

# Court of King's Bench of Alberta

Citation: 1254748 Alberta Ltd v McBurney, 2025 ABKB 603

Date: 20251015  
Docket: 2304 00089  
Registry: Grande Prairie

Between:

**1254748 Alberta Ltd., 1606893 Alberta Ltd., Art Stirrett and Medix Safety Inc.**

Plaintiffs/Respondents

- and -

**Christopher McBurney and ELEV8 Hockey Corp Operating as AK Hockey Grande Prairie**

Defendants/Applicants

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**Endorsement  
of the  
Honourable Justice Michael J. Lema**

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## **I. Introduction**

[1] Has the defendant purged his contempt of various disclosure orders and, if so, should his statement of defence, struck as a contempt sanction, be reinstated?

[2] The answer is yes, as explained below.

## **II. Analysis**

[3] I grant the relief sought by Mr. McBurney in paragraphs 1 and 2 of his application filed September 9, 2025 (namely, a declaration that he has complied to the extent reasonably possible

with the disclosure orders on this file, thus purging his contempt and, in turn, warranting the reinstatement of his statement of defence), for the following reasons:

- A. I am satisfied that, via his affidavits sworn July 22, 2025 and September 2, 2025 (and, to the extent not incorporated by reference in those affidavits, his earlier affidavits in this matter), he has, in response to the Inglis, Clackson and my orders, provided whatever information he possessed or that was reasonably accessible to him from others falling within the scope of the documents and information required to be disclosed by those orders and has also provided reasonable explanations for being unable to provide any further information directed to be disclosed by those orders, whether because such documents or information did not exist or were not reasonably accessible by him;
- B. in so ruling, I reject 125's argument that Mr. McBurney's 2025 affidavits simply repackage pre-existing disclosure. For instance, they provide materially incremental and illuminating information concerning:
  1. the continuing critical role played by "Medix Central" in performing various administrative functions (e.g. invoice processing, payroll, expense repayment including fuel) even after Mr. McBurney moved assets away from Medix and, at one stage, carried on its business solo;
  2. his inability, from the outside, to obtain various information under the control of Medix Central;
  3. the nature and scale of his activities during the solo period; and
  4. his efforts to provide information to, and to obtain information, from Medix Central in that period;
- C. the matters listed in paragraph 15(a) to (r) of 125's brief largely do not reflect ongoing non-disclosure by Mr. McBurney or, if they do, he has provided reasonable explanations for the non-disclosure or, in any case, they do not outweigh the materially expanded disclosure via the 2025 affidavits;
- D. I disagree that "no accounting of the profits made from the sale of the trucks, MTC units, or from operating Medix in 2021, was ever provided." For instance, concerning the trucks, see the disclosure provided, in part, via paragraphs 13 and 14 of Mr. McBurney's July 24, 2023 affidavit;
- E. the delay in providing the incremental disclosure via the 2025 affidavits does not disqualify Mr. McBurney from the requested relief in the circumstances here, particularly with his relatively recent retention of counsel and his enhanced understanding (via counsel) of the particularity of the ordered disclosure; and
- F. the contempt sanction was levied for non-disclosure (now remedied or reasonably explained), not for any (possible) breach of the Mareva order.

### III. Conclusion

[4] In these circumstances, with Mr. McBurney having provided the further disclosure reasonably possible, it would be unjust to continue the contempt sanction.

[5] Accordingly, I declare that he has, via the combined effect of his 2025 and earlier affidavits, sufficiently purged his contempt and thus become entitled to the reinstatement of his statement of defence (hereby reinstated).

[6] While Mr. McBurney has succeeded here, I find it appropriate in the circumstances for the parties to bear their own costs.

Heard on the 25<sup>th</sup> day of September, 2025.

**Dated** at Grande Prairie, Alberta this 15<sup>th</sup> day of October, 2025.

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**Michael J. Lema**  
**J.C.K.B.A.**

#### **Appearances:**

Marie Dussault  
Dussault Law  
for the Plaintiffs/Respondents

Daniel Jukes  
Miles Davison LLP  
for the Defendants/Applicants