

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

Peter Gregg

PLAINTIFF

AND:

Freightliner Ltd., doing business as Western Star Trucks

DEFENDANT

NOTICE OF MOTION

To: The Defendants

TAKE NOTICE that an application will be made by Plaintiff to the presiding judge at the courthouse at 800 Smithe Street at a date and time set, for an order:

- a) Declaring that the onus, of proving whether clear and unequivocal notice of termination has been clearly communicated to the employee, rests with the Defendant;
- b) Declaring that neither the letter of December 3, 2001, nor the letter of June 25, 2002, was sufficiently clear and unequivocal as to constitute working notice of termination in all the circumstances;
- c) Declaring that the date from which the determination of reasonable notice of termination should be calculated is September 30, 2002, or the last day of active employment, whichever is the later.

The applicant will rely on Rule 18A.

At the hearing of the application, the applicant will rely on the following affidavit(s) and other documents: a) Affidavit of Peter Gregg #1, sworn July 22, 2002;

b) Affidavit of Peter Gregg #2, sworn January 20, 2004.

The applicant estimates that the application will take two days.

If you wish to receive notice of the time and date of the hearing or to respond to the application, you must, within the proper time for response,

- (a) deliver to the applicant

- (i) 2 copies of a response in Form 124, and
 - (ii) 2 copies of each of the affidavits and other documents, not already in the court file, on which you intend to rely at the hearing, and
- (b) deliver to every other party of record
- (i) one copy of a response in Form 124, and
 - (ii) one copy of each affidavit and other document, not already in the court file, on which you intend to rely at the hearing.

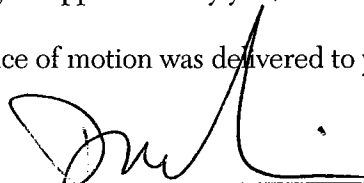
TIME FOR RESPONSE

If the application is for a final judgment under Rule 18A, the response must be delivered on or before the 11th day after the delivery to you of the notice of motion.

In all other cases, the response must be delivered on or before the 8th day after the later of

- (a) the last date fixed for entry of appearance by you, and
- (b) the date on which the notice of motion was delivered to you.

Dated: January 20, 2003



Solicitor for the Plaintiff