

SUPERIOR COURT OF JUSTICE - DIVISIONAL COURT - ONTARIO

RE: Paul Taylor v. Pivotal Integrated HR Solutions

COURT FILE: Divisional Court File No. 381/20

BEFORE: Favreau J.

COUNSEL: *Paul Taylor* – the moving party, representing himself

Michael Fenrick– for the respondent, Workplace Safety & Insurance Appeals Tribunal

No one appearing for Pivotal Integrated HR Solutions

CASE MANAGEMENT ENDORSEMENT

1. This endorsement reflects a case management conference conducted by teleconference on November 24, 2020, which was held in response to a request to schedule a matter in accordance with the protocol set out in the June 29, 2020, Notice to the Profession – Divisional Court.
2. The matter involves a request made by Mr Taylor to bring a motion pursuant to section 21(5) of the *Courts of Justice Act*, R.S.O. 1990, c. C.43 to have a three judge panel review the order made by Sachs J. on October 10, 2020, dismissing his application for judicial review.
3. The motion is scheduled to be heard by a panel of the Divisional Court on March 8, 2021 at 10:00 am. The matter is scheduled for three hours (2 hours including reply for Mr. Taylor and 1 hour for the respondent).
4. At this time, due to the ongoing COVID-19 pandemic, all hearings will be by videoconference unless the court directs otherwise or unless a Notice to Profession directs that practice has changed. Further details about the videoconferencing process will be provided by the court in advance of the hearing.
5. Neither counsel nor the court will gown for the hearing if it proceeds by videoconference. Instead, business attire is required for anyone with a speaking role in the hearing. All parties must ensure that they participate in the video conference from appropriate surroundings.

6. The materials are to be served electronically in accordance with the following schedule:
 - a. Mr. Taylor is to serve his motion record and factum on the respondent by Friday, November 27, 2020;
 - b. The respondent is to serve its responding record, if any, and factum on Mr. Taylor by December 18, 2020.

7. It is anticipated that the Divisional Court will be using Caselines for receiving electronic materials at the time of the hearing. The parties are to upload their materials to Caselines by February 1, 2021, or on the date set by the Caselines invitation to upload materials.

8. Documents uploaded to Caselines are to be provided as follows:
 - a. All documents are to be uploaded in pdf format. Where possible, the factums should contain hyperlinks to authorities and to the records.

 - b. The factums are also to be filed in Word version.

 - c. Documents should be labelled in a manner that identifies them clearly for members of the panel so that it is not necessary to open the document to understand what it is. Pages should be numbered sequentially within each pdf.

 - d. Books of authorities containing the full text of authorities should not be uploaded. However, citations to cases in the factums are to provide, if possible, a hyperlink to the CanLII version of cases. The only exceptions to this are authorities not available on CanLII, such as excerpts from textbooks, foreign law, or Canadian decisions not reported on CanLII: these should be collected in a small brief of unreported authorities and filed electronically.

 - e. No later than the day before the hearing, each party shall upload a counsel sheet to Caselines setting out the name(s) of all counsel appearing at the hearing and confirming their estimated time for submissions.

 - f. No later than the day before the hearing, the parties shall send an email to the court with their agreement on costs, or, if the parties have not agreed on costs, then each party shall file its costs outline.

9. During the case conference, Mr. Taylor indicated that he expected the respondent to serve a record of proceeding in accordance with section 10 of the *Judicial Review Procedure Act*, R.S.O. 1990, c. J.1. However, as I indicated, given that this is a motion to review a decision dismissing the application for judicial review, the respondent is not required to file a record of proceeding at this time. This may change if Mr. Taylor is successful on his motion. In response, Mr. Taylor advised that he would prepare a motion record with the documents he views as necessary on the motion. It will be up to the panel to determine what documents are properly before them on the motion.

10. I also note that Mr. Taylor intends to raise constitutional issues on the motion. I remind Mr. Taylor that he is required to comply with section 109 of the *Courts of Justice Act*, by giving the required notices to the Attorney Generals of Ontario and Canada.

11. If the parties believe there are points from the case management conference that are not reflected in this endorsement, they should notify the court by email as soon as they can.

Favreau J.

Date: November 23, 2020