

**ONTARIO**

**SUPERIOR COURT OF JUSTICE**

**CLASS PROCEEDING CASE MANAGEMENT ENDORSEMENT # 1 - August 5, 2022**

**SHORT TITLE OF PROCEEDINGS:**

***Toombs et al (representative plaintiffs) v. WorkSafeBC. et al***

Counsel for the Plaintiffs: all self-represented. For a list of all plaintiffs and those in attendance: see Schedule A.

Counsel for defendants: see attached Schedule B.

DATE: August 5, 2022, 2:30 p.m. VIA Zoom

Presiding Judge: Justice D.A. Broad

1. This Case Conference was convened by the Court to provide for case management of this proposed Class Proceeding in accordance with paragraph 42 of the Superior Court of Justice Consolidated Practice Direction.
2. Leave was granted to the plaintiff Paul Taylor to record the conference for his personal use only as an accommodation for his disability and not for publication or dissemination.

**Motions to address the effect of Rule 15.01(1) of the *Rules of Civil Procedure* requiring a party who acts in a representative capacity to be represented by a lawyer.**

3. The plaintiff Paul Taylor advised that he intends to bring a motion for appointment of *amicus curiae* or, in the alternative, for leave to him to act as lead self-represented representative for all of the named self-represented plaintiffs.

4. The plaintiff Bruce Junker and the plaintiff Rodney Barrett each advised that they intend to bring a motion to address rule 15.01(1) respecting the need for legal representation for the plaintiffs in the proceeding.
5. Mr. Bélec and Mr. Lokan for the defendants WSIB Ontario (Board) and WSIAT (Workplace Safety and Insurance Appeals Tribunal) respectively (the “Ontario Defendants”) each advised that they intend to bring a motion for dismissal of the action unless counsel is retained to proceed with the action on behalf of the plaintiffs within a specified period.
6. It is ordered that the proceeding shall be stayed pending determination of the above-noted motions respecting the application of rule 15.01(1) or further order of the court.

**Directions respecting the motions to address rule 15.01(1)**

7. Mr. Taylor, Mr. Junker and Mr. Barrett (the “plaintiff moving parties”) shall each serve and file their motion materials (consisting of Notices of Motion and supporting affidavits under oath or affirmation) by October 4, 2022.
8. The Ontario Defendants shall serve and file their responding materials to the motions of the plaintiff moving parties and shall serve on all plaintiffs and file materials for their motion seeking dismissal of the action by November 3, 2022.
9. The plaintiff moving parties shall serve and file any reply materials to the Ontario Defendants’ responding motion materials by December 5, 2022.
10. All plaintiffs shall serve and file any motion materials (consisting of affidavits under oath or affirmation) responding to the Ontario Defendants’ motion by December 5, 2022.
11. The Ontario Defendants shall serve and file any reply materials to the responding materials of all plaintiffs in respect of the Ontario Defendants’ motions by December 15, 2022.

12. All materials shall be served by e-mail at the email addresses identified by all parties to the court.
13. All cross-examinations on affidavits filed in respect of the motions shall be completed by January 20, 2023. All Notices of Examination shall be served by e-mail at the email addresses identified by all parties to the court.
14. All cross-examinations shall be under oath or affirmation and shall be conducted by Zoom videoconferencing, unless otherwise arranged.

### **Second Case Conference**

15. A second case conference shall be conducted on a date to be set by the Trial Coordinator, following the exchange of all motion materials and the completion of all cross-examinations, to address any issues arising out of the cross-examinations, to set a date for the hearing of the motions and to set a timetable for the delivery of Factums for use on the motions.

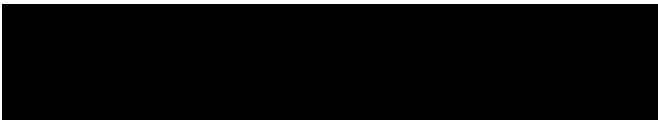
### **Adjournment of the Conference**

16. Case conference adjourned at 4.25 p.m. Eastern Daylight (Ontario) Time.

### **Effectiveness of Endorsement**

17. This Endorsement shall be effective as an order of the Court without the necessity for preparation of a formal order.

RELEASED: August 9, 2022



D.A. Broad, J.

**SCHEDULE A**

<b>Plaintiff</b>	<b>Email Address</b>	<b>Attended Conference</b>
Gregory Williams Andrew Toombs	[REDACTED]	Yes
George Kavallis	[REDACTED]	Yes
Norm Ryder	[REDACTED]	Yes
Patrick Jardine	[REDACTED]	Yes
David Hamilton	[REDACTED]	No
Christopher John Summers	[REDACTED]	No
Glen Greig	[REDACTED]	No
Terry Fedorak	[REDACTED]	Yes
Rodny Arnold Barrett	[REDACTED]	Yes
Jennifer Baker	[REDACTED]	Yes
Bruce Junker	[REDACTED]	Yes
Blaine Gilbertson	[REDACTED]	Yes
Blair Kreitzer	[REDACTED]	No
Ken Grysiuk	[REDACTED]	Yes
Richard Last	[REDACTED]	Yes
Darren Wlliam Schlamb	[REDACTED]	Yes
Christopher Marshall Lawson	[REDACTED]	Yes
Sarah Diane Lawson	[REDACTED]	Yes
Eugene Laho	[REDACTED]	No
Norman Traversy	[REDACTED]	No
David Curtis	[REDACTED]	No
Giuseppe Marcellino	[REDACTED]	No
James Douglas Rollo	[REDACTED]	No
George Harding	[REDACTED]	Yes
Karen Perreault	[REDACTED]	No
David Lawson	[REDACTED]	No
Robert Drinna	[REDACTED]	No
Joe Frank Knipfel	[REDACTED]	No
Paul Taylor	[REDACTED]	Yes
Andre Martin	[REDACTED]	No
Armand Durelle	[REDACTED]	Yes

Gilles Martin	[REDACTED]	No
Gordon Wayne Skinner	[REDACTED]	Yes
Cheryl Amiur	[REDACTED]	No

## SCHEDULE B

<b>Defendant</b>	<b>Counsel</b>	<b>Email Address</b>	<b>Attended Hearing</b>
Worksafe BC	Sacha Paul for Gordon A. McKinnon	<a href="mailto:gam@tdslaw.com">gam@tdslaw.com</a>	Yes
Workers' Compensation Appeal Tribunal (BC)	Sacha Paul for Gordon A. McKinnon	<a href="mailto:gam@tdslaw.com">gam@tdslaw.com</a>	Yes
Workers Compensation Board - Alberta	Sacha Paul for Gordon A. McKinnon	<a href="mailto:gam@tdslaw.com">gam@tdslaw.com</a>	Yes
Appeals Commission for Alberta Workers' Compensation	Sacha Paul for Gordon A. McKinnon	<a href="mailto:gam@tdslaw.com">gam@tdslaw.com</a>	Yes
Saskatchewan Workers' Compensation Board	Sacha Paul for Gordon A. McKinnon	<a href="mailto:gam@tdslaw.com">gam@tdslaw.com</a>	Yes
Saskatchewan Board Appeal Tribunal	Sacha Paul for Gordon A. McKinnon	<a href="mailto:gam@tdslaw.com">gam@tdslaw.com</a>	Yes
The Workers Compensation Board of Manitoba	Sacha Paul for Gordon A. McKinnon	<a href="mailto:gam@tdslaw.com">gam@tdslaw.com</a>	Yes
The Manitoba Appeal Commission	Sacha Paul for Gordon A. McKinnon	<a href="mailto:gam@tdslaw.com">gam@tdslaw.com</a>	Yes
WSIB Ontario (Board)	Jean-Denis Bélec	<a href="mailto:Jean-Denis_Belec@wsib.on.ca">Jean-Denis_Belec@wsib.on.ca</a>	Yes
WSIAT (Workplace Safety and Insurance)	Andrew Lokan	<a href="mailto:Andrew.lokan@paliarerola.com">Andrew.lokan@paliarerola.com</a>	Yes

Appeals Tribunal)			
WCB for Quebec (Commission des Normes, de L'equite se la Sante et de la Securite du Trevail (CNESST))	Sacha Paul for Gordon A. McKinnon	<a href="mailto:gam@tdslaw.com">gam@tdslaw.com</a>	Yes
Worksafe NB	Sacha Paul for Gordon A. McKinnon	<a href="mailto:gam@tdslaw.com">gam@tdslaw.com</a>	Yes
New Brunswick Workers' Compensation Appeal Tribunal (WCAT/TAAT)	Sacha Paul for Gordon A. McKinnon	<a href="mailto:gam@tdslaw.com">gam@tdslaw.com</a>	Yes
The Workers Compensation Board of Prince Edward Island	Sacha Paul for Gordon A. McKinnon	<a href="mailto:gam@tdslaw.com">gam@tdslaw.com</a>	Yes
Workers Compensation Appeal Tribunal of PEI	Sacha Paul for Gordon A. McKinnon	<a href="mailto:gam@tdslaw.com">gam@tdslaw.com</a>	Yes
WCB Nova Scotia	Sacha Paul for Gordon A. McKinnon	<a href="mailto:gam@tdslaw.com">gam@tdslaw.com</a>	Yes
Workers' Compensation Appeal Tribunal of Nova Scotia	Jack Townsend	<a href="mailto:jack.townsend@novascotia.ca">jack.townsend@novascotia.ca</a>	Yes
Workplace NL	Sacha Paul for Gordon A. McKinnon	<a href="mailto:gam@tdslaw.com">gam@tdslaw.com</a>	Yes
The Workplace Health, Safety & Compensation Review Division (NL)	Sacha Paul for Gordon A. McKinnon	<a href="mailto:gam@tdslaw.com">gam@tdslaw.com</a>	Yes

Yukon Workers Compensation Health & Safety Board	Sacha Paul for Gordon A. McKinnon	<a href="mailto:gam@tdslaw.com">gam@tdslaw.com</a>	Yes
The YWCHSB Appeal Tribunal	Sacha Paul for Gordon A. McKinnon	<a href="mailto:gam@tdslaw.com">gam@tdslaw.com</a>	Yes
Workers' Safety & Compensation Commission (NT & Nunavut)	Sacha Paul for Gordon A. McKinnon	<a href="mailto:gam@tdslaw.com">gam@tdslaw.com</a>	Yes
Northwest Territories & Nunavut Workers' Compensation Appeals	Sacha Paul for Gordon A. McKinnon	<a href="mailto:gam@tdslaw.com">gam@tdslaw.com</a>	Yes