



This is the 1st affidavit of
Caitlin Atkinson in this case and
was made on November 24, 2020

No. S-209201
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*,
R.S.C. 1985, c. C-36, AS AMENDED

AND

IN THE MATTER OF MOUNTAIN EQUIPMENT CO-OPERATIVE
AND 1314625 ONTARIO LIMITED


Petitioners

AFFIDAVIT #1 OF CAITLIN ATKINSON

I, Caitlin Atkinson, Paralegal, of 710 - 777 Hornby Street, Vancouver, British Columbia,
AFFIRM AND SAY THAT:

1. I am a Paralegal at the law firm of Victory Square Law Office LLP, counsel for the applicant in this matter, and as such I am familiar with the facts and matters hereinafter deposed to, save and except where the same are stated to be based on information and belief and where so stated I verily believe the same to be true.
2. On November 21-23, 2020, former employees of MEC sent emails to the Monitor, Alvarez and Marsal, in support of the application for representative counsel. Copies of these emails have been redacted to protect the former employees' identities and are attached to this affidavit and marked as **Exhibit "A"**.

AFFIRMED BEFORE ME at Vancouver,
British Columbia, this 24th day of November
2020



A commissioner for taking affidavits for
British Columbia


Caitlin Atkinson

LIAM H. McCLURE, Lawyer
 SUITE 710-777 HORNBY STREET
VANCOUVER, B.C. V6Z 1S4
604-684-8421

This is Exhibit "A" referred to in the
Affidavit of Gaitlin Atkinson
Sworn before me at Vancouver
This 24th day of November 2020

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski](#)
Subject: Appeal for VSLO's collective legal representation
Date: November 22, 2020 7:11:29 PM


A Commissioner for taking Affidavits
within British Columbia

Dear Alvarez & Marsal:

The purpose of this letter is to express my strong desire to have Mr. Colin Gusikoski of Victory Square Law Office represent me and other ex-MEC staff colleagues, and my disappointment that MEC has objected to having former employees be represented by a single lawyer.

My current financial situation does not allow me to afford my own counsel, and as the mother of a two-year-old son with no current employment and no daycare, I do not have the time to pursue my share of creditor funds. I am anxious about my future, and am seeking legal guidance and advice, as I do not fully understand my legal rights in this matter.

I understand the financial hardship MEC has found itself in, which resulted in its sale to a private equity firm, and as such, I do not expect to receive the full severance amount I otherwise would have been entitled to, but as an ex-staffer with a family to support during a very difficult time, I expect to be one of the creditors, and also have my interests represented by a lawyer who has agreed to be our counsel.

I have been a loyal and hard-working employee for seven years, helping the Co-op grow and prosper; I even declined a \$30,000 severance package when I was given the option to leave voluntarily during one of the big department reshuffles a couple of years ago, as I believed in MEC and was committed to my job and the future of the organization.

The actions of Mountain Equipment Co-operative to date have been deplorable, despite years of rhetoric about MEC upholding strong values about people, society and the environment. Letting hundreds of staff go in the middle of a global pandemic with no severance and forcing them to fight to the bitter end by making it as difficult as possible for laid-off staff to organize and seek some form of compensation is a slap in the face.

I am appealing to you today to allow Mr. Gusikoski to represent me and the other former MEC staff who are also requesting it.

Sincerely,

[REDACTED]

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski](#)
Subject: Appeal for VSLO's collective legal representation
Date: November 22, 2020 9:59:31 PM

Dear Alvarez & Marsal:

The purpose of this letter is to express my strong desire to have Mr. Colin Gusikoski of Victory Square Law Office represent me and other former MEC staff colleagues, and my disappointment that MEC has objected to having former employees be represented by a single lawyer.

My current financial situation does not allow me to afford my own counsel, and as the main salary-earner for my family (two children) and precarious housing situation (landlord recently deceased), I do not have the time or financial resources to pursue my share of creditor funds. I am anxious about my future, and am seeking legal guidance and advice, as I do not fully understand my legal rights in this matter.

I understand the financial hardship MEC has found itself in, however, as a loyal and effective employee for over 15 years, I expect that employees should be a high priority on the creditor list, and receive due compensation. Over the course of 2019, during restructuring when there was a lack of staff, I was key in keeping my category profitable, achievements that were recognized by supervisors (promotion, award). During that year, my category realized historically high profit levels. Despite this level of dedicated service and performance, my position was terminated without notice or severance.

I expect to be one of the creditors, and have my interests represented by Colin Gusikoski, of Victory Square Law Office, who has agreed to be our counsel.

The actions of Mountain Equipment Co-operative to date have been deplorable, despite years of rhetoric about MEC upholding strong values about people, society and the environment. Letting hundreds of staff go in the middle of a global pandemic with no severance and forcing them to fight to the bitter end by making it as difficult as possible for laid-off staff to organize and seek some form of compensation is intolerable.

I am appealing to you today to allow Mr. Gusikoski to represent me and the other former MEC staff who are also requesting it.

Sincerely,

[REDACTED]

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski](#)
Subject: Colin Gusikoski - legal representative
Date: November 22, 2020 1:07:52 PM

Hi MEC,

I am writing to express my disappointment that MEC has objected the use of a single lawyer, Colin Gusikoski from Victory Square Law Office (VSLO), to represent me/us to seek compensation as a result of the unexpected termination of my employment and the employment of my former fellow colleagues.

I have been an employee at MEC for almost 30 years and due to no fault of mine, my position was terminated. This has resulted in both emotional and psychological distress, as I trusted that I was a valued employee after many years of loyalty and dedication to my employer. I have spent virtually my entire career at MEC.

As I don't know the legality around the circumstances, I feel it would put me at ease and provide adequate closure to receive guidance and advice from an expert in the area of employment law. Therefore, I trust Colin to handle this matter on my behalf.

I urge you to reconsider your decision and understand that a number of former loyal MEC employees, like myself, are still coming to terms with the unexpected and most untimely termination of our employment.

Regards,

[REDACTED]

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Sent from Gmail Mobile

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski](#)
Subject: Colin Gusikoski - legal representative
Date: November 22, 2020 10:05:18 PM

Hi MEC,

I am disappointed that MEC has rejected the use of a single lawyer, Colin Gusikoski from Victory Square Law Office (VSLO), to represent me and my former colleagues, to seek compensation of my unexpected lay-off.

As I don't know the legal parameters around the situation, I need to receive professional advices in the area of employment law.

Please reconsider your decision.

Regards,

[REDACTED]

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski](#)
Subject: Collective Legal Representation
Date: November 22, 2020 4:13:09 PM

Hello,

I am writing to express my disappointment about MEC objecting to employees being represented by a single lawyer. I was over 3 months pregnant when I was laid off and tried to find other work but would not be hired while this far along, there would not be enough time to process and receive benefits. Applying for EI was my only option and it pushed me into early maternity leave by the government. This means I will have zero income when my baby is 4-month-old and will have no other choice but to find work and childcare immediately. This situation is very personal to me. I need my severance to survive these times and there is no way I can afford a lawyer to fight for what is rightfully in my contract. I fear for my future and future family and require guidance and expert advice from an advocate who can tell my rights. Please consider people like me when making massively impactful decisions on the lives of the people who dedicated their heart and souls into this company.

Sincerely,

[REDACTED]

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski](#)
Subject: Disappointed by the Objections
Date: November 21, 2020 5:30:44 PM

My name is [REDACTED] and I am writing to state my disappointment that MEC is objecting to employees being represented by a single lawyer.

I am a newly mother, why was terminated in a protected leave (maternity leave) with no warning, no phone call, no severance. Left with no benefits for me and my new family. I can't afford a lawyer on my own - nor should I.

My mental health with a new baby, no severance protection, after 7.5 years of employment, unable to obtain EI (due to not working in the last 52 weeks).... left stranded, and during a pandemic!

And now MEC decides to object this?! What more can one company do to an employee?
I would appreciate the opportunity to have guidance and advice from an advocate.

Thank you and please understand and act with empathy and compassion.

[REDACTED]

--

[REDACTED]

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski](#)
Subject: Disappointed that MEC is objecting to employees being represented by a single lawyer
Date: November 21, 2020 2:31:25 PM

Dear MEC Leadership and CC Colin/VSLO,

I am writing this email to underline my support for Colin/VSLO representation and our disappointment in MEC's objections to pursuing legal action, in order to obtain the severance pay I am legally entitled to.

I am extremely disappointed at MEC's reluctance to pay me my severance, which is clearly outlined in my contract. Furthermore, it is likely that MEC knew they needed to terminate employees months prior, as a show of good faith, they could have terminated my role earlier in order to allocate the funds to pay my contractual obligations and severance.

There are federal programs in place to help employees who have been terminated due to bankruptcy, however, there is no such assistance offered for employees who have been terminated due to insolvency. At the moment, I can only continue living on EI and the little emergency fund savings I have as I actively look for my next job. This has resulted in the fact that my financial situation is now problematic and this has created undue hardship for me. I do not have the deep cash savings to hire a personal lawyer.

In the time since I have been terminated by MEC I have had anxiety/concern over the path forward and I would like guidance and advice from an advocate. It is unclear what my full legal rights are and having legal representation in this time would be invaluable for myself, and the group.

Sincerely,

[REDACTED]

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski](#)
Subject: Disappointment for Opposition to Representation from a Former MECStaffer - [REDACTED]
Date: November 21, 2020 7:43:02 PM

To MEC and whom it may concern,

I was very disappointed to hear that MEC is opposed to Colin Gusikoski representing my former colleagues and myself throughout MEC's CCAA proceedings. Dedicated staff were treated very poorly over our last 6 months with the Coop and then dismissed with very little care for our future.

Being dismissed without severance and immediately removing our health benefits has me concerned for both my financial future and health. It is difficult to find a new position that will utilize my talents and I need to prioritize my finances for the future and won't be able to afford personal legal representation at this time.

My most recent contract stated that I was entitled to severance and I would still like MEC to honour their side of the contract. I don't have a comprehensive understanding of the CCAA proceedings but I believe Colin would be the best advocate and representation for me because it's quite clear that MEC does not care about the amazing employees they once had.

I devoted 6.5 years of my life. I brought my passion and outdoor experience to MEC Label to make amazing products and get Canadians outdoors. I am beyond disappointed with the fate of the MEC and would like Colin to represent a collective of staff that shared my love for a formerly great organization.

Regards,

[REDACTED]

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski](#)
Subject: Employee application for representative counsel
Date: November 21, 2020 8:45:34 PM

To whom it may concern,

I am a former MEC employee and have just learned about MEC's position on the application for representative counsel.

I am terribly disappointed that MEC is opposing our having a lawyer provided to help guide us through this process and advocate on our behalf.

If representative counsel is not approved, I won't be able to afford to hire a lawyer: I am now unemployed and have been looking for work, without success, in a competitive job market.

If Victory Square Law Office had not become involved in the discussion, I wouldn't have realized that my severance calculation is disputable. Now that I've been informed that there are possibly very different interpretations of how much I'm owed, I'm sad to think that I might end up not having my interests properly represented. I know from those I've been in contact with that we're all very anxious to have this support.

I urge MEC to reconsider its position and support this relatively small charge. It's the least MEC can do for us former employees who provided many years of diligent and dedicated service.

Thank you,
[REDACTED]

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski](#)
Subject: Ex-MEC Staff group legal representation
Date: November 22, 2020 6:57:19 PM

To representatives for Mountain Equipment Co-op,

I am writing to express and register my disappointment in MEC's opposition to ex-employees being collectively represented by a single lawyer in the context of on-going CCAA proceedings.

Colin Gusikoski of Victory Square Law Office has, to date, kindly provided free legal support to MEC Staff that were laid off without severance. I am in full support of his application to represent us.

As a parent, trying to find new employment in the midst of a pandemic is challenging enough without trying to find money for legal fees. It is something I simply cannot afford. Colin's offer provides my, and many others, only realistic avenue for legal representation.

Being laid off from my job of many years with MEC, without notice and without severance, is an incredibly stressful situation to be in. My energy is focused on finding new employment and caring for my family. I am not a lawyer; I do not understand the nuances of my legal situation, including my employment contract, legal rights and severance entitlement. Having access to legal representation can make an enormous difference to the numerous MEC staff that find themselves in the same position as myself.

It's disappointing that the representatives of Mountain Equipment Co-op (I fully understand that the new Mountain Equipment Canada Inc. is a new entity with new leadership and plays no role in these proceedings) would stand in the way of their own ex-employee's attempts to gain affordable legal representation, especially when you consider that the organization has all but dissolved at this point.

The CCAA process is already stacked against the most vulnerable by placing ex-employees on the unsecured creditors list. CCAA also prevents impacted employees from applying for programs such as the Wage Earners Protection Program when they need it most. I understand and accept that difficult circumstances require difficult decisions but attempting to block group legal representation is a complete betrayal of the years of hard work and loyalty afforded Mountain Equipment Co-op by its employees. Most disappointing is that MEC were fully aware of their plan to sell and how that would affect employees when they offered new contracts and approved "protected" leaves in the months before the sale. MEC's leadership withheld information that would have allowed employees to make critical decisions about their own future, while protecting their personal interests and those of the banks.

MEC's behaviour has been consistently unethical if not illegal for a prolonged period and seeking to deprive ex-staff of legal representation only adds insult to injury.

Sincerely,

A solid black rectangular box used to redact a signature.

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski](#)
Subject: Former MEC Staff - Legal Representation Objection by MEC
Date: November 22, 2020 9:01:42 AM

To Alvarez & Marsal Team,

I am writing to express my disappointment and frustration in the recent objection by MEC to Colin acting as group legal representative for those of us who lost our jobs without any severance.

You will appreciate that as a group of individuals , the former MEC staff members, myself included, do not have the resources or funds to enlist a personal lawyer at this time, nor are we familiar with the intricacies of the law to take this further on an individual basis.

I fully support Colin's VSLO representatiion for these reasons and I would ask that your team review our case carefully and allow the group legal representation to proceed.

These are unprecedented times with Covid-19 and all former MEC staff members are burdened with additional financial and emotional concerns and there are greatly reduced job opportunities.

My hope is that your team can agree that MEC objection in this case should be rejected and the legal representation is allowed to go forward.

Sincerely,

[REDACTED]



Virus-free. www.avast.com

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski](#)
Subject: Former MEC Staffer Response to MEC Objection Regarding Representative Counsel - [REDACTED]
Date: November 22, 2020 10:10:57 PM

Hello,

My name is [REDACTED] and I am a former employee of Mountain Equipment Co-op (MEC), and I would like to make the following known:

- I am disappointed by MEC's objection to Colin Gusikoski's application to act as representative counsel for members of the Facebook group "Former MEC Staffers" (filed on November 20th, 2020), and I respectfully ask that this decision be reconsidered.
- I supported Lorne Hoover's notice of application (filed on November 12th, 2020 on behalf of former employees).

The reason I need representative counsel is largely financial. Firstly, as someone who is single and lives on their own, my living expenses are higher because they cannot be shared. Secondly, with the amount I receive through Employment Insurance, it will be difficult to break even each month, let alone hire individual legal representation. Thirdly, after repaying \$63,000 in student debt since 2013, I do not have savings that I can fall back on, and it is not for lack of trying. Lastly, living with my father to save money is not an option, due to the increase of Covid-19 cases in Alberta, and the fact he is immunocompromised due to a recent cancer diagnosis/treatment. This means that the difference between this application being approved or not approved is the difference between having and not having representation.

While there are other resources available like free legal clinics and the Monitor's website, their help is limited. Free legal clinic service would be used up quickly and they will not be able to provide the support I need for the duration of the CCAA process. Additionally, while the Monitor will do everything in their power to ensure the CCAA proceedings are communicative, efficient, and cost effective, their purpose is different than that of counsel who acts as an advocate. I am concerned that while MEC has supplied the Monitor with employee severance amounts, those amounts will be in accordance with statutory severance law. I may be entitled to more under common law severance when you consider length of service, benefits, training, the ability to procure a similar position of similar pay, or the ability to find a similar job without further education. Therefore, representative counsel will be able to offer the guidance, support, and advice that free legal clinics and the Monitor may not be able to provide.

In response to the document titled *Application – Petitioners Response to Former Employees Application 20/Nov/2020*, in which Mr. Gusikoski's and Victoria Square

Legal Offices' (VSLO) application to represent the Facebook Group "Former MEC Staffers" was denied:

- o I believe representative counsel is fair and just when considering facilitation of administration, proceedings, and efficiency, because one counsel will help streamline the process compared to multiple legal counsels representing various former employees.
- o <!--[endif]-->I believe that representative counsel is fair and just, especially when considering other creditors will have legal representation to advocate on their behalves.
- o To my knowledge, there are no other MEC employee groups with similar interests being represented by other counsel.
- o To my knowledge, there have been no objections from members of the Facebook group "Former MEC Staffers" to have Colin or VSLO represent the group. [REDACTED]
[REDACTED] asked the group once on November 4th and Lorne Hoover asked again on November 10th. Seventy-nine out of eighty-nine group members saw both of these messages as of November 22nd at 9:37pm and they have had 18 days to object since first asked.
- o I believe due process should be weighed equally when considering cost efficiency, seeing as we are entitled to representative counsel if 50 members of the Facebook group "Former MEC Staffers" indicate that is what they desire.
- o As of November 22nd at 9:37 pm 45 members of the Facebook group "Former MEC Staffers" have commented on the group's page, indicating that they were going to email mec@alvarezandmarsal.com, to express their disagreement over MEC's objection.

Thank you for your time and consideration.

Kind regards,

[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: Colin Gusikoski
Subject: Former MEC staffers seeking legal representation
Date: November 23, 2020 11:06:07 AM

To Whom it May Concern

Please be advised that I wish to be part of a group which is seeking legal representation by VSLO. Our wish is that VSLO represents us concerning our termination without severance, from MEC October 13, 2020.

It is shocking and disappointing to me, that MEC objects to its employees being represented by a single lawyer.

Considering that MEC stood for (taken from website) "to deal fairly with one another", "integrity", "cooperation" etc., the course of action decided upon by the Board not to protect their most coveted staff shocked me. And, now their decision to object to us seeking our rights, is disheartening to say the least.

It saddens me to think that we were not worthy of protection. Why weren't we part of the "deal" with a potential buyer? In the world of numbers, it is small stakes to a company like Kingswood. But, it would have been everything to the lives that were affected. The people who have been terminated are living humans, not just "assets".

I, on my own, have absolutely no capacity financially, and even emotionally, to hire a lawyer. Knowing that someone would actually act on our best interests and fight for what is rightfully ours is paramount.

I came to MEC six years ago and every day felt so happy and alive to walk through the doors. I truly was empowered each time I entered the building. My life has been about service and I dedicated each fibre of my body to creating an engaging experience for everyone I encountered at the Ottawa MEC location.

I have many feelings about this, but basically my point is, MEC could have made provisions for us, to be protected and "treated fairly". That decision goes against everything MEC stood for, and it saddens me that we were never part of the equation and became collateral damage.

Sincerely,

[REDACTED]

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski](#)
Subject: Fwd: Collective legal representation
Date: November 21, 2020 6:11:01 PM

Dear representative of MEC,

I'm disappointed to hear that MEC has objected to us ex-employees being represented by a single lawyer. Can't say I'm surprised though, as nothing MEC has done has put our best interests at heart.

I fully support Colin and VSLO representing myself and my former colleagues moving forward.

Having no background in employment law I'm not entirely sure of the implications of my contract and what my legal rights are. I am also, understandably frustrated and anxious that MEC may try to screw me over again. I have zero faith and trust left in MEC. They've left us high and dry in the middle of a raging pandemic, I'm not even sure I can afford legal counsel.

Regards,

[REDACTED]

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski](#)
Subject: Fwd: Representation
Date: November 22, 2020 10:35:34 PM

Cc'ing in Colin.

Regards,
[REDACTED]

Begin forwarded message:

From: [REDACTED]
Date: November 22, 2020 at 10:12:05 PM PST
To: mec@alvarezandmarsal.com
Subject: Representation

Hello,

I am disappointed to hear that MEC is objecting employees be represented by a single lawyer as this is my only option for legal representation; these times and the sudden loss of job without severance has left me financially unable to afford a lawyer. I'm writing to show my support of Colin Gusikoski for his VSLO representation of MEC Staffers. I have many objections and concerns and would like the guidance and advice from an advocate.

Thank you,
[REDACTED]

From: [REDACTED]
To: mec@alvarezandmarsal.com; info@mec.ca
Cc: [Colin Gusikoski](#)
Subject: Legal proceedings for HR
Date: November 21, 2020 6:09:19 PM

Hello mec HR,

I'm disappointed that you refuse to pay a fair severance for staff you laid off without notice and are hiding behind legal proceedings.

In addition, your objection to legal council for a group of former employees is disappointing and shows your readiness to abandon MEC values.

Because of the disruptions covid has had on my income I can't afford my own legal council and am relying on group representation.

The complexity of the legality of this all is way too confusing for me and I'm relying on Colin to make sense of my options. I'm concerned that MEC and it's new owners will try and cheat people out of a fair settlement if they don't have an advocate.

Hope you have a change of heart and reexamine your decision to abandon so many loyal employees in the midst of a pandemic.

[REDACTED]

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski](#)
Subject: Legal representation
Date: November 22, 2020 3:28:18 PM

Hello,

I was recently made aware that MEC was objecting to employees being represented by a single lawyer.

I was let go without any severance and I would like to put my name into the list saying that I supposed Colin supporting us In this process.

I would very much like guidance through this anxious and confusing time regarding my legal rights.

Thank you,
[REDACTED]

Sent from my iPhone

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski](#)
Subject: Legal Representation by Colin Gusikoski
Date: November 21, 2020 9:41:28 PM

To the representatives of Mountain Equipment Co-op,

How dare you.

How dare you object to employees collectively seeking and having a legal representative. Unlike Mountain Equipment Co-op (hereafter referred to as MEC), most of the workers laid off by you do not have the financial capabilities to individually seek out legal consultation. MEC chose to, in their decision to terminate our employment without severance, exacerbate the financial hardship we are already enduring due to the COVID pandemic. Now that we have managed to cobble together the little resources we possess to obtain legal representation, MEC has audacity to object? Clearly, this is legal and financial bullying. A move to ensure that us ex-staffers are at a disadvantage.

I am somebody who cannot afford individual legal representation. I am from a lower middle income family where my father has retired due to long term health issues, and my mother works 2 jobs. A significant portion of my pay is used to keep my family from poverty. I do not and cannot afford the extravagance of individual legal counsel. Thus, representation through a group is the only option I have.

Due to MEC deciding to abruptly file for CCAA, then selling all assets, I am at a loss as to how to proceed. This is not a normal situation, nor is it normal times. In order to properly navigate the legal quagmire, it is imperative that I have legal guidance and advice from an advocate.

I would strongly advise MEC to consider the deplorable way they left us ex-staff members. And reconsider the despicable action of objecting to us having Mr. Gusikoski as our collective legal representative.

Respectfully,

[REDACTED]

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski](#)
Subject: Legal representation
Date: November 22, 2020 4:41:54 PM

To whom it may concern,

I am disappointed that MEC is objecting to terminated employees being represented by a single lawyer. Financially, my wife and I were left without an income of any sort following our layoffs and find it insulting that MEC expects us to have the financial means to have individual legal representation. We don't have severance. We haven't received any EI payments. We've been unpaid for a month and a half. We deserve legal representation for being put in this situation, even if we can't personally afford it.

Because our situation is unique and complex, we would like guidance and advice from an advocate. We aren't aware of what our legal rights are. I requested a copy of my contract from MEC for my review and it was not provided to me, and so I have no record of what my terms of employment were, and I would like a lawyer's assistance in the matter. However, as stated, hiring a lawyer is difficult when, as a household, you have no pay, no severance, no EI, and no income.

Sincerely,

[REDACTED]

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski](#)
Subject: Legal representation
Date: November 21, 2020 10:20:04 PM

Dear former employer,

I'm writing to express my disappointment upon hearing that MEC objects to lawyer Colin Gusikoski providing legal representation for the terminated MEC employees. I support his efforts to try to reach a fair settlement for us.

I've been without an income since mid-October and my EI payments haven't arrived yet so my financial situation is not good.

[REDACTED]

iPhoned it

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski](#)
Subject: Legal Representation
Date: November 22, 2020 5:31:21 PM

MEC,

I am disappointed that MEC is objecting to ex-employees being represented by a single lawyer. I cannot afford my own lawyer and want guidance from one as I don't fully understand my legal rights.

[REDACTED]

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski](#)
Subject: Legal Representative - Colin Gusikoski
Date: November 21, 2020 6:55:12 PM

Hello MEC HR and Legal Counsel,

I am writing to express my disappointment that MEC has objected to Colin Gusikoski's application to be my legal representative along with other former MEC staff. I fully support his/VSLO representation and do not understand your objections to employees being represented by a single lawyer.

On April 24, I was furloughed due to COVID-19. During the 24 weeks that I was furloughed I had a bi-weekly meeting with my manager and fully expected to be called back to work. I was shocked, when on October 8, I was terminated without severance.

I had been an employee for 15 years with reviews that were excellent/exemplary and considered MEC to be my second family. I am 62 years of age and now find myself in the difficult position of seeking new employment. My financial situation is problematic, and I cannot afford a lawyer.

I am understandably concerned and anxious to be in this position and need the guidance and advice from an advocate.

I do not have a copy of my contract, even though I contacted HR for that. My contract was signed over 3 years ago and I believe it was the standard contract. I don't fully understand the implications of not having a copy and what my legal rights are.

I do not have legal training myself and I would like Colin Gusikoski to be my legal representative.

Yours truly,

[REDACTED]

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski](#)
Subject: MEC CCAA Proceedings - Re Objection To Collective Legal Representation
Date: November 21, 2020 9:34:50 PM

[REDACTED] 21st
November 2020

Dear Alvarez & Marshall,

I am writing to you as a former employee of Mountain Equipment Co-operative.

It is very disappointing to learn that my former employer MEC has objected our request for legal representation by Mr. Colin [Gusikoski](#) of Victory Square Law Office.

I am not in a position financially to obtain my own legal representation and would like to obtain the expertise and professional advice Mr. Gusikoski has offered and be represented as a group.

Mr. Howard A. Gorman's response on behalf of MEC on November 20th 2020 has asserted a lack of vulnerability on my part. I would argue firstly, MEC has been apathetic to the level of vulnerability of its staff since the beginning of Covid-19, and this culminated to total disregard during the process of termination. Secondly, its desire to put the 'adverse impact' on other creditors claims ahead of its former employees as further evidence as to why the courts should reject this motion and uphold our request to act as a group.

I would like to highlight to Mr. Howard A. Gorman and the court the values MEC once upheld and is still claiming to uphold on its website: <https://www.mec.ca/en/explore/mission-and-values>

In particular:

Integrity

We listen carefully to one another. We deal in good faith. We are honest, fair, and ethical.

Co-operation

We understand the power of community and draw on the strength of people working together.

Humanity

We work actively to ensure those who make our products are treated with respect.

The staff who have been made redundant by MEC have decided on our representation. I would ask MEC to please **listen** to our request and act in **good faith** as we all try to navigate this difficult personal and legal situation. Please **co-operate**, we are staff members who have dedicated years of their working life to upholding these values, 'stoking the stoke' and creating the incredible reputation that MEC holds amongst its members, vendors and partners. And finally, please act with **humanity** and show us the respect we deserve and retract the objection to our choice for legal counsel, allowing us as a group to receive an honest and fair representation at court.

Yours sincerely,

[REDACTED]

[REDACTED]

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski](#)
Subject: MEC Former Staff - Support for Lawyer
Date: November 22, 2020 5:23:18 PM

Good Afternoon MEC,

I have heard you have objected to Colin being the ex-staffers collective legislator. Although not surprised, I am thoroughly disappointed that you have objected to employees being represented by a single lawyer.

I am writing to let you know that I support Colin (and VSLO) representing myself and other ex-MEC staffers who were let go with no severance this year. As someone not fully versed in the law, I am worried I do not fully understand the implication of my contract and what my legal rights are, and am extremely confident in Colin's abilities to advocate, guide and represent Ex staffers as a whole group.

Your actions have been, and continue to be disgraceful.

[REDACTED]

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski](#)
Subject: MEC
Date: November 22, 2020 6:13:16 PM
Attachments: [MEC Group Lawver Representation.pdf](#)

November 22, 2020

Alvarez & Marsal (A&M)

Monitor

Alvarez & Marsal (A&M)

400 Burrard St.

Vancouver, BC.

V6C 3A1

Dear Alvarez & Marsal (A&M):

I am writing to you today in response to MECs / your decision, in opposing / objecting that MEC former employees may be represented as a group by a single lawyer.

At this point and time many of us, including myself are not in any financial position to hire lawyers to represent and guide us individually in this case.

Speaking for myself, I am still unemployed, as a 56 year old male due to my sudden unforeseen layoff from MEC. The point that I'm trying to make here is that, I require advice and guidance from a lawyer in order to fully understand the implication of my contract as well as my legal rights. Hence, for me, why the importance of being represented as a group, in this instance by Colin Gusikoski from Victory Place Law Office.

As you can imagine, this is adding undue anxiety above the usual stress of seeking new employment at my age.

Regards

[REDACTED]

Please see attached PDF Copy

[REDACTED]

[REDACTED]

November 22, 2020

Alvarez & Marsal (A&M)
Monitor
Alvarez & Marsal (A&M)
400 Burrard St.
Vancouver, BC.
V6C 3A1

Dear Alvarez & Marsal (A&M):

I am writing to you today in response to MECs / your decision, in opposing / objecting that MEC former employees may be represented as a group by a single lawyer.

At this point and time many of us, including myself are not in any financial position to hire lawyers to represent and guide us individually in this case.

Speaking for myself, I am still unemployed, as a 56 year old male due to my sudden unforeseen layoff from MEC. The point that I'm trying to make here is that, I require advice and guidance from a lawyer in order to fully understand the implication of my contract as well as my legal rights. Hence, for me, why the importance of being represented as a group, in this instance by Colin Gusikoski from Victory Place Law Office.

As you can imagine, this is adding undue anxiety above the usual stress of seeking new employment at my age.

Regards

[REDACTED]

[REDACTED]
Former MEC Employee

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski](#)
Subject: MEC Objecting Former Employees Representation
Date: November 22, 2020 11:12:06 PM

Dear MEC,

I would like to voice my concern over the recent events. I think it's unfair that the board would approve legal action rejecting former employees from being represented by a single lawyer. My financial situation is tight right now, getting my own lawyer is not a consideration at the moment. Furthermore I would love to know what is going on and receive any guidance that could help me financially. I don't really understand what is legally available to me and being represented by a single lawyer with my fellow colleagues who were laid off at the same time is the only way that I will get any help.

Regards,

[REDACTED]

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski](#)
Subject: MEC Please Read
Date: November 22, 2020 11:34:09 AM

MEC,

I am a former employee of MEC and was recently let go without severance pay. I support Colin Gusikoski/VSLO to be our collective legal representation (myself and other former employees). I am disappointed that you (MEC) are objecting former employees being represented by a single lawyer. We deserve guidance and advice from an advocate in order to receive the severance pay that each of us are entitled to.

[REDACTED]

From: [REDACTED]
To: [Mountain Equipment Cooperative](#)
Cc: [Colin Gusikoski](#)
Subject: MEC termination and representation by VSLO
Date: November 22, 2020 6:40:51 AM

To whom it may concern,

I was extremely disappointed to hear that MEC is expressing objection to legal representation for myself and other former long-term MEC employees that were terminated without severance. I want to underscore that I have agreed to representation by Victory Square Law Office in the above.

After approximately 20 years of loyal service to MEC, I was terminated without severance via email heading into the Thanksgiving long weekend. I had been on temporary lay-off, receiving payment through CEWS, since the end of April and had received repeated reassurances by my supervisor that myself and others in my situation at the Toronto store were being deliberately retained on temporary layoff due to our seniority and experience. Instead, MEC seems to have waited until they perceived myself and others to be ineligible for severance and then proceeded with this termination. I am also aware that other employees, during the time that I was offered the above reassurances from my manager, were permanently laid off with severance and benefits extensions.

My financial situation is problematic due to my extended layoff (at reduced salary) and this sudden termination without severance and I am not in a financial position to hire a lawyer to represent my interests and claim entitlements. MEC's conduct regarding my termination, as well as the lack of communication and transparency regarding this matter, gives me great concern about my legal rights not being respected. In this environment, I require legal advice and representation to help me understand my rights and to ensure that my rights and entitlements are upheld.

This was my livelihood. The lack of severance has serious implications for my life including housing and food security as well as causing significant emotional distress during a pandemic, during the winter, during a time in which the economy and other factors make the likelihood of finding appropriate work very challenging.

The above reasons offer clear explanation as to why myself and other former MEC employees require, have requested, and agree to collective legal representation by Victory Square Law Offices and its representatives.

Thank you for your consideration. I look forward to a timely and fair resolution.

Sincerely,

A solid black rectangular box used to redact a signature.

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski](#)
Subject: MEC
Date: November 22, 2020 12:22:49 PM

Hello all,

I feel that it is unfair that you have objected to all the employees you have harmed being represented by one lawyer.

Due to being terminated from my past job with no severance I don't have the money for a lawyer.

I need advice from an expert so that I may get some of compensation I am owed.

I don't fully understand the implications my contract.

Thank you for your time and consideration

[REDACTED]

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From: [REDACTED]
To: Mountain Equipment Cooperative
Cc: Colin Gusikoski
Subject: MEC's Recent Objection to Representation by C. Gusikoski
Date: November 22, 2020 12:03:52 PM

Dear MEC/Alvarez and Marsal

I hope this email finds you well. I can't tell you how disheartened and disappointed I was to hear of the recent objection to having a single lawyer, Colin Gusikoski represent our group of former MEC staff members. Collecting Employment Insurance as my sole income I simply cannot afford to retain legal counsel on my own and am very grateful that Mr. Gusikoski/VSLO have offered to represent our group.

As I hope you understand losing my employment with MEC after 28 years of service in the middle of a pandemic and economic recession without cause and without severance has caused me a great deal of anxiety and worry. I feel that I don't fully understand what my legal rights are and greatly need the guidance and counsel of Mr. Gusikoski during these difficult times. I am uncertain as to why MEC, a company that until recently I've always know to act with integrity would now choose to block this motion but once again I find this action extremely disappointing. I write this email in the hopes that MEC and the courts choose to allow Mr. Gusikoski/VSLO to represent our group as I genuinely feel that they have our best interests at heart and I fully support them in representing us.

Please feel free to follow up with me should you have any questions or comments.

Regards
[REDACTED]

Sent from my iPad

From: [REDACTED]
To: mec@alvarezandmarsal.com; hr@mec.ca
Cc: [Colin Gusikoski](#)
Subject: MEC's objection to Victory Square representing former MEC staff
Date: November 21, 2020 9:20:37 PM

To Whom it may concern,

I am writing to express that I am extremely disappointed to hear that MEC is objecting to Colin Gusikoski of Victory Square Law Office representing myself and the other 100+ staff that were laid off without cause by MEC over the last 8 months in CCAA process. Why would MEC object to their former staff obtaining Legal Counsel so that they may recuperate as much of the severance they are entitled to as possible? MEC's other creditors will likely all have their own legal representation, will MEC object to this as well, or are they only trying to further hurt their former staff? I feel that given how MEC has treated me and my fellow laid off staffers that it is in our best interest to have legal counsel. Unfortunately, I cannot afford a lawyer on my own, as MEC is well aware of I am currently unemployed, furthermore, due to my Services Canada account having been used by parties unknown for fraudulent CERB claims this summer I have yet to receive a single EI payment and am unsure when my EI claim may finally be approved. I am very concerned that without legal representation that I will not get fair treatment in the CCAA process, and having never gone through a CCAA I would benefit greatly from the guidance and advice of an advocate who is looking out for my interests. Additionally, I have concerns about the terms of the last contract I signed and whether it was valid so I feel that I very much need legal representation to help me understand what my legal rights are in all of this. I hope that you will reconsider your objections to us receiving legal representation from a single lawyer. Please finally do the right thing for the 100+ staff who served MEC loyally and diligently for so many years and withdraw your objection.

Sincerely,

[REDACTED]

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: Colin Gusikoski
Subject: My Designated Lawyer
Date: November 21, 2020 8:10:35 PM

Hello MEC,

This is [REDACTED], my MEC employee ID was [REDACTED]. I served MEC for more than five years. My position was terminated on 13th October 2020 without any severance. I am writing you this mail to inform you that Colin Gusikoski is my designated lawyer to look after my legal aspects with MEC. I kept him in copy in this mail. He is authorized by me to represent me. Please let him know if you have any question.

Regards

[REDACTED]
[REDACTED]

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski; HR Support](#)
Subject: Need for Collective Legal Representation
Date: November 23, 2020 2:23:12 AM

To all that it concerns,

I am greatly disappointed at MEC's objection to it's terminated, laid off, etc., employees being collectively represented by a lawyer.

Having been laid off without severance butts me in a situation that I would not be able to afford a lawyer on my own, and I'm very concerned about my own ability to navigate such a complicated situation without the advice of an advocate.

I urge MEC and those involved in the process to reconsider, and to allow it's ex-employees the right to representation in the way that we so choose.

Thank you,

[REDACTED]

Sent from [Mail](#) for Windows 10

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski](#)
Subject: Objection to Legal Representation
Date: November 22, 2020 10:57:07 PM

[REDACTED]

[REDACTED]

Sunday, November 22, 2020

MEC
1077 Great Northern Way
Vancouver, BC
V5T 1E1

To Whom it May Concern:

I am writing to express my sincere disappointment that MEC is objecting to recently laid off employees being represented by a single lawyer. Having been laid off in October, I cannot afford to hire a personal lawyer. I, like many former staffers, don't fully understand the implications of my contract and my legal rights and therefore would like the guidance and advice of an advocate. This objection to representation is yet another cruel, unnecessary and harmful action taken by MEC against former staffers.

Sincerely,

[REDACTED]

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: Colin Gusikoski
Subject: RE: Petitioner's response to former employees' application
Date: November 22, 2020 7:21:59 PM

Alvarez & Marsal Canada Inc.
Commerce Place
Suite 1680, 400 Burrard Street
Vancouver, BC, Canada V6C 3A6

November 22, 2020

Hello,

I worked at Mountain Equipment Coop for over twenty-five years and through no fault of my own, I was fired without cause and did not receive any severance pay.

I recently joined a Facebook Group called "Former MEC Staffers" where I was dismayed to learn that MEC is objecting to former employees being represented by a single lawyer as they seek compensation for unpaid severance.

Since I was fired from Mountain Equipment Coop effective October 13, 2020, I have been at somewhat of a loss as to how to proceed. I had considered obtaining council of a lawyer versed in employment law, but I have not. As I understand it, the Companies' Creditors Arrangement Act (CCAA) is not kind to employees whose employment has been terminated under the protection of the CCAA. As such, I would like to have Colin Gusikoski of Victory Square Law Office represent my interests in this matter. Having someone who understands our collective rights and will advocate on our behalf and provide guidance through this difficult process will be extremely helpful to me.

My current financial situation is such that I can put food on the table and gas in the car, but I cannot afford to hire a qualified labour lawyer. Having a single lawyer handling our collective claim will benefit me from a financial standpoint.

Thank you,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
To: mec@alvarezandmarsal.com; Colin Gusikoski
Subject: Regarding VSLO's Representation of Former Staff
Date: November 22, 2020 11:58:38 AM

To Court Representatives,

I, [REDACTED], as a former employee of MEC, am disappointed in MEC's objection to former employees appointing Colin Gusikoski with Victory Square Law Office as representation. I would like to address the reasons for my disappointment, and support for the application, below.

It should be noted that myself and a large portion of former employees were already experiencing financial insecurity prior to being terminated. Many colleagues of mine were temporarily laid off and claiming relief payments below their previous income, and others, like myself, were only being paid 75% of their wage under the CEWS. The payment of benefit arrears upon termination (where applicable), while warranted, also took a financial toll, significantly decreasing the take-home pay on our last paycheck. Thus, MEC's decision to withhold severance and termination pay put myself and other former employees in a position where we have to navigate a complex legal process, and where retaining individual counsel to do so would cause excessive financial hardship. Colin Gusikoski's application would allow us to effectively participate without that financial hardship. The group of former employees includes a wide range of positions, from frontline advisors, to store management (my position), to head office staff. Many of us have little idea of the legal implications of the CCAA and these proceedings on our contract, nor how to apply federal and provincial employment law to this situation. I have spent hours on the Government of Canada's and the Government of Alberta's websites, as well as various third-party sites, and I still don't have a firm grasp of the basic legalities. This is further complicated by the many emergency employment legislations that were introduced in response to the pandemic and the varying degree to which those are still in effect. Going through the rest of the proceedings without counsel would create undue anxiety for me, on top of the anxieties already produced by unemployment and the pandemic.

While exploring the options available to me for counsel, I reached out to a law firm in Edmonton specializing in employment legislation, to better understand my position and possibly engage their services. They were not able to provide me with a one-time consultation, declined to represent me, and based on their figures, I would not be able to afford the average rate for on-going legal services. I also explored free legal services offered in Alberta; however, my previous income was marginally too high for one, and the other option only provided thirty minutes of consultation time, which is not enough time to explore this situation. As such, Colin Gusikoski's application is my best chance at being represented in this process. Based on my knowledge, this holds true for the majority of

former employees.

As members, as well as employees, we had no voice in the sale of MEC. Then, the CCAA proceedings trumped our right to immediate severance or termination pay. It is essential that we are now allowed our voice by having an advocate in court, as we are arguably the most vulnerable stakeholder group, and should be afforded every protection in this process. MEC's objection to our inclusion in this process, through affordable and easily accessible counsel, shows a disdain for our financial and social situation, and discounts the many years of loyalty, hard work and support we have given MEC. I urge the court to accept Colin Gusikoski's application. It is the only way to ensure both my interests, and those of other former employees, are represented fairly, and balanced equally with the other creditors, many of whom have the benefit of employing their own in-house counsel.

Regards,

[REDACTED]

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski](#)
Subject: Representation for MEC employees
Date: November 21, 2020 5:33:15 PM

Dear MEC and representatives,

I am writing to express my support for Colin and VSLO representation and to register my disappointment in your objections.

I am truly saddened by MEC's treatment of employees and our desire to be represented by a single lawyer. I was on maternity leave when I was furloughed and then suddenly terminated by MEC. As such, my financial situation makes me unable to hire a lawyer on my own. Having Colin as our collective lawyer is what makes the most sense for our group.

Furthermore, I have concerns about this situation that mean that guidance and advice from an advocate are hugely beneficial to me. Having an advocate has meant that I have help navigating the complicated implications of my contract and what my legal rights are in this situation.

Thank you for your time and hopefully for your understanding.

[REDACTED]

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski](#)
Subject: Representation from Colin at VSLO
Date: November 22, 2020 11:59:42 AM

To Whom it May Concern,

I am very disappointed to hear that MEC is objecting to terminated employees being represented by a single lawyer. Being terminated while on Long Term Disability has put me in an increasingly tough position. Not only have I not received severance after dedicating 10.5 years of service, I have also lost the option for a needed gradual return to work, jeopardizing my future working path and income. Since MEC has left me in a difficult financial position, I cannot afford a lawyer of my own. For this reason I was hoping for representation from Colin and VSLO.

I hope you will consider this.

[REDACTED]
Former MEC Staffer

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski](#)
Subject: Representation of MEC terminated employees
Date: November 22, 2020 9:35:37 PM

Hello,

I am one of the former MEC employees who were laid off on October 6, 2020 without severance and while on maternity leave. I am writing to indicate my support of the group's decision for Victory Square Law Office to represent the interests of the terminated employees, who qualify as creditors according to the CCAA process.

Many members of the group, including myself, neither have the financial resources nor time to engage a personal lawyer to represent our interests. Having the group's interests represented by a single law firm would help us greatly, particularly since the other parties involved already have legal representation and the time/means to dedicate resources to protect their interests. I would be very disappointed to hear that our voice as a group would not be heard in the proceeding by a single law firm, when having our voice heard as a group is both reasonable and fair considering the circumstances of the staff who were terminated. I personally am on maternity leave and caring for young children, while having to search for a new job.

Having an advocate in the proceedings to represent our voice as a group and navigate a complicated legal space would be very beneficial.

Sincerely,
[REDACTED]

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski](#)
Subject: Request for legal representation by Victory Square Law Office
Date: November 22, 2020 6:31:35 PM

Hello!

I'm writing to make it known that I, [REDACTED], a former employee ([REDACTED]) at the Victoria MEC store, who was terminated without cause/severance in October 2020, am disappointed that MEC has objected to former MEC employees being represented by a single lawyer. My financial situation is not such that I can afford to hire a lawyer on my own to ensure I am fairly representing in the claims process upcoming, and I do NEED legal guidance through this process. Not being a lawyer myself, I am not informed about the legal rights I have based on my employment contract(s) signed with MEC. Regarding legal representation, I specifically support Victory Square Law Office, and their lawyer Colin Gusikoski, being my legal representation in the matters noted above, along with the representation for the whole of the recently terminated (without cause/severance) MEC staff. They will be supporting the legal rights of all former MEC staff in this claims process, so I sincerely hope this request is granted.

Thank you for reading and let me know if you have any questions. Have a nice day,

[REDACTED]
(former employee of MEC Victoria)

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: Colin Gusikoski
Subject: Responding to MEC's Objection regarding former employee representation.
Date: November 22, 2020 2:46:18 PM

To whom this may concern,

My name is [REDACTED] and I am a former employee of the MEC Calgary store. My employment was terminated effective October 13, 2020 as a result of the purchase and restructuring of the former Mountain Equipment Cooperative.

The employees that were terminated around this time are in a tough position, both financially and mentally. After working for MEC for over 9 years each, both myself and my partner (who also worked for MEC) were terminated, with effectively no notice. That puts our household in a challenging financial position exasperated by COVID-19. I do not have the resources to pay for a lawyer. I am also finding it quite difficult to find a job right now, as retail jobs are scarce during a COVID economy. These are challenging times which contribute to uncertainty and anxiety.

I would like to respond to MEC's Objection, to Lorne Hoovers Notice of Application to have VSLO represent former MEC employees. Obviously, former MEC employees have the right to be represented by a lawyer. However, given the challenging economic situation we are all part of, it is important to have that representation covered by the funds left from the sale of MEC. I understand that there are many creditors that are seeking compensation. I would argue, however, that of the creditors, former MEC employees are in the greatest need of support. Having an advocate paid for, would help former employees have their voice heard and help to reduce the stress that this situation is causing.

Please accept this letter as approval to have Colin and VSLO represent me.

[REDACTED]

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski](#)
Subject: Retention of Legal Counsel - MEC Former Employee
Date: November 22, 2020 8:55:23 PM
Attachments: [REDACTED] - Retention of Legal Counsel for MEC Former Employees.pdf

Good afternoon,

Please find attached my letter about the fact that MEC is objecting to employees being represented by a single lawyer.

Regards,

--

[REDACTED]

[REDACTED]

Sunday, November 22, 2020

To whom it may concern letter

I am extremely disappointed in MEC's objection to "former employees" appointing Colin Gusikoski with Victory Square Law Office as representation. Colin has consistently been in contact with some key employee representatives who have relayed all the necessary and critical information to our group. He has taken the time to listen to many of the details of our case and built a sense of trust and rapport with the Former Employee group. If Colin is not our counsel it will leave me and many others scrambling to look for alternate representation, under severe time pressure to ensure they are aware of all the details surrounding my case and create an inordinate amount of stress knowing that my interests are not being looked after.

MEC's decision to withhold severance and termination pay is the reason that their former staff have to participate in a legal claims process, and is also the reason we cannot afford legal counsel of our own. I have been on employment assistance (CEWS and CERB) since March 28th, 2020. My income has been reduced by roughly 50%. I have used up all my savings over the last eight months to ensure mortgage payments are made and our family literally has food on the table. My savings will last us until December and the prospects for reemployment in my field (event and community organizing) are virtually zero through 2021. I am faced with some very difficult decisions and I have no financial reserves left to retain legal advice.

I contacted several law firms in Montreal specializing in employment legislation, to seek guidance and possibly engage their services. None were able to offer me a one-time fee for consultation, and I could not afford their hourly fee. I also explored free services offered in Quebec province; however, my previous income was either too high or I couldn't get an appointment for several months, as they were experiencing a high volume of requests. The only way I will be able to be legally represented in this matter is through Colin Gusikoski's application.

While I consider myself an educated person, I have little idea of the legal implications of the CCAA and these proceedings on my contract, nor how to apply federal and provincial employment law to this situation. Furthermore, English language is not my mother tongue and trying to follow this proceeding in English is especially hard for a French speaking person.

This is further complicated by the many emergency employment legislations that were introduced in response to the pandemic and the varying degree to which those are still in effect. Going through the rest of the proceedings without counsel would create undue anxiety for me, on top of the anxieties already produced by financial uncertainty and the pandemic.

Furthermore, I do not fully understand the implications of my contract and what my legal rights are. My Community team at MEC underwent a restructure in February 2019 to a team of 21 from 28. At which point I signed a contract that had no limitations on the amounts associated with severance pay. In January 2020 we surprisingly and suddenly went through another restructure to a team of 12 (from 21.)

As such I felt tremendous pressure to accept the terms of a new contract that suddenly limited severance to 2 weeks per year of service up to 9 months. There was no provision for additional compensation for the value of health benefits. I have worked with MEC for 5 ½ years, have received three promotions and with legal counsel would likely be entitled to a way more substantive severance package, especially given the industry (event organizing) is likely unable to recover until 2022. I also believe MEC acted in bad faith in the second restructure, fully knowing the implications of the financial situation they were in. Even in June 2020 when they cancelled all events, clinics and programming moving forward they should have reasonably terminated my contract then. However, they chose to wait until declaring insolvency to terminate my contract. It is for these reasons and more that I require legal counsel to help navigate the intricacies of my situation and the associated employment law and standard practices.

As members, as well as staff, we had no voice in the sale of MEC. Then, the CCAA proceedings trumped our right to immediate severance or termination pay. MEC's assertion that our exclusion from the insolvency process is required to protect the other stakeholders is a blatant disregard for the many years of loyalty, hard work and support that former employees have given MEC. Arguably we are the most important and most vulnerable stakeholder group and should be afforded every protection under the law. It is essential that we are now allowed our voice by having an advocate in court. MEC's objection to affordable and easily accessible counsel shows a disdain for their former staff's financial and social situation.

I urge the court to accept Colin Gusikoski's application. It is the only way to ensure that former staff's interests are represented fairly and balanced equally with the other creditors, many of whom employ in house counsel.

Sincerely,

A large black rectangular redaction box covering the signature and name of the sender.

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski](#)
Subject: Support for Colin Gusikoski to represent the group of former MEC employees in regards to termination without severance
Date: November 21, 2020 6:41:24 PM

To Colin, Alvarez & Marsal, and MEC,

I am writing to add my support for the affidavit signed by my former colleague, Lorne Hoover and confirm that he represents a large group of former Mountain Equipment Co-op (MEC) staff members and has the same objectives and views as myself and many others. This matter is in regards to the termination of myself and my colleagues without severance and our claim to be paid what we are owed.

I would like to express my extreme disappointment that representatives of MEC object to the representation of our group. I believe that MEC is attempting to use a technicality to continue avoiding payment of severance to many former employees who were abandoned by MEC following their termination, myself included. We believe we are owed compensation in regards to our termination and for the time we have spent working for MEC.

Given the troubled times we live in, my financial situation simply does not allow me to absorb the costs necessary to have personal representation for this situation. I am very grateful to Colin Gusikoski of Victory Square Law Office for being open to represent myself and my former colleagues as a group.

As a result of losing my job at MEC, I am currently receiving Employment Insurance as my income, and have so far not managed to obtain employment elsewhere. Given that I live in Vancouver, this does not leave me with much in the way of disposable income to spend on things such as legal representation in a dispute with an employer who has not acted in good faith and continues to do their utmost to avoid any responsibility they may have to their former employees.

Given that I am not a legal professional, I am very pleased to have guidance from Colin, and feel that his representation is within the best interests of myself and my former colleagues.

I believe that Colin should be allowed to represent our group and the objection of MEC should be overruled. Colin's counsel will ensure that my former colleagues and I will learn and hopefully receive what we are ultimately entitled to. Without his representation we would likely receive nothing.

Please do not hesitate to contact me directly if you have any further questions or need any more clarification on this topic.

Yours sincerely,

[REDACTED]

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski](#)
Subject: Support for having Colin Gusikoski represent former MEC staffer as a group.
Date: November 21, 2020 4:08:03 PM

Dear MEC,
cc. Colin Gusikoski

I am emailing you today to express my disappointment in you objecting to having Colin Gusikoski represent former MEC staffers that were recently terminated as part of the CCAA process.

These are stressful times for all of us, both mentally, physically and financially. At this time, I simply cannot afford to have a lawyer represent me as an individual. Being terminated from MEC is certainly adding a layer of stress for many of us and having Colin represent us as a group is in the best interest of all of us, former MEC staffers.

This situation is creating a significant amount of anxiety and having guidance and advice from an advocate would be greatly appreciated.

I don't fully understand the details of how the CCAA proceedings impact my rights, and how my contract impacts my rights.

Regards,

[REDACTED]

From: [REDACTED]
To: mec@alvarezandmarshal.com
Cc: [Colin Gusikoski](#)
Subject: Support for VSLO representation
Date: November 22, 2020 6:57:33 PM

I am writing as a former MEC employee who was terminated without severance pay on October 13, 2020.

I would like to voice my disappointment of MEC's objection to the application of a collective legal representative for all MEC employees terminated without severance.

The financial cost for me to personally hire a lawyer to represent my case is too high. This means that without collective representation I will simply have to accept my termination without any severance to which I am legally entitled. Hiring one lawyer to represent our entire group makes more sense both financially and logistically, as the termination without severance was the same for all parties.

Guidance and advice from an advocate to our group as a whole would help to navigate through the legal process, ensure we know our legal rights, and would greatly reduce the stress and enable us to proceed where we would otherwise not be able to do as individuals .

MEC's objection to Colin's application to be our collective legal representative seems to be an attempt to quash individuals attempts to obtain what is owed to them. By stopping the collective representation MEC hopes that individual employees will not or can not pursue legal action due financial or emotional barriers. This is in essence bullying.

I am very disappointed in MEC's objection, and truly hope that the employees will have their chance for fair representation.

Sincerely,
[REDACTED]

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski](#)
Subject: Support for VSLO Representation
Date: November 22, 2020 7:04:46 PM

Hello,
I'm writing to show my support of Colin Gusikoski for his VSLO representation of MEC Staffers. I have many objections and concerns and would like the guidance and advice from an advocate.

Thank you,

[REDACTED]

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski](#)
Subject: Supporting Colin's application
Date: November 21, 2020 7:09:19 PM

Good night,

I have been informed MEC has objected to Colin's application to be our collective legal representative.

I'm disappointed that MEC is objecting to employees being represented by a single lawyer.

My current financial situation doesn't allow me to afford a lawyer by myself since I have been laid off without severance.

I am worried about my current situation for that reason I am looking for guidance and advice from a lawyer since I don't fully understand the implications of my contract and what my legal rights are.

Kind Regards,

[REDACTED]

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski](#)
Subject: Victoria Square Law Office representing MEC Former Staffers
Date: November 21, 2020 5:52:25 PM

Hi MEC Support Team,

My name is [REDACTED] and I'm a former MEC staffer.

I am writing to you as I am disappointed that MEC is objecting to employees being represented by a single lawyer. I am not in a financial situation where I can afford a personal lawyer to represent myself & would like guidance and advice from an advocate who fully understand the implications of my contract and what my legal rights are.

Please reconsider and allow Victoria Square Law Office to represent us.

Best regards,

[REDACTED]

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski](#)
Subject: Victory Square Law for Representation - [REDACTED]
Date: November 21, 2020 3:18:05 PM

Hi,

To Whom it may concern,

I am disappointed to learn that MEC is objecting to employees being represented by a single lawyer. It has caused me great concern and anxiety to be given zero notice with no cause of my termination of employment, while on maternity leave.

Maternity leave, that all Canadians are afforded, is to be a joyous time. Instead, I find myself stressed, anxious, and concerned about mine and my new family's well being. I am being forced to seek employment while caring for a young child.

Many of my cohorts (employees hired at the same time, in the same position) are still currently working at MEC and I have been targeted because I am on maternity leave. I wonder that if I did not get pregnant (or were a man), would I still be working at MEC?

It is because of this, that I need advice from an advocate.

[REDACTED]

From: [REDACTED]
To: mec@alvarezandmarshal.com
Cc: [REDACTED]; Colin Gusikoski
Subject: Victory Square Law Office - representation of terminated MEC employees
Date: November 21, 2020 10:16:17 PM

Dear MEC,

I'm writing this letter to you this evening to express my profound disbelief and disappointment that you have objected to the staff you terminated being represented by Victory Square Law Office.

I'd like to first note that we, as a collective group of employees that were terminated without cause or notice, have the legal right to seek representation for applying for the severance that is legally due to us (based upon both our contracts and the laws that govern our individual provinces of residence). As such, should we choose to all be represented by a single lawyer, that is our decision. Not a decision that you, our former employer, should have any input on. I'm bewildered as to what MEC and their legal team are basing this objection on - I am legally allowed to hire a lawyer, and you do not get to decide which lawyer I hire, nor who else they represent. This wouldn't be an issue had you paid out what was legally owed to me as per my contract, but here we are.

I'll be blunt - I cannot afford a lawyer to represent me. As I noted in my emails to you after the birth of my son, he was born with disabilities. I'll be more specific - he has extreme brain damage, I don't know how long he has to live, it has been absolutely horrific to deal with. You terminated me while on maternity leave, without notice, and took away my benefits with absolutely no notice when my child has multiple medications that I'm now left to pay out of pocket. I do not have the financial capability to pay for my own legal representation, in order to claim the severance that I am legally entitled to as per the contract that I signed with you, my employer, in good faith. Your objection to Victory Square representing the group of employees you terminated without cause as a whole could have dire consequences on my family's financial stability. I now do not have a job to return to upon the conclusion of my maternity leave. This means when my maternity leave ends, I don't have the ability to claim EI because I won't have any insured hours between claims - I will literally have no income. On top of all of this, you've now caused me more stress (as if I didn't have enough going on) because I'll be forced to seek other employment before my leave ends as you didn't pay out my severance that would have supported me while I was seeking out a new job. I have a four month old baby with lifelong medical problems - I am not able to seek employment right now, nor should I have to! You've put so many good folks at extreme disadvantage, but you've left me in a horrific situation because I can't even take up offers to help find work right now given that I was on the legally protected leave that every parent in Canada is entitled to. I cannot believe that what you did was legal, and it was morally reprehensible.

Because of the above, I need guidance and advice from someone more knowledgeable in labour law than myself. I do not have the time, nor the mental capacity right now, to deal with figuring out what additional money I am owed based on my contract and the labour laws of British Columbia. By objecting to my representation in these proceedings, you are leaving me in a position where I might not be given remotely what I am legally entitled to. I'm sure that MEC will understand that I have absolutely no faith in being told what money I am legally entitled to, as my former employer has clearly demonstrated that they do not have my best interests at heart. I need a lawyer whose interests are not compromised by benefiting from my

termination to tell me what I'm entitled to for being terminated without cause or notice. I also don't know what my legal rights are in comparison to other employees - again as noted, I was on protected leave when terminated so I'm in a vastly different position than other people. I cannot just seek employment and take a job right now, I need to be available to feed my son, take him to his medical appointments, and mentally deal with the incredibly traumatic time that I've had since early July. To which I'll also note that MEC terminated me over email which I opened while breastfeeding my then three month old child. No phone call, no notice, absolutely nothing financially offered to me in support despite 8.5 years of incredible standing as a staff member. No follow up. The loss of my maternity top-up pay that was supporting me paying rent. I poured my heart and soul into my many roles at MEC, always received exemplary reviews from my superiors, and no matter how many times my job title or responsibilities would change on a whim, I always adapted. For the better of the co-op. To enable and inspire Canadians to get active outdoors through my events. I watched a lot of people be terminated over the years, often handed massive severance packages to walk away. I didn't deserve to be handed absolutely nothing after working so hard, and doing so much, over the years. I deserved better.

I ask that you remove your objection to our group representation because quite frankly, you've taken enough from me as is. Don't take away my opportunity for legal representation and leave me in dire straits, because I've suffered enough as a result of your termination of my employment. The group of employees terminated have all agreed we wish Victory Square to be our legal representation, and our opinion on the matter is the only one that should be considered. It seems a wildly inappropriate conflict of interest that the employer that we are seeking severance from should have an opinion on our legal representation in the matter.

Sincerely,

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski](#)
Subject: Victory Square Law Office Representation
Date: November 22, 2020 12:44:46 PM

To whom it may concern,

As a former staff member of MEC who was let go without any severance pay I wish to have Colin Gusikoski and Victory Square Law Office represent my claim alongside my other former colleagues in this matter. I find it reprehensible that MEC should continue to violate our rights and entitlements to severance during a pandemic and global economic crisis which prohibits many of us from finding employment. As a previous co-operative one would have assumed the idea of collective action would be understood by those involved. I do not have the financial means to procure my own independent legal representation and do not have the necessary knowledge to proceed with this process without an advocate.

Thank you,

[REDACTED]

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski](#)
Subject: VSLO Representation - Former MEC Staffer
Date: November 22, 2020 5:45:49 PM

To Whom it may concern,

I have heard of MEC's objection to VSLO representing me and my group (Former MEC Staffers). This is upsetting news and shows that MEC has every intention to muddy the waters for anyone trying to navigate this complex claim process.

I'm writing to say that **I am in full support and am seeking representation with Colin's team at Victory Square Law** as I cannot afford to hire a lawyer. I started receiving Employment Insurance only last week, which was due to MEC's delay in submitting my Record of Employment.

Further, should I seek counsel separately, the EI amount I'm receiving would be insufficient to cover the cost of counsel and would place an enormous amount of stress on my finances.

I don't understand the implications of my contract nor how to navigate this claims process and VSLO is willing to advocate - I trust that they have the best intention to help navigate the legal complexities. Please know that this objection is causing significant anxiety. Receiving sound legal advice without the initial cost would help alleviate this anxiety along with the stress of losing a job without severance.

Thank you,

[REDACTED]
[REDACTED]

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski](#)
Subject: VSLO representation of former MEC employees
Date: November 23, 2020 12:14:04 AM

This is a letter indicating my disappointment that MEC is objecting to former employees being represented by a single lawyer. Being terminated without cause and without severance in an economic climate where finding employment is proving to be extremely difficult, i find myself in major financial trouble and am unable to individually seek legal counsel.

I have a huge amount of anxiety about my future as I am concerned that I won't be able to recover from this set back for quite some time. I am a single parent of a 7 year old so the decisions I make directly impact my child. As such, I desperately require the guidance of Victory Square Law Office. I am looking for advice from a credible advocate of the situation I am faced with since I do not fully understand the implications of my contract nor what my legal rights are.

Thank you,

[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski](#)
Subject: VSLO representation
Date: November 21, 2020 9:25:03 PM

Hello,

I'm contacting you this evening to make you aware of my severe disappointment that MEC is objecting to the employees that were laid off as part of the sale to Kingswood being represented by a single lawyer. Namely, Colin Gusikoski of Victory Square Law Office.

As someone who invested over a decade of my life to MEC, this is not befitting of the organization i once knew. The CCAA proceedings and mechanics are largely unknown to many of us and lawyer support would be invaluable to navigate this.

As there was zero support given by MEC after termination, financially or otherwise, and having a young son with a genetic health condition that needs daily medication (that will no longer be covered by the health benefits i no longer have) affording a lawyer would be absolutely out of my reach individually. To be very honest, my young family's finances are barely scraping by with EI payments that don't even cover my modest mortgage. Colin's help and advocacy in navigating my severance would be invaluable to me in order to focus on the rest of the nightmare that is navigating this situation during a global pandemic.

I'm bitterly disappointed, again, that you are not supporting your ex employees who showed great loyalty over the years and i urge you to reconsider out of respect for said people.

Sincerely,

[REDACTED]

[REDACTED]

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski](#)
Subject: VSLO representation
Date: November 21, 2020 6:44:14 PM

MEC,

I am writing to express my strong desire to be legally represented by Colin Gusikoski and the Victory Square Law Offices.

I find it extremely disappointing that, after 32 years of loyal service, many of which as a member of the senior staff team, MEC is objecting to this representation. I have devoted the better part of my life to this company. To be laid off without any sort of severance is an abomination.

I do not have the resources to hire my own lawyer and because I do not fully understand the implications of my contract, I am extremely grateful that Mr. Gusikoski has stepped forward to represent us as a group and to fight for what we all deserve.

It is bad enough that I find myself unemployed and financially strapped but to be treated with such disrespect after supporting this company for so long is heartbreaking. I hope you will let this legal matter proceed without further disruption.

Regards,
[REDACTED]

From: [REDACTED]
To: mec@alvarezandmarsal.com
Cc: [Colin Gusikoski](#)
Subject: VSLO representation
Date: November 22, 2020 7:26:24 PM

Hello,

It is very disappointing that there is an objection for recently terminated MEC staff to be represented by a single lawyer.

Due to the fact that I was on CEWS since April and eventually being terminated with no severance and now on EI, it is a struggle to pay the Mortgage and daily bills. Therefore there is no way I can afford a Lawyer on my own.

This situation has caused me to experience Anxiety and depression. I have been referred to a counselor, that is even unaffordable. Having guidance and advice from an advocate in this matter would ease the stress a great deal.

I was never presented with my Employment Contract or any forms detailing my termination. Therefore I do not fully understand the implications of my contract and what your legal rights are.

Thank you.