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By contrast, an express waiver refers to a more deliberate choice by the privilege holder to waive privilege. As Do Process notes, the BC Court of Appeal's decision in Mayer v Mayer supports the proposition that an implied waiver cannot be retracted 148 which is also how the BC Supreme Court has understood Mayer v Mayer on this point 149.

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THE TROUBLE WITH WIGMORE: A NEW APPROACH TO IMPLIED WAIVER OF SOLICITOR

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Content Posted in 2011

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Rather, disclosure in this case is more akin to the review of mail being delivered to prison inmates, which this Court addressed in *Solosky*. For iOS and macOS, Apple also develops its own software titles, including for writing, for spreadsheets, and for presentations, as part of its productivity suite. That created a clear and compelling case of unfairness and inconsistency.

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