

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

GREGORY TOOMBS et al

Plaintiffs

-and-

**WorkSafeBC (Also known as the Workers Compensation Board of British
Columbia) et al**

Defendants

NOTICE OF FIRST CLASS ACTION CASE MANAGEMENT CONFERENCE

TAKE NOTICE that the first Case Management Conference in this proposed Class Proceeding will be held by Zoom teleconference on Friday, August 5, 2022 at 2:30 p.m. Eastern Daylight (Ontario) Time. The Conference will be presided over by Justice David A. Broad, designated Class Proceedings and Case Management Judge.

The purpose of the Case Management Conference will be to address the following procedural matters:

Preliminary Matters

1. The need for legal representation for the plaintiffs per rule 15.01(1) of the Rules of Civil Procedure (Ontario). Is a motion required to address this issue? Timetable for this motion. Should any further steps in the proceeding be stayed pending determination of this motion?
2. Have all named defendants been properly served with the Statement of Claim?
3. Are all named defendants represented by counsel?

4. Have all named self-represented plaintiffs consented to being named as representative plaintiffs in the proceeding?

Proposed Amendment of Statement of Claim

5. Proposed amendment of the Statement of Claim - see draft Fresh as Amended Statement of Charter Class Claim. Is leave of the court required for this amendment?

Notice of Constitutional Question

6. Notice of Constitutional Question has been filed by the plaintiffs. Has it been served? Have any responses been received?

Pleadings

7. Have any of the defendants delivered a Statement of Defence?
8. Do any of the defendants seek to postpone delivery of their Defence until after certification? If so, is this opposed by the plaintiffs?

Related Proceedings

9. Are there any other class proceedings in Canada with respect to the same matters in issue in this proposed class proceeding. If so, in which jurisdictions? Has the Statement of Claim been posted on the Canadian Bar Association Class Action Database in accordance with the Superior Court of Justice Practice Direction?

Pre-certification steps, intended motions and sequencing

10. What steps will need to be taken in advance of certification?
11. Do the plaintiffs intend to file any motions prior to certification? If so, specify.
12. Do any defendants intend to file any motions in advance of certification? If so, specify.
13. If pre-certification motions are contemplated by any parties, has the issue of the sequencing of the other motions been agreed upon or will a sequencing motion be required? If so, timetable for this motion.

Certification Motion

14. Is certification opposed? If so, for each defendant, which certification criteria are disputed?
15. Can the number of disputed issues be reduced or any facts agreed to?
16. What is the agreed upon or proposed length of the certification motion?

17. Has a timetable for the exchange of material and other steps leading to the certification motion been agreed upon? If not, what is the proposed timetable?

18. Should there be page limits for certification motion facts?

Other issues

19. Other issues identified by the self-represented plaintiffs or the defendants.

AND TAKE NOTICE that each self-represented plaintiff and counsel for each defendant shall notify the Court by email to the Assistant Trial Coordinator Ms. Elisabeth Illes Elisabeth.Illes@ontario.ca **no later than July 26, 2022** whether they intend to appear by Zoom on the Case Management Conference and to request a Zoom link for the conference.

AND TAKE NOTICE that the plaintiffs and counsel for any defendant may serve on all other parties by email and file with the Assistant Trial Coordinator a short brief (not exceeding five (5) double-spaced pages) summarizing their position, without argument, on any of the issues set forth above. The plaintiffs and the counsel for the defendants, respectively are encouraged to consult and file joint briefs.

ATTACHED ARE the following:

1. Roster of names and email addresses of self-represented plaintiffs;
2. Roster of counsel for named defendants.

Any questions arising from this notice shall be directed to the Assistant Trial Coordinator at the email address noted above.

Superior Court of Justice

John Sopinka Courthouse

45 Main Street E.

Hamilton, ON L8N 2B7

Tel: (905) 645-5252

e-mail: HamiltonCivilOffice@ontario.ca

Toombs et al. v. WorkSafeBC et al.

PLAINTIFF'S NAME

EMAIL

Gregory William Andrew Toombs
George Kavallis
Norm Ryder
Patrick Jardine
David Hamilton
Christopher John Summers
Glen Greig
Terry Fedorak
Rodny Arnold Barrett
Jennifer Baker
Bruce Junker
Blaine Gilberston
Blair Kreitzer
Ken Grysiuk
Richard Last
Darren William Schlamb
Christopher Marshall Lawson
Sarah Diane Lawson
Eugene Laho
Norman Traversy
David Curtis
Giuseppe Marcellino
James Douglas Rollo
George Harding
Karen Perreault
David Lawson
Robert Drinna
Joe Frank Knipfel
Paul Taylor
Andre Martin
Armand Durelle
Gilles Martin
Gordon Wayne Skinner
Cheryl Amiur

[REDACTED]

Court File No. CV-21-00076781-00CP
Toombs et al. v. WorkSafeBC et al.

DEFENDANT ENTITY

COUNSEL'S NAME AND EMAIL

Worksafe BC

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Workers' Compensation Appeal Tribunal (BC)

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Workers Compensation Board – Alberta

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Appeals Commission for Alberta Workers' Compensation

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Saskatchewan Workers' Compensation Board

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Saskatchewan Board Appeal Tribunal

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The Workers Compensation Board of Manitoba

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The Manitoba Appeal Commission

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WSIB Ontario (Board)

Jean-Denis Bélec
Legal Services Division
Email: Jean-Denis_Belec@wsib.on.ca

WSIAT (Workplace Safety and Insurance Appeals Tribunal)

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DEFENDANT ENTITY

COUNSEL'S NAME AND EMAIL

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The Workers Compensation Board of Prince Edward Island	Gordon A. McKinnon Thompson Dorfman Sweatman LLP E-mail: gam@tdslaw.com
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Workplace NL	Gordon A. McKinnon Thompson Dorfman Sweatman LLP E-mail: gam@tdslaw.com
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Yukon Workers Compensation Health & Safety Board	Gordon A. McKinnon Thompson Dorfman Sweatman LLP E-mail: gam@tdslaw.com

DEFENDANT ENTITY

The YWCHSB Appeal Tribunal

Workers' Safety & Compensation Commission
(NT & Nunavut)

Northwest Territories & Nunavut Workers'
Compensation Appeals

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