

Court File No. CV-21-00076781-00CP

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

GREGORY TOOMBS, NORM RYDER, PATRICK JARDINE, DAVID HAMILTON,
CHRISTOPHER SUMMERS, TERRY FEDORAK, ROD BARRETT, JENNIFER BAKER,
BRUCE JUNKER, BLAINE GILBERSTON, KEN GRYSIUK, RICHARD LAST, DARREN
SCHLAMB, CHRIS LAWSON, SARAH LAWSON, EUGENE LAHO, NORMAN
TRAVERSY, DAVID CURTIS, PATRICIA O'CONNOR, GIUSEPPE MARCELLINO,
JAMES ROLLO, ANDRE MARTIN, ARMAND DURELLE, GILLES MARTIN, GORDON
WAYNE SKINNER, AND PAUL TAYLOR.

(On behalf of Canadians & others injured at work while working in Canada)

Lead Plaintiffs

AND

WorkSafeBC

Also known as the Workers Compensation Board of British Columbia

Defendant

AND

Workers' Compensation Appeal Tribunal of BC – WCATBC

Defendant

AND

Alberta Workers Compensation Board – AWCB

Defendant

AND

Alberta Appeals Commission – AAC

Defendant

AND

Saskatchewan Workers Compensation Board – SWCB

Defendant

AND

Saskatchewan Board Appeal Tribunal – SBAT

Defendant

AND

Workers Compensation Board of Manitoba – WCBM

Defendant

AND

The Appeal Commission of Manitoba – ACM

Defendant

AND

Workplace Safety & Insurance Board – WSIB
Also known as the Workers Compensation Board of Ontario

Defendant

AND

Workplace Safety & Insurance Appeals Tribunal – WSIAT
Also known as the Workers Compensation Appeals Tribunal of Ontario

Defendant

AND

Commission des normes, de l'équité, de la santé et de la sécurité du travail – CNESST

Defendant

AND

WorkSafeNB

Also known as the Workers Compensation Board of New Brunswick

Defendant

AND

New Brunswick Worker's Compensation Appeals Tribunal – NBWCAT

Defendant

AND

Workers Compensation Board of PEI – WCBPEI

Defendant

AND

Workers' Compensation Appeal Tribunal of PEI – WCATPEI

Defendant

AND

Workers' Compensation Board of Nova Scotia - WCBNS

Defendant

AND

Workers' Compensation Appeal Tribunal of Nova Scotia - WCATNS

Defendant

AND

Workplace Health, Safety and Compensation Commission – WHSCC
Also known as the Workers Compensation Board of Newfoundland & Labrador

Defendant

AND

Workplace Health, Safety & Compensation Review Division – WHSCRD

Defendant

AND

Yukon Workers' Compensation Health and Safety Board – YWCHSB
Also known as the Workers Compensation Board of Yukon Territory

Defendant

AND

Yukon Workers' Compensation Appeal Tribunal – YWCAT

Defendant

AND

Northwest Territories Workers' Safety and Compensation Commission – NWTSCC
Also known as the Workers Compensation Board of Northwest & Nunavut Territories

Defendant

AND

NWT and Nunavut Workers' Compensation Appeals Tribunal – NWTNWCAT

Defendant

NOTICE OF MOTION

THE DEFENDANTS *WorkSafeBC, Workers' Compensation Appeal Tribunal of BC, Alberta Workers' Compensation Board, Appeals Commission for Alberta Workers' Compensation, Saskatchewan Workers' Compensation Board, Saskatchewan Board Appeal Tribunal, Workers Compensation Board of Manitoba, The Appeal Commission of Manitoba, Commission des Normes, de L'équité, de la Santé et de la Sécurité du Travail, WorkSafeNB, New Brunswick Workers' Compensation Appeals Tribunal, Workers Compensation Board of PEI, Workers Compensation Appeal Tribunal of PEI, Workers' Compensation Board of Nova Scotia, WorkPlaceNL, Newfoundland and Labrador Workplace Health, Safety & Compensation Review Division, Yukon Workers' Compensation Health & Safety Board (YWCHSB), Yukon Workers' Compensation Appeal Tribunal, Northwest Territories Workers' Safety and Compensation Commission, and Northwest Territories & Nunavut Workers' Compensation Appeals Tribunal (together, the "Moving Defendants")* will make a motion to a judge on on a date to be determined by the Trial Coordinator, at 45 Main Street East, Hamilton, Ontario, L8N 2B7.

PROPOSED METHOD OF HEARING: The motion is to be heard:

- in writing under subrule 37.12.1 (1) because it is (*insert one of on consent, unopposed or made without notice*);
- In writing as an unopposed motion under subrule 37.12.1 (4);
- In person;
- By telephone conference;
- By video conference.

THE MOTION IS FOR:

1. an order dismissing the action against the Moving Defendants;
2. In the alternative, an Order permanently staying the proceedings against the Moving Defendants;
3. An Order for substantial indemnity costs in favour of the Moving Defendants; and

4. Such further and other relief as counsel may advise and this Honourable Court may permit.

THE GROUNDS FOR THE MOTION ARE:

1. The Ontario Superior Court lacks jurisdiction to hear the claim against the Moving Defendants.
2. No real and substantial connection exists between Ontario and the subject matter of the claim as it relates to the Moving Defendants.
3. The Moving Defendants are all located outside of Ontario and do not carry on business or operate in Ontario.
4. As it pertains to the Moving Defendants, the underlying action does not relate to a tort, dispute, breach of statute or denial of a right that arose in Ontario.
5. As it pertains to the Moving Defendants, the underlying action does not relate in any way to contracts made in the province.
6. None of the Moving Defendants consent or attorn to Ontario's jurisdiction.
7. No reasonable grounds exist for the Court to assume jurisdiction.
8. The principles of order, fairness and judicial comity all suggest the Court should grant this motion and dismiss the action against the Moving Defendants.
9. Rule 21.01(3)(a)
10. Rule 17.06(1)(b)

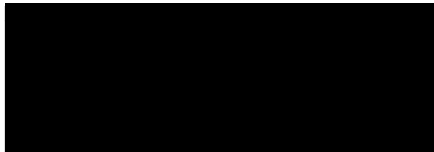
THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

1. The Statement of Claim in this action;
2. Such further and other evidence as counsel may advise and this Honourable Court may deem just.

Date: July 7, 2022

THOMPSON DORFMAN SWEATMAN LLP
1700 – 242 Hargrave Street
Winnipeg, MB, R3C 0V1
Gordon A. McKinnon
Tel: (204) 934-2535 Fax: (204) 934-0535
Email: gam@tdslaw.com
Lawyer for the Moving Defendants

TO: **PAUL TAYLOR**



Self-representative for the Lead Plaintiffs

AND TO: **WORKPLACE SAFETY AND INSURANCE BOARD**
Legal Services Division
200 Front Street West, 22nd Floor
Toronto, ON, M5V 3J1
Jean-Denis Bélec, LSO No. 40140R
Tel: (647) 309-9994
Email: jean-denis_belec@wsib.on.ca
Lawyer for the Defendant, Workplace Safety and Insurance Board

AND TO: **PALIARE ROLAND ROSENBERG ROTHSTEIN LLP**
155 Wellington Street West, 35th Floor
Toronto, ON, M5V 3H1
Andrew Lokan, LSO No. 31629Q
Tel: (416) 646-4324
Fax: (416) 646-4301
Email: andrew.lokan@paliareroland.com
Lawyer for the Defendant, Workplace Safety
and Insurance Appeals Tribunal

AND TO: **NOVA SCOTIA DEPARTMENT OF JUSTICE**
Legal Services Division
1690 Hollis Street
PO Box 7
Halifax, NS, B3J 1T0
Jack Townsend
Tel: (902) 233-7836
Email: jack.townsend@novascotia.ca
Lawyer for the Defendant,
Nova Scotia Workers' Compensation Appeals Tribunal

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Hamilton Superior Court of Justice / Cour supérieure de justice

Court File No./N° du dossier du greffe : CV-21-00076781-00CP

TAYLOR et al.

and

**WORKPLACE SAFETY &
INSURANCE BOARD et al.**

Plaintiffs

Defendants

Court File No. CV-21-00076781-
00CP

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding commenced at Hamilton

NOTICE OF MOTION

THOMPSON DORFMAN SWEATMAN LLP
1700 – 242 Hargrave Street
Winnipeg, MB R3C 0V1
Gordon A. McKinnon
Tel: (204) 934-2535
Email: gam@tdslaw.com
Lawyer for the Moving Defendants