

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

CASE CONFERENCE BRIEF OF THE PLAINTIFFS

Gregory William Andrew Toombs

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Self Represented Lead Plaintiff

George Kavallis

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Self Represented Lead Plaintiff

Norm Ryder

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Self Represented Lead Plaintiff

Patrick Jardine

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

Self Represented Lead Plaintiff

David Hamilton

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Self Represented Lead Plaintiff

Christopher John Summers

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Self Represented Lead Plaintiff

Glen Greig

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Self Represented Lead Plaintiff

Terry Fedorak

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Self Represented Lead Plaintiff

Rodny Arnold Barrett

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Self Represented Lead Plaintiff

Jennifer Baker

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Self Represented Lead Plaintiff

Bruce Junker

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Self Represented Lead Plaintiff

Blaine Gilberston

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Self Represented Lead Plaintiff

Blair Kreitzer

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Self Represented Lead Plaintiff

Ken Grysiuk

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Self Represented Lead Plaintiff

Richard Last

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Self Represented Lead Plaintiff

Darren William Schlamb

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Self Represented Lead Plaintiff

Christopher Marshall Lawson

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Self Represented Lead Plaintiff

Sarah Diane Lawson

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Self Represented Lead Plaintiff

Norman Traversy

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Self Represented Lead Plaintiff

David Curtis

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Self Represented Lead Plaintiff

Giuseppe Marcellino

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

Self Represented Lead Plaintiff

James Douglas Rollo

[REDACTED]
[REDACTED]
[REDACTED]

Self Represented Lead Plaintiff

George Harding

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Self Represented Lead Plaintiff

Karen Perreault

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Self Represented Lead Plaintiff

David Lawson

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Self Represented Lead Plaintiff

Robert Drinna

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Self Represented Lead Plaintiff

Joe Frank Knipel

[REDACTED]
[REDACTED]
[REDACTED]
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Self Represented Lead Plaintiff

Paul Taylor

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Self Represented Lead Plaintiff

Andre Martin

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[REDACTED]
[REDACTED]
[REDACTED]

Self Represented Lead Plaintiff

Armand Durelle

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[REDACTED]
[REDACTED]

Self Represented Lead Plaintiff

Gilles Martin

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Self Represented Lead Plaintiff

Gordon Wayne Skinner

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Self Represented Lead Plaintiff

Cheyrl Amiur

[REDACTED]
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[REDACTED]
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Self Represented Lead Plaintiff

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The Plaintiff's Position on procedural matters:

The following is the position of the majority of Plaintiff's come may express their own views and file a separate case conference brief.

1. The Plaintiff's position on the first matter, being representation for the plaintiffs is that a motion is required for the court to appoint amicus curiae. The grounds are that injured workers are to be represented under s. 176 of the *WSIA*. That all other steps should be stayed pending the outcome of this motion.
2. The Plaintiff's position on the second matter, being whether all the named defendants were properly served, is that they have not been. However, the Plaintiffs submit that all named defendants have counsel and have acknowledged the documents & proceeding, which is the purpose of any party being served.

3. The Plaintiff's position on the third matter, being are all named defendants represented by counsel, is that, as confirmed by defence counsel, all named defendants are represented by counsel. Also, by defence counsel taking part with intentions of filing motions, etc., the defendants wave any requirements of being served, including those outside Ontario.
4. The Plaintiff's position on the fourth matter, being have all named self-represented plaintiffs consented to being named as representative plaintiffs in the proceeding, is that they have consented to being named as representative plaintiffs in the proceeding. With the exception of Eugene Laho, who has requested to be removed as a lead plaintiff. A further amended claim will be filed to reflect this and any other changes.
5. The Plaintiff's position on the fifth matter, being is leave of the court required to amend the Charter Class Claim, is that leave is not required to amend the claim. However, once the claim is certified then leave will be required.
6. The Plaintiff's position on the sixth matter, being whether the Notice of Constitutional Question has been served and has there been any response, the notice was served, and no response has been received as yet.
7. The Plaintiff's position on the seventh matter, being has any of the defendants served a statement of defence, is no.

8. The Plaintiff's position on the eighth matter, being the intention of any of the defendants to postpone delivery of their defence until after certification and the position of the plaintiffs, is unknown. However, the Plaintiff's are opposed to the defendants delaying filing their defence. They have provided no legitimate reason aside from saving their clients costs.

9. The Plaintiff's position on the ninth matter, related proceedings, is that there are two other related proceedings, in British Columbia and Alberta, with injured workers expressing a clear intent to file in all other jurisdictions in Canada. The Statement of Claim has been sent to the CBA to be registered.

10. The Plaintiff's position on the tenth matter, what steps to be taken prior to certification, being that a motion to appoint an amicus curiae and the cost to come out of Ontario's insurance fund, based on s. 1756 of the WSIA, be dealt with first, next allow for any amendments of the claim, then allowing for the Notice of Constitutional Question, then certification. This will reduce court resources as it will make moot the defendants proposed motions.

11. The Plaintiff's position on the eleventh matter, plaintiff's intentions to file motions, is yes, a motion to appoint amicus curiae, seek leave of the court to amend, to serve defendants outside Ontario, and certify the Charter Claim as a Charter Class Claim.

12. The Plaintiff's position on the twelfth matter, defendants intention to file motions, is yes, as Mr. McKinnon has advised Mr. Taylor of this and sought his consent. However, Mr. Taylor cannot provide such consent as he is not the only plaintiff. Further, Ontario's WSIB and WSIAT have
- 13.
14. The Plaintiff's position on the thirteenth matter, the issue of sequencing of motions, is that Mr. Taylor believes the plaintiff's motion ought to be heard first, then the defendants, if any.
15. Mr. Taylor's position on the fourteenth matter, opposition of certification, has no knowledge of this, but can anticipate certification will be opposed on all grounds.
16. Mr. Taylor's position on the fifteenth matter, agreed statement of facts, Mr. Taylor is very interested in compiling an agreed statement of facts to further assist the court in narrowing the disputed issues.
17. Mr. Taylor's position on the sixteenth matter, length of the certification motion, has not been discussed with the defendants. However, Mr. Taylor's position is that the certification motion does not need to be more than four hours.
18. Mr. Taylor's position on the seventeenth matter, timetable for the exchange of materials, has no position as no timetable has been proposed as yet.

19. Mr. Taylor's position on the eighteenth matter, length of the facta, is that it should be no more than 30 pages.

20. Mr. Taylor's position on the nineteenth matter, other issues, is that Mr. Taylor has identified three issues.

- a. First, the plaintiffs are persons with disabilities and as such will require accommodations under the *Human Rights Code of Ontario* and the *Charter of Rights and Freedoms*. The accommodations will be based on individual needs and requirements.
- b. Second, is the need of the court to recognize and accommodate the plaintiffs being self represented litigants in accordance with the Canadian Judicial Council principles on self represented litigants.
- c. Third, is the recognition of acts of reprisal committed against the lead plaintiffs and the class of plaintiffs by the defendants and third parties, being employers. This includes unlawful cancellation of benefits, covert surveillance, and other tactics.

BACKSHEET

Gregory Toombs et al.
(Plaintiffs)

v. WorkSafeBC (aka WCB of BC et al.
(Defendants)

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

Ontario Superior Court of Justice

PROCEEDING COMMENCED AT

John Sopinka Courthouse
45 Main St E,
Hamilton, ON L8N 2B7
Tel: (905) 645-5252

E-mail: HamiltonCivilOffice@ontario.ca

**PLAINTIFF'S CASE
CONFERENCE BRIEF**

Self-represented Lead Plaintiff
Spokesperson for Lead Plaintiffs

RCP-E 4C (May 1, 2016)



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You will be notified by the court Registrar about whether your document(s) have been accepted for filing and/or issuance. This notice will be sent to you by email **within five business days**. Your credit/debit card will only be charged once the filing has been accepted. If you used Interac Online to pay a court filing fee, your account has already been debited.

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Court file number

CV-21-00076781-00CP

Submitted to the Superior Court of Justice in

Hamilton

Confirmation number

1017438

Document(s) submitted

Pre-Trial Conference Brief

Date and time

03-Aug-2022 07:41 PM

Case specific questions and questions about your submission should be directed to the court office where your documents were submitted.

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