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FEDERAL COURT

No. T-2030-13

**BETWEEN:**

**NEIL ALLARD  
TANYA BEEMISH  
DAVID HEBERT  
SHAWN DAVEY**

**PLAINTIFFS**

**AND:**

**HER MAJESTY THE QUEEN IN RIGHT OF CANADA**

**DEFENDANTS**

**AFFIDAVIT OF ERIC J. M. NASH**

I, Eric John MacArthur Nash, Chief Operating Officer of Island Harvest Inc., of the City of Duncan, in the Province of British Columbia, MAKE OATH AND SAY AS FOLLOWS, THAT:

1. I make this affidavit of my own personal knowledge, information and belief. Where matters are stated to be on information and belief, I so indicate and believe them to be true.
2. I have been asked to provide information based on my experience with Health Canada's regulatory framework for the medicinal use, production, distribution and sale of cannabis.

**SERVICE OF A TRUE COPY  
HEREOF ADMITTED**

DEC 22 2014

**WILLIAM F. PENTNEY /  
Solicitor for  
A.G.C.**



**(a) Statement of the issues addressed in the report:**

The issues I address in this report pertain to the *Marihuana Medical Access Regulations* (MMAR) and the *Marihuana for Medical Purposes Regulations* (MMPR).

Respectfully, I also provide a rebuttal to specific items as noted in the Affidavits and reports of:

John David Miller of October 3rd, 2014

Larry Dybvig of October 29, 2014

Shane Holmquist of October 9, 2014

Len Garis of October 8, 2014

Paul Grootendorst of October 14, 2014

**(b) Qualifications:**

3. I have been involved in the Health Canada medical cannabis access program since August 31, 2001. My experience and background comprises the designated cultivation, production, shipping and selling of medical cannabis, stakeholder issues, patient issues and other matters relating to health, safety, security and regulatory policy.

4. The information I provide in this affidavit pertains directly to my involvement and experience with Health Canada's *Marihuana Medical Access Regulations* (MMAR) since 2001 and the *Marihuana for Medical Purposes Regulations* (MMPR) since 2013.

5. I have worked as co-owner of two Canadian medical cannabis-based businesses, Island Harvest Inc. and PhytoCan Pharmaceuticals Inc.

6. I have been cultivating, distributing and selling cannabis for medical purposes as a designated licensed producer since 2002 under the company name of Island Harvest. The regulatory framework for the production and distribution was facilitated under Health Canada's *Marihuana Medical Access Regulations* (MMAR).

7. Our company and our medical marihuana have received organic certification for five consecutive years from the Pacific Agricultural Certification Society (PACS) and the

Certified Organic Associations of British Columbia (COABC). The organic regulations are administered by the British Columbia Ministry of Agriculture, Food and Fisheries, and our cannabis crop has been inspected.

8. Our company has produced successive crops of cannabis over a period of more than ten years. The crops consist of several strains (or hybridized plant varieties) which are available in commercial seed catalogues. These include both indica and sativa dominant species.

9. Since 2001, I have communicated with and interviewed over 400 licensed patients and authorized growers in Health Canada's federal medical cannabis access program. This information has provided me with substantial knowledge and significant insight into Health Canada's marijuana access program and the medical cannabis industry.

10. In 2004 I was invited to participate in Ottawa as advisor to Health Canada's Multi-Stakeholder Consultation session on the *Marihuana Medical Access Regulations* (MMAR) to provide input on policy development and future regulatory framework of the federal medical cannabis access program.

11. On February 18, 2004 I attended the Health Canada stakeholder meeting in Ottawa representing a group of over 100 MMAR licencees and I presented a number of recommendations to Health Canada on amendments to the MMAR.

12. In 2005 I was contacted by the Research and Analysis Section of the United Nations Office on Drugs and Crime in Vienna and asked to provide input and data on cannabis crop yields for their Global Cannabis Study.

13. In 2005 I was appointed to the National Cannabis Steering Committee by the Canadian AIDS Society. The project culminated in 2006 with significant findings on the use of medical cannabis in Canada.

14. In 2007 I was contacted by Brian Thiessen, Staff Sergeant and Program Manager at the Pacific Region Canadian Police Research Centre and Sgt. Rick Parent Ph.D., Manager at the Research and Academic Development, Justice Institute of British

Columbia Police Academy. On behalf of PhytoCan Pharmaceuticals and Island Harvest, we agreed to a collaborative venture with the Canadian Police Research Centre and Titan Analysis Ltd. to conduct scientific research on cannabis plants pending Health Canada's approval.

15. In 2008, I attended the United Nations General Assembly Special Session on international drug policy to provide input on regulatory framework models for medical cannabis distribution protocol.

16. In 2010 and 2011, I was invited by Health Canada's Director General, Cathy Sabiston, and Health Canada's Office of Policy and Strategic Planning, to meet and provide input on the future of the Canadian federal medical cannabis access program from the perspective of a long-time licensed producer and distributor.

17. On July 7, 2010, I attended a meeting in Vancouver with Director General Cathy Sabiston and Health Canada officials to discuss matters pertaining to the regulatory transition from the MMAR to the current *Marihuana for Medical Purposes Regulations*.

18. On September 7, 2011, I attended a closed meeting in Vancouver with Director General Cathy Sabiston and Health Canada officials to discuss the Government of Canada's proposed improvements to Health Canada's Marihuana Medical Access Program and to provide input on the policy reform.

19. On February 15, 2012, I attended a meeting in Victoria B.C. with Health Canada officials. The meeting in Victoria was for those who had expressed interest in becoming licensed commercial producers under the new *Marihuana Medical Access Program* (MMAP). Health Canada was seeking input on what the regulatory requirements could be in regards to commercial production, specifically for technical input advice on quality, security and record keeping practices for growing and manufacturing marihuana for medical purposes. This meeting was specifically intended for individuals with technical background knowledge in the above mentioned areas.

20. In 2012, 2013 and 2014, I have worked as Chief Operating Officer of Island Harvest Inc., a British Columbia based medical cannabis company. I have prepared the

operational infrastructure, facility and government application for commercial cannabis production under Health Canada's *Marihuana for Medical Purposes Regulations* (MMPR) and ensured compliance with all applicable bylaws and regulations.

21. In August 2013 our company Island Harvest Inc. applied to Health Canada under the *Marihuana for Medical Purposes Regulations* (MMPR) to obtain Licensed Producer (LP) status for commercial production, distribution and sales of medical cannabis.

22. On February 24th 2014, Island Harvest was issued a "Ready to Build" approval letter from Health Canada (OF15-59-1484-34) deeming that our application is satisfactory and meets the requirements of the MMPR. The February 24th, 2014 letter states "your proposal meets the requirements of the quality assurance pre-licensing report and record keeping requirements of the MMPR." Island Harvest's license is subject to final physical security inspection and approval.

23. Over the past year and a half, our company has been thoroughly and rigorously screened and reviewed by Health Canada. On June 25, 2014 we received notice from Health Canada that our company personnel security clearances were approved. The Island Harvest facility has been ready for MMPR inspection since June 2014. We have been waiting for Health Canada's final MMPR facility inspection for over six months.

**(c) Curriculum Vitae** is now produced and marked as Exhibit "A" to this my Affidavit.

**(d) The facts and assumptions on which the opinions in the report are based**

24. In preparation for this affidavit, I have read and reviewed the affidavits of John David Miller, Larry Dybvig, Len Garis, Paul Grootendorst and Shane Holmquist.

25. I am responding to specific facts and assumptions addressed by Professor John David Miller in his Affidavit and expert report in these proceedings and to address the issue of mold in Health Canada approved licensed facilities under the *Marihuana Medical Access Regulations* (MMAR).

26. I am responding to specific facts and assumptions addressed by Shane Holmquist in his Affidavit and expert report in these proceedings and to address the issue of

Personal Use Production Licenses (PUPL's) and Designated Person Production Licenses (DPPL's).

27. I am responding to specific facts and assumptions addressed by Larry Dybvig in his Affidavit and expert report in these proceedings and to address the issue of property valuation and remediation with Health Canada approved Personal Use Production Licenses (PUPL's) and Designated Person Production Licenses (DPPL's) facilities.

28. I am responding to specific facts and assumptions addressed by Paul Grootendorst in his Affidavit and expert report in these proceedings and to address issues surrounding the medical cannabis market in Canada.

29. I am responding to specific facts and assumptions addressed by Len Garis in his Affidavit and expert report in these proceedings and to address the issue of health, safety and security of Personal Use Production Licenses (PUPL's) and Designated Person Production Licenses (DPPL's).

**(e) A summary of the opinions expressed**

30. From my review of the material presented to me, and based on my experience in the Canadian medical cannabis industry, it is my opinion that broad generalizations cannot be made as to the facts and assumptions stated by any expert without first considering all the data, information and facts when rendering such an opinion. In my affidavit I will point out some of my observations based on my experience relating to the information I have reviewed, and in relationship to my involvement within the medical cannabis industry in Canada since 2001.

31. From the information I reviewed, I have observed that many of the reports and much of the compiled data in regards to reports of cannabis production facilities in residences, outbuildings and commercial properties, relate primarily to *illegal marijuana growing operations* or "MGO"s, as opposed to comprehensive data compiled specifically on the legally licensed facilities under Health Canada's *Marihuana Medical Access Regulations*. As I note in the affidavit of Shane Holmquist, it is very difficult, if not impossible, to detect abuse of MMAR production licenses as there are few inspections

and no comprehensive monitoring programs. This exemplifies the problem of making broad generalizations about specific problems relating to Health Canada's MMAR program in terms of personal cultivation and production. This is one example of a generalization which I think is important to address, before making assumptions in a broader context regarding problems associated with, or in context of, production under Health Canada's *Marihuana Medical Access Regulations*.

**(f) In the case of a report that is provided in response to another expert's report, an indication of the points of agreement and of disagreement with the other expert's opinions: see below under g)**

**(g) The reasons for each opinion expressed follow the sequential points of agreement and of disagreement:**

32. In response to specific facts and assumptions addressed by Professor John David Miller in his Affidavit and expert report, I agree with the following on page 7 of John David Miller's affidavit: "*Mold and dampness has become more common in single family residential houses over the past 30 years.*" I have personally experienced the presence of mold in new homes, and from my experience, the presence of molds and fungi are present in many residences without any plants or vegetation within the house. I agree with the fact that some "*Marijuana Grow Operations*" (MGO's), may be susceptible to mold due to insufficient ventilation and/or moisture level monitoring and control.

33. I disagree with the assumption that the presence of mold can be considered a likelihood or common occurrence in Health Canada licensed personal or designated production areas authorized under the *Marihuana Medical Access Regulations*.

34. From my experience, of the many Health Canada Personal-Use Production and Designated Person Production License holders' facilities I have personally visited, all have been clean, well-vented and professionally maintained with an attention to ensuring adequate humidity control measures to prevent any potential mold or contaminants.

35. Over a period of several years, I have reviewed many photographs and videos of what could be considered illegal marijuana growing operations supplying the recreational market. In my observations, there is a distinct difference between what is considered an illegal recreational operation and a Health Canada approved and licensed medical cannabis facility, in respect to sanitation, cleanliness and organization.

36. From my experience and observations in viewing authorized patients' and designated producers' production facilities, in terms of health, safety and security, the MMAR producers make their best efforts to produce a safe, efficacious and quality cannabis strain suited to their specific health needs with no visible presence of mold, contaminants or uncleanliness.

37. I note in the affidavit of John David Miller that the cited studies of mold have been compiled from "*illegal marijuana grow operations*", as opposed to legally licensed Health Canada approved MMAR facilities operated by patients and their caregivers. It is my opinion that statistically, in terms of health issues with mold, there would be a considerable discrepancy in degree of care between the illegal operations and the legitimate facilities operated by patients and their licensed designated producers.

38. In response to specific facts and assumptions addressed by Larry Dybvig in his Affidavit and expert report, I agree with the following on page 1 of Larry Dybvig's report: "*Where a residential property has been used in marijuana growing operations ('MGO'), both legal and illegal, a variety of regulations apply to it; these entail bylaws and regulations, along with requirements for satisfactory inspection results. The costs of compliance have a negative impact on value.*" I agree that there are certain circumstances where cannabis production in buildings can negatively compromise the structure and subsequently the value.

39. Respectfully, I disagree with the implied indication that all rooms and/or outbuildings utilized for legally licensed indoor medical cannabis production under the MMAR program are built or constructed in a manner that negatively impact property value, or produce undesirable results that require remediation. From my experience, all of the legally licensed personal and designated producers I personally know, and whose sites



I have visited, have employed professional tradespeople including engineers, electricians, plumbers, building and bylaw inspectors to ensure that there are no associated problems with health, safety or structural damage to the building.

40. With professional advice, research, proper ventilation, installation and monitoring, indoor cannabis production can and does take place safely and securely in residential homes and properties under the *Marihuana Medical Access Regulations*.

41. In response to specific facts and assumptions addressed by Shane Holmquist in his Affidavit and expert report, I agree with the following of Shane Holmquist's report from page 7 (paragraph 9), page 14 (paragraph 43) and page 15 (paragraph 47): "*I have found significant evidence of criminal abuses even though there is a great difficulty in investigating them.*"..."*I have found the street value of marihuana to be approximately \$5 to \$10 a gram in BC (\$1,200 to \$2,000 when purchasing at the pound level)*"... "*MMAR producers were given the unmonitored ability to cultivate a high-value controlled substance for their own personal use*". I agree that there are isolated instances of abuse in Health Canada's MMAR program, and I agree with the street value of the product.

42. I also agree with Shane Holmquist's statement on page 7 (paragraph 72) that during police investigations, issues noted about MMAR production licenses "*are not indicative of all MMAR production licenses*".

43. Respectfully, I disagree with the general assumption or view that there is an overall widespread abuse within Health Canada's *Marihuana Medical Access Regulations*, and I also disagree that there is a great difficulty in investigating them.

44. On February 18, 2004 at Health Canada's Multi-Stakeholder Consultation session on the *Marihuana Medical Access Regulations* (MMAR) in Ottawa, I submitted a list of recommendations to Health Canada on behalf of over 100 authorized licensed patients and their designated producer caregivers. The submission included the recommendation for Health Canada to initiate inspections under section 57.(1) of the MMAR if there are any noted concerns in regards to licensed facilities. Under the MMAR, Health Canada is able to conduct inspections to any address of a MMAR license holder under section 57.(1) of the *Marihuana Medical Access Regulations*.

45. I have also been advised by Health Canada at the February 18, 2004 Multi-Stakeholder Consultation Session in Ottawa, that there is a 24-hour toll-free call centre phone line available, in regards to any noted MMAR licensing or site concerns.

46. In response to specific facts and assumptions addressed by Shane Holmquist in his Affidavit and expert report, I also agree with the following Recommendations made in the R.C.M.P.'s *"Criminal Intelligence Brief – A Review of Cases Related to the Medical Marihuana Access Regulations"* (page 275, ANNEX FF).

### **RECOMMENDATIONS**

*"Tighter regulatory clauses for criminal background checks prior to the issuance of a (MMAR) permit should be implemented... More inspectors should be dedicated to overseeing the MMAR and have increased authority to ensure that license holders are respecting the terms of their permits... HC (Health Canada), in collaboration with the RCMP should consider revoking licenses for individuals involved in criminal activity...Increased collaboration between police agencies and HC is necessary to prevent the misuse of the regulations... Inspection capabilities for law enforcement to conduct site visits..."*

47. In my experience as a producer working within the regulatory framework of the MMAR, I have been aware that Health Canada inspectors have the ability to come and inspect at any time. I disagree with the overall inference that authorized and designated production license holders under the MMAR cannot produce and supply a safe, clean, consistent medical cannabis product in a safe, secure, healthy professional manner. From my experience, authorized personal and designated producers in Health Canada's MMAR program strive to cultivate and supply a clean high-quality medicinal product, whether it is for their own personal use, or if it is provided to a patient recipient.

48. In response to specific facts and assumptions addressed by Len Garis in his Affidavit and expert report, I agree with the following of Len Garis' report from page 6 (paragraphs 20 and 21): *"...a significant proportion of illicit grow operations have safety violations, ranging from minor to major, regarding their electrical wiring and structural*

*integrity... It is perhaps not surprising that these are features of illicit operations, due to the fact that growers avoid the oversight of regulators."*

49. Respectfully, I disagree with the following from page 7 (paragraph 25) of Len Garis' report: "...a significant number of licensed production facilities appear to willfully ignore municipal, provincial and national health and safety standards and therefore present the same health and safety risks as illicit operations."

50. From my experience in the MMAR program over a period of fourteen years, I have found that all licensed producers I have known, have both appreciated and respected local, municipal and provincial bylaws and regulations. This is exemplified by their communication and accountability in hiring professional tradespeople to assist them in ensuring compliance with all applicable regulations and standards.

51. I think it is inaccurate to imply that authorized and licensed producers under the MMAR "*willfully ignore*" health and safety standards. In my opinion, in those isolated cases where there are infractions or oversights in regards to bylaws or regulatory standards, it is neither intentional nor deliberate. If licensed producers in the MMAR are simply not aware of all the specific technical details with regards to regulatory compliance in indoor or outdoor cannabis gardens, in my opinion this indicates that there is some degree of dysfunction in the communication aspect of specific regulatory requirements by the overseeing authority of the applicable licensing program, and could be easily rectified with dialogue, inspections or compliance enforcement.

52. In response to specific facts and assumptions addressed by Paul Grootendorst in his Affidavit and expert report, I agree with the following of Paul Grootendorst's report from page 4 (paragraph 17): "*The number of Canadians 25 years and older who report using marijuana for medical purposes is approximately 500,000.*" I agree that this figure correlates to other research conducted. I agree with Paul Grootendorst's prediction that "*...the evidence suggests that the market for legal medical marijuana will grow in size over time*" and that "*The potential size of the new market is large*", from page 4 (paragraph 16).

53. I also agree with the following, as noted in Paul Grootendorst's report on page 20 (paragraph 65) in regards to the financial cost of private home medical cannabis cultivation: *"The average private cost will in general depend on the scale of the medical marijuana production."*

54. Respectfully, I have concerns in regards to the following point from page 6 (paragraph 23) of Paul Grootendorst's report: *"the price of medical marijuana from Licensed Producers may well be lower than that from illegal producers."* Firstly, I believe it is important to define *"illegal producer"*. If an illegal producer is defined as a person cultivating their own cannabis at home for their own personal medical use, this reference needs to be considered and clarified. Secondly, if this is the interpretation, from my experience, it is significantly less expensive for the medical cannabis consumer to cultivate one's own medical cannabis supply, as opposed to purchasing it from either a compassion club, dispensary, licensed producer, Health Canada or street market.

55. In my opinion, the personal cultivation of medical cannabis at home can be done very economically, and the cost of setting up a small, safe, efficient personal home garden for medical cannabis production in compliance with all relevant bylaws and regulations is very affordable for the average person. The approximate start-up costs for a small efficient home-based medicinal cannabis garden area is \$1000 to \$2000, which includes lights, timers, fans, ventilation, air filter, pots, soil, nutrients and installation.

56. From my experience, I have found that small-scale medical cannabis production in a residential environment to government authorized, licensed, inspected and certified organic standards can be done for the overall cost of \$1.29 per gram of dried cannabis bud, excluding labour costs. This production cost example includes ongoing electricity, soils, nutrients and certified organic inspection by the regional certifying authority.

57. From my experience, a factor that has been omitted in much of the material I have reviewed, is the unquantifiable yet intrinsic nature of the therapeutic value and the sense of well-being provided to the patient in cultivating and producing their own natural plant based medicine. I have found that this intangible and important facet provides a positive and value-added aspect to the patient as well as an overall sense of pride and

accomplishment, which, in my opinion should be considered as of additional therapeutic value. I provide this opinion after speaking with and knowing many patients and their grower caregivers who have communicated this significant notion to me, in regards to growing and tending to their individual medicinal plants and home gardens.

**(h) Any literature or other materials specifically relied on in support of the opinions:**

58. I base my opinions on experience, observations, discussions and information I have obtained over a period of 14 years working in the medical cannabis industry in Canada, and working within the regulatory environments of the *Marihuana Medical Access Regulations* (MMAR) and the *Marihuana for Medical Purposes Regulations* (MMPR).

**(i) A summary of the methodology used, including any examinations, tests or other investigations on which the expert has relied, including details of the qualifications of the person who carried them out, and whether a representative of any other party was present;**

59. (i): Non-applicable in respect of methodology, examinations, tests or investigations.

**(j) Any caveats or qualifications necessary to render the report complete and accurate, including those relating to any insufficiency of data or research and an indication of any matters that fall outside the expert's field of expertise;**


60. (j): Non-applicable in respect of caveats or necessary qualifications.

(k) Particulars of any aspect of the expert's relationship with a party to the proceeding or the subject matter of his or her proposed evidence that might affect his or her duty to the Court.

61. Eric John MacArthur Nash is an officer, director, principal, shareholder and Chief Operating Officer of the British Columbia incorporated company Island Harvest Inc. Eric Nash is also listed as *Proposed Senior Person in Charge* (Senior PIC) of Island Harvest, and the company is an applicant to become a Licensed Producer under Health Canada's *Marihuana for Medical Purposes Regulations* (MMPR). Now produced and marked as Exhibit "B" to this my Affidavit is my Certificate Concerning Code of Conduct for Expert Witnesses.

I swear this Affidavit as an expert rebuttal witness on behalf of the Plaintiffs in this action.

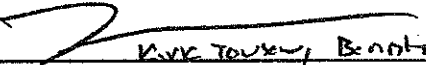
SWORN BEFORE ME at the City )  
of Abbotsford, in the Province of )  
British Columbia, this 19<sup>th</sup> day of )  
December, 2014 )

  
A Commissioner for Taking Affidavits in )  
and for the Province of British Columbia )  
Kyle Tousew, B.C.M.A.

  
ERIC J. M. NASH

# EXHIBIT "A"

This is Exhibit "A" referred to in the  
Affidavit of Eric John MacArthur Nash  
sworn before me at Duncan BC,  
this 19 day of December, 2014

  
Kirk Towse, BC notary

A commissioner for taking affidavits  
For British Columbia

## Curriculum Vitae – Eric J. M. Nash

Tel: (778) 422-2837 • Email: eric@westcoastdigital.com • Cell: (250) 709-8614

### Eric Nash – Professional Experience:

Since 2001 has worked extensively within the regulatory framework of the federal *Marihuana Medical Access Regulations* (MMAR), and acted as consultant to Health Canada in Ottawa at their MMAR Multi-Stakeholder Consultation Sessions. For two years was an educator and co-facilitator of a university level course on the federal government Health Canada medical cannabis access program.

Over ten years of experience as licenced facility manager of medical cannabis cultivation, production, processing and shipping. Extensive experience in commercial marijuana production, supervising all aspects of government inspected crop seeding, propagation, and cultivation throughout all phases of plant growth.

Five years of experience in certified organic medical cannabis production under the Certified Organic Associations of British Columbia (COABC) standards. The organic regulations are administered by the British Columbia Ministry of Agriculture, Food and Fisheries, and Island Harvest's crop was inspected.

Managed harvesting, drying, storing, quality control, inventory and shipping of cannabis. Excellent knowledge of legal medical marijuana consumer use allowances, crop yield assessments and provided input to Health Canada on development of federal government and Canada Post cannabis shipping policies.

Appointed to the National Cannabis Steering Committee for the Canadian AIDS Society, and provided cannabis plant yield data to the United Nations for their 2006 Global Cannabis Study. In 2007 consulted for the Canadian Police Research Centre on the Titan Analysis Project.

Co-authored a research study on the medical cannabis market in Canada, including a financial analysis of current distribution models. Extensive knowledge of current medical cannabis production and distribution protocol. Consulted for Health Canada 2010 to 2013 on the development of the *Marihuana for Medical Purposes Regulations* (MMPR).

Co-authored a well-received and successful book on Health Canada's cannabis access program, co-founded Island Harvest and PhytoCan Pharmaceuticals, two B.C. cannabis-based companies. Interviewed over 200 federally licenced patients in Health Canada's MMAR and has communicated with over 400 patients in the government medical cannabis access program. Eric also co-founded the Cannabis Trade Association, a B.C. registered non-profit association advancing regulatory aspects of cannabis trade policy development and providing an educated voice in the cannabis agriculture industry.

Eric Nash is an officer, director, principal, shareholder and Chief Operating Officer of the British Columbia incorporated company Island Harvest Inc. Eric Nash is also *Proposed Senior Person in Charge* (Senior PIC) of Island Harvest, and the company is an applicant to become a *Licensed Producer* (LP) under Health Canada's *Marihuana for Medical Purposes Regulations* (MMPR).



**Education: 1985 - BFA hon., University of Victoria, B.C.**

**Background:**

- 2002 – 2014: Co-owner and Facility Manager, Island Harvest® Organic Medical Cannabis**
- 2010 – 2013: Consultant to Health Canada on MMPR regulatory policy development**
- 2004 – 2010: Co-founder, President, PhytoCan Pharmaceuticals Inc., cannabis medicines**
- 2004 – 2010: Co-founder, Director, Cannabis Trade Association**
- 2008: Consultant to United Nations Global NGO Forum on International Drug Policy**
- 2007: Consultant to Canadian Police Research Centre (CPRC) on Titan Analysis Project**
- 2005 – 2006: Provider of plant yield data to the United Nations Global Cannabis Study**
- 2005 – 2006: Appointee, National Cannabis Steering Committee for Canadian AIDS Society**
- 2006: Co-author of research study, Canadian Medical Cannabis Market Analysis**
- 2004: Consultant to Health Canada's Ottawa MMAR Multi-Stakeholder Committee**
- 2004: Co-author of sold-out critically acclaimed book on Health Canada's MMAR program**
- 2003 – 2004: University instructor on Health Canada's medical marijuana access program**
- 1989 – 1997: Horticultural and Parks Department, City of Victoria, B.C.**
- 1981 – 1988: Ministry of Forests and Lands, Provincial Government of B.C.**

**Court Qualifications**

- Qualified to render an opinion in marihuana cultivation, yield sizes, crop estimates, production practices, storage, personal usage amounts, packaging and modes of ingestion.
  
- Qualified as an expert in production of marihuana, including the growth cycles of the plant, the yields, harvest, curing, storage, production of marihuana writ large.
  
- Qualified as an expert in the federal Health Canada Marihuana Medical Access program and Regulations, including the effects of the Regulations on end users, and supply of marihuana to end users within and outside the auspices of the *Marihuana Medical Access Regulations* (MMAR).

**Eric Nash – Expert Evidence:**

R. v. Biberhofer/Thomlinson, November, 2014 (ON. P. Ct.)  
R. v. Ryan Hunt, May, 2014 (NL P. Ct.)  
R. v. Hiltz, Koeslag, Dagenais, October, 2013 (B.C. P. Ct.)  
R. v. Van Huynh Mai and Thi Kim Mai, 2013 (ON. P. Ct.)  
R. v. Craig and Kim MacNearney, 2013 (NWT. P. Ct.)  
R. v. Graeme Taylor, January 25, 2012 (B.C. P. Ct.)  
R. v. Tedde Edward Ballanger, May, 2011 (ON. P. Ct.)  
R. v. Terry Caldwell, January, 2008 (N.S.P. Ct.)  
R. v. Tammy Lee Crozier, February, 2009 (B.C. P. Ct.)  
R. v. Roy Sundstrom, March, 2008 (B.C. P. Ct.)  
R. v. Darren Lee Kerekes, April, 2008 (B.C. P. Ct.)  
R. v. Michael Kevin Wood, April, 2008 (PEI P. Ct.)  
R. v. Christopher Lee Mason and Kirsten Chase Olson, June, 2008 (B.C. P. Ct.)  
R. v. Teddy Roy Hall, July, 2008 (B.C. P. Ct.)  
R. v. Aaron Pass, September, 2008 (B.C. P. Ct.)  
R. v. Eugene Keating, March, 2007 (N.S. P.Ct.)  
R. v. Douglas Johnson, June, 2007 (B.C. P. Ct.)  
R. v. Robert Bjerkness, June, 2007 (SK P. Ct.)  
R. v. Brett Nadrozny, July, 2007 (B.C. P. Ct.)  
R. v. Lonnie Ochitwa, July, 2007, (AB P. Ct.)  
R. v. Christopher Michael Clark, October, 2007 (MB. P. Ct.)  
R. v. Todd Matthew Yaroslowsky, November, 2007 (AB P. Ct.)  
R. v. Christopher Graeme Dirks, November, 2007 (B.C. P. Ct.)  
R. v. Paul Perrier, December, 2007 (NL P. Ct.)

**Provided expert testimony:**

Sfetkopoulos v. Canada, (Attorney General), 2008 FC 33  
Federal Court of Canada – Canada

**Provided expert testimony:**

Canada (Attorney General) v. Sfetkopoulos, 2008 FCA 328  
Federal Court of Appeal – Canada

**Provided expert testimony:**

R. v. Beren and Swallow, 2009 BCSC 429  
Supreme Court of British Columbia – British Columbia

## Conferences

2008 – United Nations Drug Policy Conference, Vancouver  
2004 – Health Canada MMAR Conference, Ottawa

## Authored books and papers

Sell Marijuana Legally

A Complete Guide to Starting Your Marijuana Business  
Library and Archives Canada Cataloguing in Publication  
Little, Wendy, 1961-

Sell Marijuana Legally: a complete guide to starting your marijuana business  
Wendy Little and Eric Nash.

Includes bibliographical references and index.

ISBN 0-9736018-0-9

1. Marijuana industry--Canada. 2. Marijuana--Law and legislation--Canada. 3. Marijuana--  
Therapeutic use--Canada. 4. Drug legalization--Canada. I. Nash, Eric, 1958- II. Title.

HD9019.M382C3 2004 338.476157827'0971 C2004-904086-3

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## References

"The Medicinal Uses of Cannabis and Cannabinoids"

Authors: Geoffrey W. Guy, Brian A. Whittle and Philip J. Robson

"Describes all the current research findings relating to the medicinal use of cannabis and  
cannabinoids, and reports the latest information on the pharmacology, formulation, safety and  
efficacy of cannabis as a therapeutic agent."

Hardcover: 488 pages, Publisher: Pharmaceutical Press - (July 2004) Language: English, ISBN:  
0853695172

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FEDERAL COURT

BETWEEN:

NEIL ALLARD  
TANYA BEEMISH  
DAVID HEBERT  
SHAWN DAVEY

PLAINTIFFS

AND:

HER MAJESTY THE QUEEN IN RIGHT OF CANADA

DEFENDANTS

CERTIFICATE CONCERNING CODE OF CONDUCT FOR EXPERT WITNESSES

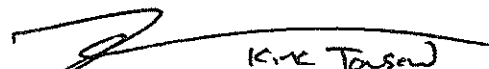
I, Eric John MacArthur Nash, having been named as an expert witness by the Plaintiffs, certify that I have read the Code of Conduct for Expert Witnesses set out in the schedule to the Federal Courts Rules before the commissioning of my Affidavit and agree to be bound by it.



Dated: December 19, 2014

Eric John MacArthur Nash  
Chief Operating Officer  
Island Harvest Inc.  
Duncan, BC

This is Exhibit "B" referred to in the Affidavit of Eric John MacArthur Nash sworn before me at Duncan BC this 19 day of December, 2014



A commissioner for taking affidavits  
For British Columbia