

# COURT OF APPEAL FOR BRITISH COLUMBIA

Citation: *Beker v. Sportsoft Solutions Inc.*,  
2026 BCCA 336

Date: 20260804  
Docket: CA51732

Between:

**Derin Mikhail Beker**

Appellant  
(Defendant/Plaintiff by Counterclaim)

And

**Sportsoft Solutions Inc.**

Respondent  
(Plaintiff/Defendant by Counterclaim)

Before: Registrar T.R. Outerbridge

On appeal from: An order of the Supreme Court of British Columbia, dated  
July 27, 2026 (*Sportsoft Solutions Inc. v. Beker*, Vancouver Docket S246259).

## Oral Reasons for Decision

The Appellant, appearing in person:

D.M. Beker

Counsel for the Respondent:

J.M. Young  
M.J. Harmer  
S. Toufic

Place and Date of Hearing:

Vancouver, British Columbia  
August 4, 2026

Place and Date of Decision:

Vancouver, British Columbia  
August 4, 2026

**Summary:**

*Application before the Registrar seeking to have a leave to appeal and a stay application heard urgently. Held: Application dismissed. The appellant seeks to appeal case management directions in a contempt proceeding. As the appellant's appeal rights would be preserved pending the imposition of the penalty for contempt, the required urgency to bring the leave and stay applications is not established.*

[1] **REGISTRAR OUTERBRIDGE:** The appellant applies to have an application for leave to appeal and a stay of proceedings heard urgently.

[2] This case concerns the breakdown of the appellant's employment relationship with the respondent, Sportsoft Solutions Inc., a software company involved in the casino-entertainment business. The appellant, Mr. Beker, was employed as a corporate payroll specialist with Sportsoft. In the claim below, Sportsoft alleges that Mr. Beker had access to certain confidential and employee information in his role and shared that information, breaching the terms of his employment contract following his resignation in July 2024.

[3] There have been several applications in the court below by both Mr. Beker and the respondent and parallel proceedings in the United States. I need not summarize those proceedings here. Key to this appeal are proceedings that occurred in December 2025 where a Supreme Court judge found that Mr. Beker was in contempt for providing documents obtained on discovery to certain third parties, breaching an undertaking to the court. At that December hearing, the penalty phase of the contempt proceeding was scheduled for 7 August 2026, awaiting the outcome of proceedings in Massachusetts.

[4] It is notable that Mr. Beker admitted some of the contempt at issue and apologised at the December hearing, attempting to purge his contempt. There is a parallel contempt proceeding for the breach of a sealing order and an unrelated injunction application also set for 7 August 2026.

[5] On 24 July 2026, the appellant filed and served an application in the Supreme Court seeking to adjourn the 7 August 2026 hearing. That application also sought several other grounds of relief, including that the respondent's pleadings be

struck, an appeal from an associate judge's order be heard, the sealing order be reviewed, and to establish the respondent had committed an abuse of process by taking contrary positions at different times. It also sought that the unrelated injunctive relief be severed because the appellant was concerned the judge's findings on that application would bleed into the penalty findings.

[6] On 27 July 2026, a case management conference proceeded before a Supreme Court judge. At that conference, the judge refused to sever the injunctive relief and directed that only the appellant's adjournment application proceed on 7 August 2026. The judge also directed the appellant file no further applications before the August hearing.

[7] The appellant brings an appeal from this case management order. His main position is that the chambers judge exceeded her jurisdiction in giving the directions she did. In particular, the appellant feels the determination of all the issues raised in his application are fundamental to the penalty phase and should be decided beforehand.

[8] He feels this way for four reasons. First, the appellant believes the respondent's pleadings do not contain the necessary facts to establish the tort of intimidation. In his view, if this portion of the tort were struck, it would extinguish the basis for injunctive relief. Second, the order before the associate judge denied him the right to cross-examine on certain affidavits. He feels this cross-examination should take place prior to the penalty phase. Third, the appellant feels that a sealing order obtained in September 2024 should be varied prior to the penalty phase because he says certain relevant public records were mistakenly included in that order, attenuating his blameworthiness for its breach. Finally, as previously noted, the appellant suggests the respondent has abused the court's process by taking various contrary positions.

[9] It is important to note this appeal is taken from a case management conference where the judge gave discretionary scheduling directions, sequencing applications before the court. While it is not for me to decide the merits of the

appeal, to the extent that these directions qualify as “orders” that can be appealed, they are entitled to very significant deference: *Robak Industries Ltd. v. Gardner*, 2006 BCCA 395 (Chambers) at paras. 11–14; *Bodnar v. The Cash Store Inc.*, 2007 BCCA 366 (Chambers) at para. 16.

[10] In *Este v. West Vancouver (District of)*, 2026 BCCA 330, I discussed the principles involved in bringing urgent applications, citing *Vaboulas v. British Columbia (Information and Privacy Commissioner)*, 2024 BCCA 41 (Registrar), and describing the balancing of prejudice that occurs when urgent applications are considered:

[8] In *Vabuolas v. British Columbia (Information and Privacy Commissioner)*, 2024 BCCA 41 (Registrar), I discussed the practice of bringing urgent applications:

[6] Urgent applications are governed by Rule 57 of the *Court of Appeal Rules*. That rule provides that a party may apply to a justice or the registrar for permission to bring an application on shorter notice than otherwise required.

[7] On an urgent application, or what is better described as an application seeking to hear another application urgently, a justice or the registrar may allow an abridgement of time to hear the main application and make various incidental orders under Rule 57(3). If an order is made under Rule 57(3), the party who brought the application must serve notice of that order on each party under Rule 57(4).

[8] A leading case on urgent applications, or “short leave” applications as they were once known, is Master Baker’s decision in *O’Callaghan v. Hengsbach*, 2017 BCSC 2182. The Master observed as follows:

[17] Such applications should be restricted to emergent circumstances and should not reward inefficiency, inattention to a particular case, or a lack of oversight. To abridge the time limits imposed by [the *Rules*] is, presumably, to prejudice the other party who is, naturally, entitled to rely on timelines imposed by the *Rules* and to expect the opposing party to do likewise.

[9] The same reasoning applies to urgent applications under Rule 57. Before bringing the application, a party should consider whether the matter is truly urgent or if an accommodation can be reached to allow the regular timelines to apply. If it proceeds, it should be served by whatever means possible on the other parties.

[9] Shortening the time to hear an application will inevitably put the responding party to both inconvenience and cost: *Goodall v. Reeves*, 2024 BCCA 162 (Registrar) at para. 14. Accordingly, those seeking to set

applications urgently must show “the sense of urgency that they ask this court to find exists to grant short leave”: *Henry v. Fontaine*, 2022 BCSC 733 at para. 12.

...

[13] This Court must manage its limited and publicly funded resources carefully. Scheduling involves balancing Court time and judicial economy with the need to triage disputes appropriately, ensuring fair access to all litigants. Adding more applications to a busy chambers list naturally displaces or disrupts other applications, many of which are equally urgent or important to others pursuing their appeals. That is why those who seek to have applications heard urgently must first have made every effort to obtain suitable relief under the ordinary timelines in the *Court of Appeal Rules*. Where, as here, there is insufficient explanation for delay, an urgent application is more likely to fail.

[11] For the purposes of this application, there is little question that the appellant has acted with some speed to advance his appeal, filing his appeal four days following the case management conference. To that extent, he has exhibited at least some of the urgency that he asks this Court to find exists to grant his application. The respondent has argued that certain procedural delays by the appellant in the court below should be considered here. In my view, it is unnecessary to do so.

[12] The more central question is whether the appellant’s proposed applications are truly urgent. In my view, they are not for two reasons.

[13] First, it is unclear whether the 7 August 2026 hearing will even proceed, given the court below has agreed to hear the appellant’s application to adjourn it. As part of that application, he may raise the prejudice he says he faces should it proceed over his objections, including many of the arguments he raises here.

[14] Second, even if it proceeds, it is unclear whether the court will need to consider the appellant’s additional arguments for him to succeed. In other words, the appellant may decide not to appeal the contempt penalty at all. The same is true for the injunction sought by the respondent, which may ultimately not be imposed. Before these matters are heard on 7 August 2026, if they are at all, nobody knows their outcome.

[15] What is known is that the appellant's right to appeal and advance these arguments will be preserved. If the appellant remains dissatisfied with the contempt penalty, and still feels the court below has erred in not considering his applications, he will have an appeal from that decision and may either: 1) advance, as part of an appeal from the penalty and the injunction, the argument that the court should have considered his applications; or 2) seek leave to appeal this case management order (if still required), joining this appeal with any appeal from the penalty, advancing all of his arguments in one place. If necessary, he may also seek an immediate stay of the penalty order or the injunction order once it is imposed.

[16] What the appellant proposes with this appeal is to litigate in slices, seeking to attack procedural directions made prior to the order that is truly at issue. In these specific circumstances, that is an inefficient use of this Court's resources and should attract the same scrutiny this Court gives to directions appealed prematurely in other situations where appeal rights are ultimately preserved: see, e.g., *Proctorio, Incorporated v. Linkletter*, 2022 BCCA 150 at para. 31; *Badela v. Donald*, 2024 BCCA 215 (Chambers) at para. 30.

[17] As I have stated in *Este*, this Court must deploy its limited resources carefully. To meet this objective, the Court should seek to minimize overlapping proceedings and encourage relief to be sought when it can be most efficiently entertained. This consideration weighs heavily as a factor against urgently scheduling the appellant's leave and stay applications, which are fraught with contingencies. The respondent should not bear the costs of responding urgently when the delay causes the appellant little prejudice.

[18] For all these reasons, the balance of prejudice is clearly with the respondent and the appellant's urgent application is accordingly dismissed.

"T.R. Outerbridge, Registrar"