THE QUEEN'S BENCH WINNIPEG CENTRE

BETWEEN:

NICHOLAS TROLLER

Applicant

-and-

MANITOBA PUBLIC INSURANCE CORPORATION

Respondent

AFFIDAVIT OF MEGAN PRIESTMAN

AFFIRMED <u>Joly</u> <u>27</u>, 2018

Prepared by:

Justice Centre for Constitutional Freedoms #253, 7620 Elbow Drive SW Calgary, Alberta T2V 1K2 Phone: (403) 909-3403 Email: jcameron@jccf.ca

Jay Cameron, counsel for the Applicant

File no. CI 17-01-09352

THE QUEEN'S BENCH WINNIPEG CENTRE

BETWEEN:

NICHOLAS TROLLER

Applicant

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AFFIDAVIT OF MEGAN PRIESTMAN

- I, MEGAN PRIESTMAN, of the City of Calgary, in the Province of Alberta, **MAKE OATH AND SAY:**
- I am a paralegal at the Justice Centre for Constitutional Freedoms. I have
 personal knowledge of the facts and matters hereinafter deposed to by
 me save and except where same are stated to be based upon information
 and belief, in which case I verily believe them to be true.
- 2. Attached to this affidavit as **Exhibit** "A" are the answers to the undertakings of the Respondent from the cross examination of Ward Keith. In response to an undertaking to provide the identity of the individual who submitted the single complaint received by the Respondent regarding Mr. Troller's license plate, "ASIMIL8" (the "Plate"), the Respondent identified a "MaryAnn Wilhelm" as the complainant.

- 3. Attached to this affidavit as **Exhibit "B"** is the complaint from Ms. Wilhelm, submitted to the Respondent via email on April 25, 2017 (the "Complaint"). In the complaint, Ms. Wilhelm identified herself as being the "Outreach Director for the NDP Aboriginal Commission." She also identified herself as a resident of Owen Sound, which is located in Ontario.
- 4. Attached as **Exhibit** "C" is Ms. Wilhelm's LinkedIn profile, in which she details her positions with the NDP Aboriginal Commission.
- 5. Attached to this Affidavit as **Exhibit "D"** is Ms. Wilhelm's Facebook profile. On April 22, 2017, Ms. Wilhelm posted on her Facebook account a photograph of the Plate (the "Complaint Facebook Post", attached this Affidavit as **Exhibit "E"**). Included in the Complaint Facebook Post, is the following text, which is identical to most of the text of the Complaint she submitted to the Respondent on April 25:

I am MaryAnn Wilhelm, while I am the Outreach Director for the NDP Aboriginal Commission, I am calling on behalf of myself, and of those who've been shocked and offended by what is being driven around in Winnipeg Manitoba.

First, I want to mention that I am aware that a man lost his vanity plate in the east coast of Canada, his vanity plate said GRABHER. While I question the pulling of ones own name, I understand the issues around that plate. I have no questions however when it comes this vanity plate roaming the streets of a highly populated indigenous city with the ID of ASIMIL8.

In an era of TRC, where we, Canadians, and Indigenous are working to reset relations, I found this vanity plate to be appalling to this country.

How did this even manage to pass the desk of those who analyze and approve plates is beyond my imagination unless they simply thought that it was acceptable to do so.

If that was the case, then departments who approve these plates should be required to take Indigenous cultural training to ensure offensive plates like ASILIM8 don't end up on Canadian roads.

I am requesting an investigation and an apology over the issuance of the plates, and request training take place at these agencies that process vanity plates.

- 6. Ms. Wilhelm further posted the Complaint Facebook Post on the Facebook page of the Aboriginal Congress of Alberta Association on the same day, April 22. (attached to this affidavit as **Exhibit** "F").
- 7. Ms. Wilhelm also "tweeted" a link to the Complaint Facebook Post, also on April 22 (attached to this affidavit as **Exhibit "G"**). In this "tweet", Ms. Wilhelm "tagged" the Winnipeg Free Press, thereby alerting the media. Attached to this affidavit as **Exhibit "H"** is Ms. Wilhelm's Twitter profile, where she indicates her association with the NDP Aboriginal Commission.
- 8. Ms. Wilhelm commented several times on the Complaint Facebook Post. In one comment she requests individuals to call the Respondent to complain about the Plate. In another comment, she states that she "sent"

her Complaint to CTV News Winnipeg.

- 9. On April 25, 2017, the same day Ms. Wilhelm's Complaint was submitted to the Respondent, Ms. Wilhelm posted comments on her Facebook account, which she titled "News Flash" (attached to this affidavit as **Exhibit "I"**). In this post, Ms. Wilhelm commented on a discussion she had with Carla Hocken, Manitoba Registrar of Motor Vehicles at the time, when Ms. Hocken phoned Ms. Wilhelm earlier that same day regarding the Complaint.
- 10. The Plate is not the first Manitoba license plate Ms. Wilhelm has complained about. On November 4, 2014, Ms. Wilhelm posted on her Facebook page a post containing what appeared to be a picture of a Manitoba license plate, "IH8NDNS" (attached to this affidavit as **Exhibit** "J"). The same day, she "tweeted" a link to the Facebook post, "tagging" the Manitoba Government (attached to this affidavit as **Exhibit** "K"). The Manitoba Government "reply tweeted" to Ms. Wilhelm that the "IH8NDNS" license plate had "not been issued by MPI" and was an "altered" image.
- 11. Prior to submitting the Complaint to the Respondent on April 25, Ms. Wilhelm was made aware that the Plate was a reference to Star Trek, specifically the aliens known as "the Borg". The picture of the Plate that Ms. Wilhelm posted shows the border around the Plate that reads "WE ARE THE BORG / RESISTANCE IS FUTILE". Further, several Facebook users commenting on the Complaint Facebook Post informed Ms. Wilhelm that the Plate was likely a reference to Star Trek. Ms. Wilhelm

acknowledged that she read these comments, prior to submitting the Complaint to the Respondent on April 25, by responding to them.

12. I affirm this affidavit bona fide, and for no improper purpose.

SWORN BEFORE ME at Calgary,) Alberta this of July 2018.

A Commissioner for Oaths in

and for the Province of Alberta

MEGAN PRIESTMAN

James Kitchen Barrister and Solicitor

THE QUEEN'S BENCH WINNIPEG CENTRE

BETWEEN:

NICHOLAS TROLLER,

applicant,

-and-

MANITOBA PUBLIC INSURANCE CORPORATION.

respondent.

ANSWERS TO UNDERTAKINGS OF THE RESPONDENT FROM THE EXAMINATION FOR DISCOVERY OF WARD KEITH

Manitoba Public Insurance Legal Services 702 – 234 Donald Street Winnipeg, MB R3C 4A4

(Trevor M. Brown - 048043)

Sworn before me this

referred to in the Affidavit of

THIS IS EXHIBIT "

A Commissioner in and for the Province of Alberta

Barrister and Solicitor

(Telephone No. 204-985-8770 ext. 8007)

(Facsimile No. 204-942-2217)

THE QUEEN'S BENCH WINNIPEG CENTRE

BETWEEN:

NICHOLAS TROLLER,

applicant,

-and-

MANITOBA PUBLIC INSURANCE CORPORATION,

respondent.

ANSWERS TO UNDERTAKINGS OF THE RESPONDENT FROM THE EXAMINATION FOR DISCOVERY OF WARD KEITH

1. Undertaking: Inquire if received a package, and if so, produce it.

Answer:

No package was received.

2. Undertaking: Advise if application was on the approval list or questionable list

and produce the applicable list.

Answer: At the time, no concerns were identified with any of the slogans so

no questionable list was produced. Attached to these answers as **Schedule** "A" is an email dated July 3, 2015 regarding PLP slogans to be approved. Attached to these answers as **Schedule** "B" is a spreadsheet of the PLP slogans to be approved for the

period June 29-July 3, 2015.

The "list" was for approved slogans. Questionable slogans, those

with concerns identified, were provided in an email.

3. Undertaking: Advise of title and position of committee members at the time.

Answer: The committee consisted of:

John Hallonquist - Executive Director, Service Centre Operations

Charlene Figueiredo - Business Relationship Manager

Brian Smiley - Media Relations Coordinator Charray Dutka - Senior Policy Analyst, KMS

Margaret Kobylinski - Assistant Manager, Licensing Services

4. Undertaking: Advise if any committee members had received any training in

regards to the Charter.

Answer: No training regarding the Charter was provided to the committee

members.

5. Undertaking: Advise if MPI maintains a list of all prohibited PLP slogans.

Answer: MPI maintains a list of all prohibited PLP slogans.

6 Undertaking: Provide list of prohibited PLP slogans when Mr. Keith became

Registrar, when Ms. Hocken became Registrar, and as it is today,

if possible.

Answer: Attached to these answers as **Schedule "C"** is a current list of the

prohibited PLP slogans. The list is not maintained in a way that MPI can determine when certain slogans were added to the list. All slogans that were entered prior to July 2010 have an effective date of 1996. There is no way to determine if the applicable slogans were entered before or after 2006, when Mr. Keith became the

Registrar of Motor Vehicles.

7. Undertaking: Advise if there is any other criteria that the Registrar uses to

determine if the standard is met.

Answer: There are no other criteria that the Registrar uses to determine if

the standard is met.

8. Undertaking: Advise if MPI has ever received any complaints regarding the

"Support Our Troops" specialty licence plates.

Answer: No complaints regarding the "Support Our Troops" plates have

been received by the PLP team or MPI's Customer Relations

Office.

9. Undertaking: Provide identity of complainant.

Answer: MaryAnn Wilhelm.

10. Undertaking: Produce follow-up e-mail received from the complainant.

Answer: Attached to these answers as **Schedule "D"** is a copy of Ms.

Wilhelm's email of April 25, 2017.

11. Undertaking: Produce interoffice e-mails from April 24, 2017 through to April 27.

2017.

Answer: Attached to these answers as Schedule "E" are copies of the

interoffice emails regarding this matter, sent between April 24,

2017 through April 27, 2017.

12. Undertaking: Determine if the process for recalling PLPs is written and, if so,

produce it.

Answer: Attached to these answers as Schedule "F" is a copy of PLP

surrender process.

13. Undertaking: Advise in current role if any other PLPs were recalled.

Answer: Mr. Keith was aware of recalls involving the following plates:

NOTTS C, WHITEY7 & GDISLUV.

14. Undertaking:

Produce the procedure for handling complaints if it's not included

in the procedure for recall and if it's written.

Answer:

The procedure for handling complaints specific to PLPs has not

been documented.

DATE: June 29, 2018

Manitoba Public Insurance

Legal Services

702 - 234 Donald Street Winnipeg, MB R3C 4A4

(Trevor M. Brown - 048043)

(Telephone No. 204-985-8770 ext. 8007)

(Facsimile No. 204-942-2217)

---Original Message----

From: maryann

Sent: Tuesday, April 25, 2017 12:39:57 PM

To: inquiries

Subject: Web Site General Inquiries

First Name: maryann Last Name; wilhelm

Phone Number: Email Address:

City: Owen Sound Postal Code: on

Plate Number: ASIMIL8

Comments: I am MaryAnn Wilhelm, while I am the Outreach Director for the NDP Aboriginal Commission, I am calling on behalf of myself, and of those who've been shocked and offended by what is being driven around in Winnipeg Manitoba.

First, I want to mention that I am aware that a man lost his vanity plate in the east coast of Canada, his vanity plate said GRABHER. While I question the pulling of ones own name, I understand the issues around that plate. I have no questions however when it comes this vanity plate roaming the streets of a highly populated indigenous city with the ID of ASIMIL8.

In an era of TRC, where we, Canadians, and Indigenous are working to reset relations, I found this vanity plate to be appalling to this country.

This country has a dark history of attempting assimilation on Indigenous and it's been met with long term ramifications, that impact Indigenous even to today.

How did this even manage to pass the desk of those who analyze and approve plates is beyond my imagination unless they simply thought that it was acceptable to do so.

If that was the case, then departments who approve these plates should be required to take Indigenous cultural training to ensure offensive plates like ASILIM8 don't end up on Canadian roads.

I am requesting an investigation and a public apology (it's moving across the internet) over the issuance of the plates, and request training take place at these agencies that process vanity plates.

Please keep me updated as to the process that is being done to remove these plates and what is being done to train staff to be more sensitive to the Indigenous population.

THIS IS EXHIBIT"

referred to in the Affidavit of

Sworn before me this.....

A Commissioner in and for the Province of Alberta

Barrister and Solicitar





MaryAnn Wilhelm

271 connections

Ontario, Canada Political Organization

Current NDP Aboriginal Commission, Bruce Grey Owen

Sound NDP

Education Georgian College

View MaryAnn Withelm's full profile, It's free!

Man collection of an area of Section and the Motor and area in the Section of Section 1988.

View MaryAnn's Full Profile

MaryAnn Wilhelm's Posts & Activity

See all 2 posts



International Women's Day 2018

March 9, 2018

Evie is an inquisitive child. She's a clever little girl with ability to listen, ask and learn. Todav was an ordinary day, we got up.

See all activity

MaryAnn Wilhelm liked this



Amazing story of connecting with students.

MaryAnn Wilhelm liked this

Exciting news: I am hired as an arm wrestling coach/trainer...



People Also Viewed



Srikanth Yadav Podatharapu President - Montreal College of Information Technology; www.montrealcollege.ca



Robert Pratt
President, ONE Lodging
Management



Paul Pellegrini (Sussex) Government Relations

Valerie Payn

Founding President at Halifax Chamber of Commerce



Jay Mehr President at Shaw Communications



Francis Fares
President & CEO Fares Inc.

Nicole Bent

President, Shelmerdine Garden Centre Ltd President, Arboria Ltd Canadian Distributor, Featherock Inc.

Dario Montoni President, MONTONI

Lisa Ventura

Connecting the right people to the right career opportunities.

Dan Peet

President at Tundra Process Solutions

See more

Experience

Outreach Director

NDP Aboriginal Commission April 2016 – Present (2 years 4 months)

Director

NDP Aboriginal Commission April 2013 – Present (5 years 4 months)

President

Bruce Grey Owen Sound NDP February 2013 – Present (5 years 6 months)

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Mcgan Priestmo

A Commissione and for the Province of Alberta

Garnes Kitchen Barnister and Solicito

Public profile badge

Include this LinkedIn profile on other websites

MaryAnn Wilhelm

--

Georgian College

View profile

Linked in

View profile banges

Search by name

Over 500 million professionals are already on LinkedIn. Find who you know.

First Name

Last Name

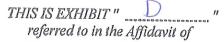


Example: Jeff Weiner

Education

MaryAnn Wilhelm

Canada 150



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day of

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DO YOU KNOW MARYANN?

To see what she shares with friends, send her a friend request.

Timeline

Intro

I rarely add people from far away countries or lack profiles..rarely.

Followed by 202 people

Photos















Serving seafood tonight.



Karia come Find Priessa



MaryAnn Wilhelm

April 22, 2017 ·

I am MaryAnn Wilhelm, while I am the Outreach Director for the NDP Aboriginal Commission, I am calling on behalf of myself, and of those who've been shocked and offended by what is being driven around in Winnipeg Manitoba.

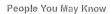
First, I want to mention that I am aware that a man lost his vanity plate in the east coast of Canada, his vanity plate said GRABHER. While I question the pulling of ones own name, I understand the issues around that plate. I have no questions however when it comes this vanity plate roaming the streets of a highly populated indigenous city with the ID of ASIMIL8.

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MIDIOWN CONTONERS

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A Commissioner in and for the Province of Alberta

Ignes Kitchen Barrister and Solicitor

9



Jim Hoffman This is disgusting!! There are obviously people of my kind who know not one iota of either Native history and issues, nor even that of Canada and the US. I won't entirely blame the school board where this guy(and the one who approved the plate) went, but they are at least partly responsible for some of the true ignorance in this country!!

Like · Reply · 1y



Hayley Brown Now I certainly have no intention to diminish your feelings on the subject but is it possible it is actually just a Star Trek reference? They may be a jerk on the vanity plate front but my first thought would be it's a reference to the Borg from Star Trek, not an intentional attack. I may be wrong but it is a possibility.

Like · Reply · 1y



Rachel Hyde Star Trek is the first thing that came to my mind.

Like · Reply · 1y

Write a reply...



Eve Pelletier Not trying to be funny but I have this to say. "I heard that the felons make the plates and they do come up with some funny and/or horrific ones. That I have seen! You think this is a far fetched possibility!!

Like · Reply · 1y



Roberta Carey Felons do not choose what goes on license plates. The "vanity" plates have to be ordered by the purchaser. This is just not offensive to indigenous peoples, but new immigrants as well.

Like · Reply · 1y



Roberta Carey Sorry, that should have said This is just not only. . . I forgot to type in only.

Like · Reply · 1y

Write a reply...



MaryAnn Wilhelm If a person kept referencing nigger in a movie it doesn't that mean it's ok to get vanity plates under that name.

Like · Reply · 1y



Hayley Brown The N slur is a significantly more well known slur though. I personally wasn't aware assimilate was culturally insensitive until it was brought to my attention from this post.

My point is it could easily just be an innocent mistake.... See More

Like · Reply · 1v



Adam Orton I thought it was a Star Trek reference. Shrug

Like · Reply · 1y

Write a reply...



MaryAnn Withelm it's confirmed that the license plate was issued.

Like · Reply · 1y



MaryAnn Wilhelm Please participate in calling the agency to request them to review these plates.

https://www.mpi.mb.ca/en/contact/Pages/Contact.aspx



MPI.MB.CA Contact Us

Like · Reply · 1y

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Tod Keller

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Wes Ley



Cheryl Douglas

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Aboriginal Congress of Alberta Association

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Jon Coarg

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MaryAnn Wilhelm April 22, 2017

Lam MaryAnn Wilhelm, while Lam the Outreach Director for the NDP Aboriginal Commission, Lam calling on behalf of myself, and of those who've been shocked and

DESCRIPTION

The ACAA is dedicated to improving the quality of life for all A... See More

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Lam requesting an investigation and an apology over the issuance of the plates, and request training take place at these agencies that process vanity plates.

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maryann_wilhelm asimil8





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MaryAnn @maryann_wilhelm · 22 Apr 2017

@WinnipegNews how did this get pass screening? #ASIMIL8, hoping this is a load joke m.facebook.com/photo.php?fbid...

 \bigcirc 1

17

David Burge @iowahawkb... ×

Kurt Schlichter @ @KurtS...

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Angela Hoytie @Ange6H7... ×

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Connect other address books

Trends for you . Change

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#UFCCalgary

5,356 Tweets

Trans Mountain

Jennifer Keesmaat

Former chief city planner Jennifer Keesmaat is running for Toronto mayor

Faith Goldy

1,843 Tweets

#UAlberta

Patrick Brown

Patrick Brown is running for mayor of Brampton

Richmond

8,918 Tweets

West Nile 1,079 Tweets

#FlashbackFriday

@tends to chaos, @benshapiro and 1 more are

Tweeting about this

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day of ..

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Johns Kitchen Barrister and Salicitar A confirmation email was sent to _______. Your email will not be Update email address Resend confirmation changed until you confirm! **○** Notifications Messages Search Twitter 1 Home **Moments**



MaryAnn

@maryann_wilhelm

RTs are just that RTs. My tweets are not reflective of NDP Aboriginal Commission positions unless specifically stated otherwise.

Joined April 2011

489 Photos and videos













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... A.D. 20

A Commissioner in and for the Province of

Tweets

Tweets & replies

Media

Pinned Tweet

MaryAnn @maryann_wilhelm · 1 Jul 2017 #UNsettleCanada150 #Canada150th Pull off the veil of illusion @Canadadaycap m.facebook.com/photo.php?fbid...



9

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 \boxtimes

1 MaryAnn Retweeted

CBC Toronto @ @CBCToronto · Jul 25

Cap-and-trade is over, Ontario PCs say as new legislation unveiled bit.ly/2OhF5a3



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NEWS FLASH:

I am happy to announce to viewers and supporters that I received a phone call from Carla Hocken, Registrar of Motor Vehicles In Manitoba.

She's indicated that she is mandated with the power to immediately pull plates. Carla was as equally surprised as to how this plate could have been approved and assures that there will be deeper investigation.

Carla has indicated that the owner has already been contacted and by tomorrow these plates will be in their hands.

I spoke to the need of a thorough investigation as to how this got pass their usual scrutiny and to commit to further training.

In addition, Carla affirms that in the work of Truth and Reconciliation Canada, the departments were provided with cultural training back in 2016. She's added that they are not sure if it's completely finished and added, she'll be investigating that as well. Carla was apologetic and stated that they are firmly committed to inclusion.

I let her know that I reviewed previous plate applications that didn't make it past first stage, some of which I didn't understand, so I was quite surprised that ASIMUL8 got through.

I encouraged Carla to make a public announcement to denounce the plates. My hopes are if they haven't already, hire Indigenous staff in their department that will be better attuned to stop something like ASIMIL8 from happening again.

Thank you Carla, for your prompt and effective work and to my Indigenous friend for trusting in my ability to deal with this failure.

Miigwech.

https://www.facebook.com/photo.php? fbid=10154556172066347&set=pb.610426346.-2207520000.1493159961.&t ype=3&theater

A.D. 20

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19

20 Comments 17 Shares

Like

Comment

Share



Jim Hoffman Thats good news!! 😃





Gwen Campbell Great work! That's fabulous nees

Like · Reply · 1y



Adam Orton I guess I'm the ignorant one here, I thought it was cute but I am a sci fi fan. Wonder if the guy was a Trekkie?

Like · Reply · 1y



Kathi Wilson replied · 6 Replies

Darlene Ross Thank you!!!



Adam Orton Wonder if they will ask for my license plate? Yes it's on an expensive sports car, that's why smallpp is so funny.

Like · Reply · 1y

Like · Reply · 1y



Darlene Ross As long as it does not perpetuate harm on others...you should be okay.

Like · Reply · 1y



Charlene Toulouse Great work!

Like · Reply · 1y

Like · Reply · 1y

Like · Reply · 1y

Write a comment...

Press Enter to post.

John LaBeau Nope. Like · Reply · 1y

MaryAnn Wilhelm replied · 4 Replies

Kor Reinink Just a Trek fan, try to be more tolerant of others

Karte 1

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Tod Keller



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MaryAnn Wilhelm

Follow · November 4, 2014 · Edited ·

http://www.winnipegfreepress.com/local/Rejecte licence-plates-in-Manitoba-227402631.html Hor that all these plates were rejected and yet these plates were accepted.

I filed a complaint.

4

20 Comments 7 :

Like

Comment

Sha

View 14 more comments



Wilhelmina Laurie Should not be allowed.

3y · Like



MaryAnn Wilhelm Thank you for your recent email concerning a Personalized License Plate, dated November 4 2014.

In response to your inquiry, Personalized License Plates cannot include any profane, sexually suggestive, racial or alcohol/drugrelated words, phrases or ... See More



Write a comment...

Press Enter to post.

THIS IS EXHIBIT" "
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Barrister and Salicitar



referred to in the Affidavit of

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Sames Kitchen

Barrister and Solicitor