



THOMPSON  
DORFMAN  
SWEATMAN

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September 23, 2021

*“VIA EMAIL TO [fightwcb@gmail.com](mailto:fightwcb@gmail.com)”*

Paul Taylor  
[REDACTED]  
[REDACTED]

Dear Sir:

Re:    Ontario Superior Court of Justice  
      Statement of Charter Class Claim  
      Court File No. CV-21-00076781-00CP  
      Our Matter No. 0186799 GAM/SRP

We are legal counsel to the following boards and tribunals:

- WorksafeBC
- The Workers' Compensation Appeal Tribunal of BC
- The Workers Compensation Board of Manitoba
- The Appeal Commission of Manitoba
- The New Brunswick Workers' Compensation Appeal Tribunal
- The Workplace Health, Safety and Compensation Commission (Newfoundland and Labrador)
- The Workplace Health, Safety and Compensation Review Division (Newfoundland and Labrador)
- The Yukon Workers' Compensation Health and Safety Board
- The Yukon Workers' Compensation Appeal Tribunal



- The Northwest Territories Workers' Safety and Compensation Commission
- The Northwest Territories and Nunavut Workers' Compensation Appeals Tribunal

Our clients have become aware of a Statement of Charter Class Claim that you filed on or about August 16, 2021 on behalf of Gregory Toombs and others in the Ontario Superior Court of Justice. Our clients became aware of this claim as it appears that you have either e-mailed or faxed the Statement of Claim to our various clients, as the case may be.

This is to advise that our clients do not consent to the jurisdiction of the Ontario courts to hear and decide your Statement of Claim.

We note the following defects in the purported service of your Statement of Claim.

Firstly, originating processes, like your Statement of Claim, must be served personally, which you have not done. We refer you to Rule 16.01 of Ontario's *Rules of Civil Procedure*, R.R.O. 1990, Reg 194 in this regard.

Secondly, Rule 17.03 of the *Rules of Civil Procedure* requires that you seek leave from the court in order to serve the Statement of Claim to parties outside of Ontario. You have not received such leave from the court. As a result your service is not valid.

Since your Statement of Claim has not been validly served, our clients do not intend to respond until service has been properly effected. Please confirm that you will not take any steps to the prejudice of our clients without providing us with reasonable notice of your intention to do so.

In order to properly serve our clients, you will have to file a motion under Rule 17.03. Should you choose to proceed in this manner, please ensure to provide us with notice of same so that we can address the court on this issue.

If the court does grant leave to serve our clients outside of Ontario, consider this letter notice that we will file a motion under Rule 17.06 to permanently stay your action against our clients. We take the position that the Ontario Superior Court of Justice has no jurisdiction over our clients. No real and substantial connection exists between our clients and the Ontario courts sufficient to enable the Ontario courts to hear your claim against our clients.



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We have copied the Registrar of the Court so that the court will know that our clients are represented by counsel but they are not consenting to or attorning to the jurisdiction of the Ontario courts.

Yours truly,

THOMPSON DORFMAN SWEATMAN LLP

Per:

  
Gordon A. McKinnon\*

GAM/SRP/gd

**cc Registrar of the Hamilton Superior Court of Justice** (by fax: 1-905-645-5394)  
John Sopinka Courthouse  
45 Main Street East  
Hamilton, Ontario L8N 2B7

**cc WSIB Ontario**, Attn: Jean-Denis Bélec

\*Services provided through Gordon A. McKinnon Law Corporation