

NAOTH-111

Action No. ~~P1090300914~~

Provincial Court of Alberta
(Civil)

BETWEEN:

1003 07201

Mark-Randolph:Simser

Plaintiff

- and -

Bradley Murk

Defendant



Notice of Application

TO: Mark-Randolph:Simser
7623 - 149 Avenue
Edmonton, AB T5C 2V6

An application will be made by **Bradley Murk**, the Defendant, before a Judge of the Provincial Court at Edmonton, Law Courts, 1A Sir Winston Churchill Square, 97 Street and 102 Avenue, Edmonton, Alberta T5J OR2

Courtroom # 269, 2nd Floor


on Tuesday, April 20, 2010 at 1:30 pm. for an Order:

- ☐ Setting aside/varying a Default Judgment/Noting in Default entered on _____.
- ☒ Other
- (1) Striking out the Plaintiff's Civil Claim; and
- (2) Granting costs of this application.

In support of this application will be read the affidavit of Bradley Murk, filed.

If you do not appear an Order may be made in your absence. If you do appear, **bring your evidence.**

DATED April 9, 2010
at Edmonton, Alberta.


Signature of Solicitors for the Defendant
FRASER MILNER CASGRAIN LLP
Sean M. Stepchuk

Affidavit of Bradley Murk
Sworn this 9th day of April, 2010

Action No. P1090300914

IN THE PROVINCIAL COURT OF ALBERTA
(CIVIL)

BETWEEN:

Mark-Randolph:Simser

Plaintiff

- and -

Bradley Murk

Defendant



AFFIDAVIT

I, Bradley Murk, Peace Officer, of Edmonton, Alberta, MAKE OATH AND SAY
THAT:

1. I am currently employed as a Peace Officer by the Edmonton Police Service, and was employed in that capacity on January 25, 2010.
2. Any and all interactions I have had with the Plaintiff, Mark-Randolph:Simser, arose while I was executing my duties as a Peace Officer employed by the Edmonton Police Service.
3. I am advised by my counsel and do verily believe that the Provincial Court of Alberta does not have jurisdiction to hear or adjudicate on matters involving Peace Officers executing their duties.
4. I swear this Affidavit in support of an application to strike the Plaintiff's Civil Claim.

Sworn before me in the City of Edmonton,
in the Province of Alberta, this 9th day of
April, 2010.

A Commissioner of Oaths in and for the
Province of Alberta

Sean M. Stepchuk
Barrister & Solicitor

Bradley Murk

#3108

Affidavit of Bradley Murk
Sworn this 9th day of April, 2010.

1 0 0 3 0 7 2 0 1

Action No. P1090300914

**PROVINCIAL COURT OF ALBERTA
(CIVIL)**

BETWEEN:

Mark-Randolph:Simser

Plaintiff

- and -

Bradley Murk

Defendant

AFFIDAVIT



FRASER MILNER CASGRAIN LLP
Barristers and Solicitors
2900 Manulife Place
10180 – 101 Street
Edmonton, Alberta
T5J 3V5

Solicitor: Sean M. Stepchuk
Telephone: (780) 423-7328
Facsimile: (780) 423-7276
File: 174844-135/MDHi