as such, I have personal knowledge of the facts and matters deposed to in this Affidavit, except where such matters are stated to be based on information and belief and where so stated, I believe such matters to be true.
2. Deep Water Recovery operates on lands located at 5084 Island Highway South, in Union Bay, British Columbia (the "Property"). Deep Water Recovery is the tenant at the Property.
3. I manage the day-to-day operations of Deep Water Recovery's business on the Property. In this role, I oversee Deep Water Recovery's employees and work alongside them on the Property.
4. Starting in or around early April 2022, I noticed a drone flying over and around the industrial zone of the Property.
5. In or around late May 2022, I learned that the drone was operated by Mary Reynolds, the Plaintiff in this proceeding. I came across videos of Deep Water Recovery's Property and

operations on an online blog titled All Things Union Bay at <https://allthingsunionbay.com/> which belongs to Ms. Reynolds (the “**Reynolds Blog**”).

6. The Counterclaim filed by Deep Water Recovery in this proceeding on July 13, 2022, raises claims in trespass, nuisance, and invasion of privacy (the “**Counterclaim**”).

7. I have reviewed the Notice of Application filed by Ms. Reynolds in this proceeding on August 8, 2022, seeking to dismiss the Counterclaim under the *Protection of Public Participation Act*, S.B.C. 2019, c. 3 (the “**PPPA Application**”).

8. At paragraph 15 of Part 2 of the PPPA Application, Ms. Reynolds, through her lawyer, suggests that the Counterclaim “has an improper purpose and was filed in bad faith.” She says, through her lawyer, that the Counterclaim “is intended to intimidate Ms. Reynolds and other local residents and NGOS from engaging in lawful expressive activities on an issue of public importance.” Those assertions are categorically false. The Counterclaim seeks to address the manner in which Ms. Reynolds has repeatedly operated a drone over and around the industrial zone of the Property, including because it poses safety issues for employees of Deep Water Recovery who work on the Property.

9. Employees of Deep Water Recovery frequently work with and around heavy equipment, use high pressure combustible gasses, and perform their work on top of high structures. This work requires them to remain focused on safety at all times.

10. Since Ms. Reynolds began operating a drone over and around the industrial zone of the Property, employees of Deep Water Recovery have told me, and I believe to be true, that: (i) Ms. Reynolds’ operation of the drone has caused them stress and anxiety; and (ii) they are concerned for their safety because the drone flying above them is distracting and causes them to lose focus on what they are doing.

11. Ms. Reynolds’ actions in repeatedly operating the drone over the Property creates a safety hazard for myself and other Deep Water Recovery employees working at the Property. For example, while I have worked on top of high structures, the sound of the drone operating overhead has distracted me and caused me to lose my balance. A distraction while performing this work could result in serious injury or death.

12. To address the safety concerns caused by the repeated operation of the drone over the Property, some employees of Deep Water Recovery have worked in pairs to lookout for one another's safety. Deep Water Recovery has also spoken with WorkSafeBC about other ways to address those safety concerns and ensure the safety of its employees.

13. Ms. Reynolds' frequent flying of the drone over the Property is a significant annoyance and disruption for me as well. The drone emanates a buzzing sound, and this sound causes me to lose focus and stop what I am doing.

14. Ms. Reynolds continues to regularly fly the drone over the Property, sometimes two to three times a week.

15. After the Counterclaim was filed, Ms. Reynolds has freely expressed herself on matters relating to Deep Water Recovery, including on the Reynolds Blog and to news outlets.

16. Since the Counterclaim was filed, Ms. Reynolds has frequently published posts about Deep Water Recovery on the Reynolds Blog, including the following posts:

- (a) attached and marked as **Exhibit “A”** to this Affidavit is a copy of a post on the Reynolds Blog dated August 3, 2022;
- (b) attached and marked as **Exhibit “B”** to this Affidavit is a copy of a post on the Reynolds Blog dated August 9, 2022;
- (c) attached and marked as **Exhibit “C”** to this Affidavit is a copy of a post on the Reynolds Blog dated September 29, 2022;
- (d) attached and marked as **Exhibit “D”** to this Affidavit is a copy of a post on the Reynolds Blog dated November 12, 2022;
- (e) attached and marked as **Exhibit “E”** to this Affidavit is a copy of a post on the Reynolds Blog dated January 3, 2023;
- (f) attached and marked as **Exhibit “F”** to this Affidavit is a copy of a post on the Reynolds Blog dated January 17, 2023;

- (g) attached and marked as **Exhibit "G"** to this Affidavit is a copy of a post on the Reynolds Blog dated March 23, 2023; and
- (h) attached and marked as **Exhibit "H"** to this Affidavit is a copy of a post on the Reynolds Blog dated April 5, 2023.

17. Ms. Reynolds has also exercised her expressive rights by speaking about Deep Water Recovery and its operations to news outlets. For example:

- (a) attached and marked as **Exhibit "I"** to this Affidavit is a copy of an online CBC news article dated August 30, 2022, printed from the website at <https://www.cbc.ca/news/canada/shipbreaking-deep-water-recovery-union-bay-1.6559597>.

18. Ms. Reynolds' actions in expressing herself on matters relating to Deep Water Recovery or its operations are not the subject or target of the Counterclaim. The Counterclaim does not arise from Ms. Reynolds' expression. Deep Water Recovery seeks to protect its property and privacy rights, and address the safety concerns arising out of Ms. Reynolds conduct in flying a drone over the Property.

AFFIRMED BEFORE ME at Courtenay, )  
British Columbia, on May 26, 2023 )  
)

A Commissioner for Taking Affidavits in )  
British Columbia )

RICHARD J. SWIFT, KC )  
Barrister & Solicitor )  
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Courtenay, B.C. V9N 2C5 )  
250-334-4461 )

  
MARK JURISICH

This is Exhibit "A" referred to in the Affidavit of  
Mark Jurisich, affirmed before me at Courtenay,  
British Columbia this 26th day of May, 2023.

  
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A commissioner for taking affidavits for British  
Columbia