

Court File No. CV-22-00685694

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

Michelet Dorceus, Arynah Hirani, Oana-Aadreea Istoc, Shelly Moore,
Carol-Anne Parsons, Anne-Marie Sherk, **(Bayshore Healthcare Workers)**

-and-

Alexandra Newbold, **(Brant Community Healthcare System)**

-and-

Melissa Betts, Catherine Frustaglio, **(Cambridge Memorial Hospital Workers)**

-and-

Cristina Amorim, Lisa Avarino, Chelsea D'Almeida,
(Centre for Addiction and Mental Health Workers (CAMH))

-and-

Danielle Cogghe, Sonia Couto, Amber DePass, Lauren Ives, Roxanne Jones, Desirea
Lamoureux, Karen Metcalfe, Mary Margaret Raaymakers, Michelle Raaymakers, Erin
Robitaille, Karen Roche, Amy Simpson, Erica Sower's-Rumble, Rebecca Verscheure, Tina
Waring, **(Chatham Kent Health Alliance Workers)**

-and-

Mike Belawetz, Jonathon Croley, Mona Hansen, Ryan Kreeft, Brittany Raymond, ~~(City of
Windsor Workers (EMS))~~ **(The Corporation of the County of Essex)**

-and-

Maria Danho, Jennifer Jarrett, Erika Marrie, Crystal Mclean, Danuta Nogal,
Beata Spadafora, Moustafa Yahfoufi **(Community Living Windsor Workers)**

-and-

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Karen Botham, Melissa Del Greco, Katie Friesen, Connie Grossett, (~~David Seion~~),
Nicole Ward (**Erie Shores HealthCare Workers (Leamington hospital)**)

-and-

Debra Bugg, Chantal Demera, Crystal Richardson,
(**Georgian Bay General Hospital Workers**)

-and-

Denise Allan, Hafiza Ally, Csilla Ankuczka, Brian Beatty, Amy Campbell, Bojan Gagic,
Michael Goddard, Jacquie Haugen, Janet Izumi, Danielle Little, Alaa Maloudi, Martin
Mueller, Jody Myers, Diane Radisic, Angela Robinson, Wanda Ropp,
Sarah Roussy, Sherry Roussy, Sarah Samuel, Tatjana Suserski, Erika Toth,
(**Grand River Hospital Workers**)

-and-

Tammy Algera, Jennifer Lefebvre, Melissa Leitch, Brenda Lowe, Jennifer Miske, Vinod
Nair, Nicholas Rourke, Hetty Van Halteren, Jenna Widdes,
(**Grey Bruce Health Services Workers**)

-and-

Sarah (Diane) Acker, Marija Belas, Kathy Cherneske, Sandra Cushing,
Ruth Hanusch Leclerc, Laura-Beth Hewer, Laura Holmquist, Janet Nagy,
(**Halton Healthcare Services Workers**)

-and-

Svitlana Alyonkina, Lisa Augustino, ~~Angelika Biljan~~, Gary Blake, Laura Bosch,
Darla Brocklebank, Ilija Bukorovic, Ryan Cino, Alma Cootauco, Susan Davis, Erica Demers,
Natalie Djurdjevic, Colleen Gair, Katharine Gamble, Loredana Gheorghe,
Mario Gheorghe, Sonja Jankovic, Cheryl Jordan, RosaMaria Jorey, Catherine King,
Ashley Loeffen, Denis Madjar, Merima Mahmutovic, Shirley Morin, Calvin Murphy,
Kristine Osenenko, Katarina Pavlovic, Andrea Power, Naomi Quiring, Brent Scarisbrick,
Jocelyn Scholtens, Sharon Schuur, Rob Shortill, Liza Sibbald, Paola Sivazlian, Bethany Stroh-
Gingrich, Lori Swan, Rachel Thibault, Susan Torenvliet,
Tiffany-Anne Toulouse-Sauve, Brooke Vandewater, Taylor Vanyo, Benjamin Wencel,
Justine Wieczorek, Monika Zawol-Zaprzala
(**Hamilton Health Sciences Workers**)

-and-

Melissa Conley (Erie St.Clair), Janice Fisher (South West), Danielle Nowierski
(Mississauga Halton), Daria Poronik (Toronto Central), Chantelle Seguin (Erie
St.Clair), Veronica Sloan (Hamilton, Niagara, Haldimand, Brant), Trisha Stansfield
(Erie St.Clair), Patricia Weaver (Mississauga Halton),
(**Home and Community Care Support Services Workers**)

-3-

-and-

Jennifer Backle, Cheryl Baldwin, Tony Best, Sonia Carneiro, Melissa DeMelo,
Susan Iori, Camille Mascowe, Antonietta Mongillo Debbie Oliveira, Kristine Sandoval, Felicia
Ing-Tyng Tseng, Melanie Wegera, Nicole Welsh,
(Hospital for Sick Children Workers)

-and-

Shauna Carriere, Jessica Clark-Carroll, Helena Feloniuk-Coaton, Bill Gerassimou, Jane Doe #1,
Biljana Ignjatic-Ovuka, Biljana Josipovic, Tara Lauzon, Aleah Marton, Mihaela Opris,
Salvatore Panzica, Jennifer Pedro, Breanne Poole, Danielle Qawwas, Jonathan Sandor,
Michelynne Tremblay, Kattie Westfall
(Hotel Dieu Grace Healthcare Workers)

-and-

Albrecht Schall, **(Humber River Hospital Worker)**

-and-

Glenda Mendoza, ~~**(Huron Lodge & Schlegel Villages Worker (Aspen Lake))**~~ **(The Corporation of the City of Windsor)**

-and-

Jeanette Bellamy, Odelia DaSilva, Zsuzsanna Kerestely, Wanda MacGrandles, Georgette
Marshall, Kristin Matfin, Stevan Price, Shanna Pendakis, Kathleen Stringer, Martina Vulgan,
Bailey Webster, **(Joseph Brant Hospital Workers)**

-and-

Chelsea Graham, Deborah Hogg, Cathy Houthuys, Jacqueline Vande Pol,
(Lakeridge Health Workers)

-and-

Andrew Adamyk, Andrej Bosnjak, Laurie Bowman, Olga Collins, Tonia Coyle,
Mary Eastman, Chiara Marie Elliot, Cathy Lindsay, Jessica Lindsay, Stephanie Liokossis,
Heather MacNally, Maria Dorothy Moore, Georgia Murphy, Anita Murray, Mark Read,
Katherine Robichaud, Nancy Sawlor, Christopher Squires,
Lisa Starogianie, Allison Walsh, Lisa Wolfs
(London Health Sciences Centre Workers)

-4-

-and-

Sharon Addison, Maxim Avtonomov, Marlene Brouwer, Cassandra Craig, Tasha Crump, Alex D'Souza, Christine L. Ehgoetz, Alyssia Elias, Chuck Evans, Vanessa Gallant, Dawn Greer, Rachel Lambkin, Christine Pritty, Kaitlyn Raso, Zorica Savanovic, Magen Scholtens, Catherine Seguin, Ada Talbot, Lianne Tessier, Megan Tiersma, Victoria Wright (**Niagara Health System Workers**)

-and-

Alison Margaret Bourre, Jenny Brown, Kathleen Burns, Lynne M.S. Cheff, Krista Leckie, Susan Mary Marcotte, Kristy Palmer, Charlene Splichen, Kathy Walsh, Sarah Walter
(**North Bay Regional Health Centre Workers**)

-and-

Sherri Bond, Ronnie Esau, Roman Goldschmidt, Arlene Kalmbach-Pashka, Kelvin Kean, Peter Mason, Kerry Scully, Kevin Snow, Bobbi-Jo Snow, Sheivonn Thompson, Kelly Lynn Woodrow, Goran Zdravkovski
(**Ontario Shores Centre for Mental Health Sciences Workers**)

-and-

Wendy Baerg, Rachel Blake, Paula Burke, Brianna Grantham, Norma Smith, Andrew Wilgress, (**Orillia Soldiers Memorial Hospital Workers**)

-and-

Nataliya Burlakov, Gabriele Caporale, Catherine Cox, Shelley Flynn, Sirpa Joyce, Amy McNutt, Shawn Riopelle, Slaven Savic, Robert Voith, Lori Wells
(**The Ottawa Hospital Workers**)

-and-

Jennifer Dixon, Kim Driver, Alexander Faulkner, Holly McDonald, Mandy Parkes, Katie Jeanette Pattison, Karly Marie Stothart, Breanne Townsend,
(**Peterborough Regional Health Centre**)

-and-

Caseymae (Casey) Brant, Beth Ann Dick, *Cynthia June Jordan*, Matthew Langdon, Amanda Osbourne, Jonathan Raby, Sarah Rogerson, Rachel Runions, Dr. John Doe #1, Stephanie VanderSpruit (**Quinte Health Care Workers**)
(**Quinte Healthcare Corporation**)

-5-

-and-

Gabriela Borovicinanin, Kristen Garcia, Madison Kristensen-Piens,
Robin Millen, Cheryl Payne, Michelle Piens (~~Riverview Gardens Long Term care Chatham-
Kent Workers~~)
(The Corporation of the Municipality of Chatham-Kent)

-and-

Caroline Goulet, Amir Hamed Farahkhiz, ~~(The Royal Ottawa Mental Health Care)~~
(The Royal Ottawa Health Care Group)

-and-

Merilyn Gibson, Marcela Kollarova, ~~Bozena Lassak~~, Gabriela Lassak,
~~Gracjana Lassak~~ Justyna Lassak, Paulina Lassak, Crystal Luchkiw, Sasha McArthur, Nadia
Mousseau, Jenny Ramsay,
(Royal Victoria Regional Health Centre Workers)

-and-

Cecile Butt, Darlene Crang, Jocelyn Ford, Melissa Idenouye, Lisa Marie Mountney, Jennifer
Rands-Grimaldi, Judith Schoutsen, Holly Tucker, ~~(Saint Elizabeth Home Health Care
Workers)~~ **(Saint Elizabeth Health Care)**

-and-

Sheila Daniel, Petrina Mattison, Karleen Smith, Eric Thibodeau, Lucy Thibodeau,
(Scarborough Health Network Workers)

-and-

Sean Filbey, Musette Hoepfner, Glenda Mendoza, Janet Neuts, Cindy Sorenson, Cassandra
Vaseleniuck Dunbar, **(Schlegal Villages Workers)**

-and-

Marina Anisimov, Oleg Anisimov, Cari Bradley, James Langille, Tammy Parker, Kelly
Richards, Amanda Slik, Sheila Stiles, Mary Todd, Nataliya Veremenko, Anna Zamriga,
(Southlake Regional Health Centre Workers)

-and-

Jesse Gratz, Sandra Zurkan, **(St. Joseph's Care Group)**

-6-

-and-

Lisa Autuchiewicz, Alicia Badger, Carly Bennett, Robin de Groot, Charmaine Dupuis, Nikki Greenhow, Cheri Mitchell, Angela Stacey, Wendy Thornton, Alison Wilson,
(St. Joseph's Health Care London Workers)

-and-

Byron Bolton, Michelle Cruz, Renee Daviault, Barb Fisher, Cheryl Jeffrey, Gail Magarrey, Graham Nishikawa, Jennifer Pluck, Rhonda Rohr, Brooke Simpell, Christine Vitez, Stanislaw Wroblewski **(St. Joseph's Health Care Hamilton Workers)**

-and-

Leigh Carroll, Vincent Cromie, Tammy Foster-Grieco, Donna Glenn, Galina Karataeva, Lorrie Poulin, Jelena Sorgic, **(St. Mary's General Hospital Workers)**

-and-

Joan Elizabeth Rosen **(Extendicare)**

-and-

Kyla Balke, Danny Budd, Susan Buob-Corbett, Judith Deschenes, Linda Fieldhouse, Darlene Freeman, Nicholas Kowalczyk, Lorena Legary, Cheri Mantel, Theresa Lynn Noyes, Denise Roy, Rhonda Michelle Rentz, Bryden C. See, Catherine H. See, Cindy Stolz
(Thunder Bay Regional Health Sciences Centre Workers)

-and-

Stephanie Bienias, Angele Bouchard, Tanya Bouvier, Carol Charters, Julie Joanisse-Gillis, Angele Samson **(Timmins and District Hospital Workers)**

-and-

Derick Anderson Jr., Joanna Carabetta, Andrea R. DeVries, Juanita Diorio, Rosa Grobanopoulos, Panagiota Patricia Jovanovic, Katarzyna Kobylinski, Vanessa MacLeish, Rosemary Morgan, Veronica Pereira, Karen Rotham, Tianilla Weigert Corredoura **(Trillium Health Partners Workers)**

-and-

Imelda Agustin, Jessica Boccadoro, Esther Carter, Diana de Medeiros, Bridget Doukas, LesleyAnn Faltine, Raymond Hogue, Tania Ilkiw, Nathan Le,

-7-

Vincent Le, Julia Ordonez, Jenny Poon, Amedeo Popescu, Rosa Ramos,
Ian Samuda, Fawn Schroeder, Sandra Silva, John Doe #2, Ageliki Tzakis,
Yuriy Wankiewicz, Lorraine Welsh (**Unity Health Toronto Workers**)

-and-

Cheryl Bamford, Romana Freitas, Danica Dana Jovanovic, Nadiya Kaminska,
Joanna Kiwak, Magdalena Kulikowski, Anna Piri, Afrodite Vorvis, Danijela Vukovic, Elaine
Walker-Esson (**University Health Network Workers (UHN)**)

-and-

Sarah Boyington, Corinna Gayle, Sara Hampton, Sheila Jean Mackie,
Anna Pavsic, Victoria Tiessen, William Vowels, Josh Wahl
(**Waypoint Centre for Mental Health Care Workers**)

-and-

(WFCC Niagara Health System)

-and-

Michelle Bowler, Margaret Caminero, Jennifer Correia, Judith Dube,
Jennifer Jitta, Joan Knight-Grant, Clayton Lewis, Wetshi Mbotembe, Dolores Peckham,
Jolanta Pietrzykowski, Crystal Simm, Malgorzata Skrzypek-Aviles,
Crestina Tolfo, Irene Veenstra, Jacqueline Watson, Sharon Yandt,
(**William Osler Health System Workers**)

-and-

Sarah Adams, Ashley Bardsley, ~~Diane Boin~~, Michelle Bourgoin,
Esther Grace Brandt, Ada Chiarot, Dayna Crowder, Tommy Dang,
Wendy Douglas, Nicole Faucher, Amanda Foster, Anna Maria Gelinas, Christopher
Gignac, Breanne Gillen, Jessica Hebert, Nidia Ingoldsby, Edua Keresztes, Renata Kreeft,
Rhonda Lamont, Kelly Loch, Jennifer Macri,
Natalie Morrone, Kristina Neufeld, Alexandra Pepin, Clifford Rosen, David Sion, Lisa
Trif, Elizabeth (Liz) Vaughan, Deborah Wiebe,
(**Windsor Regional Hospital Workers**)

-and-

~~Kelly Ciriello~~, Samantha King, Leah Kittmer
(**Woodstock General Hospital Workers**)

Plaintiffs

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- and -

HIS MAJESTY THE KING IN RIGHT OF ONTARIO, Ontario Premier Doug Ford, Former Minister of Health Christine Elliot, Current Minister of Health Sylvia Jones, Minister of Long Term Care Paul Calandra, Bayshore Healthcare, Belleville General Hospital, Brant Community Health Care System, Cambridge Memorial Hospital, Centre for Addiction and Mental Health, Chatham-Kent Health Alliance, The Corporation of the County of Essex, Community Living Windsor, Erie Shores HealthCare, Extendicare, Georgian Bay General Hospital, Grand River Hospital. Grey Bruce Health Services, Halton Healthcare Services Corporation, Hamilton Health Services Sciences, ~~Home and Community Care Support Services~~ (Toronto Central Local Health Integration Network, Mississauga Halton Local Health Integration Network, Erie St. Clair Local Health Integration Network, Hamilton Niagara Haldimand Brant Local Health Integration Network, South West Local Health Integration Network), Hospital for Sick Children, Hotel Dieu Grace Healthcare, Humber River Hospital, ~~Huron Lodge Long Term Care Home~~ The Corporation of the City of Windsor, Joseph Brant Hospital, Lakeridge Health, London Health Services, Niagara Health System, North Bay Regional Health Centre, Ontario Shores Centre for Mental Health Sciences, Orillia Soldiers Memorial Hospital, The Ottawa Hospital, Peterborough Regional Health Centre, ~~Quinte Health Care~~ Quinte Healthcare Corporation, ~~Riverview Gardens Long Term Care~~ Chatham-Kent The Corporation of the Municipality of Chatham-Kent, Royal Ottawa Health Care Group, Royal Victoria Regional Health Care, Saint Elizabeth Health Care, Scarborough Health Network, Schlegel Village, Southlake Regional Health Centre, St. Joseph's Care Group, St. Joseph's Health Care London, St. Joseph's Health System, St. Mary's General Hospital, Thunder Bay Regional Health Sciences Centre, Timmins and District Hospital, Trillium Health Partners, Unity Health Toronto, University Health Network, Waypoint Centre for Mental Health Care, William Osler Health System, Windsor Regional Hospital, Woodstock Hospital

Defendants/Moving Parties

**FACTUM OF THE MOVING PARTIES (HEALTHCARE DEFENDANTS)
(Motion to Dismiss Action)**

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**HICKS MORLEY HAMILTON
STEWART STORIE LLP**

77 King Street West, 39th Floor
Box 371, TD Centre
Toronto ON M5K 1K8

Frank Cesario (LSO No.: 44516P)
Tel: 416.864.7355 Fax: 416.362.9680
E-mail: frank-cesario@hicksmorley.com

Shivani Chopra (LSO No.: 73415Q)
Tel: 416.864.7310 Fax: 416.362.9680
E-mail: shivani-chopra@hicksmorley.com

Lawyers for the Moving Parties (Healthcare
Defendants)

TO: **ROCCO GALATI LAW FIRM PROFESSIONAL CORPORATION**

1062 College Street
Lower Level
Toronto ON M6H 1A9

Rocco Galati (LSO No.: 29488Q)
Tel: 416.530.9684 Fax: 416.530.8129
E-mail: rocco@idirect.com

Lawyers for the Plaintiffs

-10-

AND TO: **MINISTRY OF ATTORNEY GENERAL**
Crown Law Office - Civil
720 Bay Street, 8th Floor
Toronto ON M7A 2S9

Sean Hanley (LSO No.: 41870J)
Tel: 416.326.4479
E-mail: sean.hanley@ontario.ca

Emily Owens
Tel: 416.937.3687
E-mail: emily.owens@ontario.ca

Sean Kissick (LSO No.: 84753L)
Tel: 416.522.7147
E-mail: sean.d.kissick@ontario.ca

Tel: 416.326.4600 Fax: 416.326.4181

Lawyers for the Defendants,
His Majesty the King in Right of Ontario, Ontario Premier Doug Ford, Former
Minister of Health Christine Elliott, Current Minister of Health Sylvia Jones and
Minister of Long Term Care Paul Calandra

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Court File No. CV-22-00685694

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

Michelet Dorceus, Amynah Hirani, Oana-Aadreea Istoc, Shelly Moore,
Carol-Anne Parsons, Anne-Marie Sherk, **(Bayshore Healthcare Workers)**

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Alexandra Newbold, **(Brant Community Healthcare System)**

-and-

Melissa Betts, Catherine Frustaglio, **(Cambridge Memorial Hospital Workers)**

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Cristina Amorim, Lisa Avarino, Chelsea D'Almeida,
(Centre for Addiction and Mental Health Workers (CAMH))

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Danielle Cogghe, Sonia Couto, Amber DePass, Lauren Ives, Roxanne Jones, Desirea
Lamoureux, Karen Metcalfe, Mary Margaret Raaymakers, Michelle Raaymakers, Erin
Robitaille, Karen Roche, Amy Simpson, Erica Sower's-Rumble, Rebecca Verscheure, Tina
Waring, **(Chatham Kent Health Alliance Workers)**

-and-

Mike Belawetz, Jonathon Croley, Mona Hansen, Ryan Kreeft, Brittany Raymond, ~~(City of
Windsor Workers (EMS))~~ **(The Corporation of the County of Essex)**

-and-

Maria Danho, Jennifer Jarrett, Erika Marrie, Crystal Mclean, Danuta Nogal,
Beata Spadafora, Moustafa Yahfoufi **(Community Living Windsor Workers)**

-and-

-12-

Karen Botham, Melissa Del Greco, Katie Friesen, Connie Grossett, (~~David Seion~~),
Nicole Ward (**Erie Shores HealthCare Workers (Leamington hospital)**)

-and-

Debra Bugg, Chantal Demera, Crystal Richardson,
(**Georgian Bay General Hospital Workers**)

-and-

Denise Allan, Hafiza Ally, Csilla Ankuczka, Brian Beatty, Amy Campbell, Bojan Gagic,
Michael Goddard, Jacquie Haugen, Janet Izumi, Danielle Little, Alaa Maloudi, Martin
Mueller, Jody Myers, Diane Radisic, Angela Robinson, Wanda Ropp,
Sarah Roussy, Sherry Roussy, Sarah Samuel, Tatjana Suserski, Erika Toth,
(**Grand River Hospital Workers**)

-and-

Tammy Algera, Jennifer Lefebvre, Melissa Leitch, Brenda Lowe, Jennifer Miske, Vinod
Nair, Nicholas Rourke, Hetty Van Halteren, Jenna Widdes,
(**Grey Bruce Health Services Workers**)

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Sarah (Diane) Acker, Marija Belas, Kathy Cherneske, Sandra Cushing,
Ruth Hanusch Leclerc, Laura-Beth Hewer, Laura Holmquist, Janet Nagy,
(**Halton Healthcare Services Workers**)

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Svitlana Alyonkina, Lisa Augustino, ~~Angelika Biljan~~, Gary Blake, Laura Bosch,
Darla Brocklebank, Ilija Bukorovic, Ryan Cino, Alma Cootauco, Susan Davis, Erica Demers,
Natalie Djurdjevic, Colleen Gair, Katharine Gamble, Loredana Gheorghe,
Mario Gheorghe, Sonja Jankovic, Cheryl Jordan, RosaMaria Jorey, Catherine King,
Ashley Loeffen, Denis Madjar, Merima Mahmutovic, Shirley Morin, Calvin Murphy,
Kristine Osenenko, Katarina Pavlovic, Andrea Power, Naomi Quiring, Brent Scarisbrick,
Jocelyn Scholtens, Sharon Schuur, Rob Shortill, Liza Sibbald, Paola Sivazlian, Bethany Stroh-
Gingrich, Lori Swan, Rachel Thibault, Susan Torenvliet,
Tiffany-Anne Toulouse-Sauve, Brooke Vandewater, Taylor Vanyo, Benjamin Wencel,
Justine Wieczorek, Monika Zawol-Zaprzala
(**Hamilton Health Sciences Workers**)

-and-

Melissa Conley (Erie St.Clair), Janice Fisher (South West), Danielle Nowierski
(Mississauga Halton), Daria Poronik (Toronto Central), Chantelle Seguin (Erie
St.Clair), Veronica Sloan (Hamilton, Niagara, Haldimand, Brant), Trisha Stansfield
(Erie St.Clair), Patricia Weaver (Mississauga Halton),
(**Home and Community Care Support Services Workers**)

-13-

-and-

Jennifer Backle, Cheryl Baldwin, Tony Best, Sonia Carneiro, Melissa DeMelo,
Susan Iori, Camille Mascowe, Antonietta Mongillo Debbie Oliveira, Kristine Sandoval, Felicia
Ing-Tyng Tseng, Melanie Wegera, Nicole Welsh,
(Hospital for Sick Children Workers)

-and-

Shauna Carriere, Jessica Clark-Carroll, Helena Feloniuk-Coaton, Bill Gerassimou, Jane Doe #1,
Biljana Ignjatic-Ovuka, Biljana Josipovic, Tara Lauzon, Aleah Marton, Mihaela Opris,
Salvatore Panzica, Jennifer Pedro, Breanne Poole, Danielle Qawwas, Jonathan Sandor,
Michelynne Tremblay, Kattie Westfall
(Hotel Dieu Grace Healthcare Workers)

-and-

Albrecht Schall, **(Humber River Hospital Worker)**

-and-

Glenda Mendoza, ~~**(Huron Lodge & Schlegel Villages Worker (Aspen Lake))**~~ **(The Corporation of the City of Windsor)**

-and-

Jeanette Bellamy, Odelia DaSilva, Zsuzsanna Kerestely, Wanda MacGrandles, Georgette
Marshall, Kristin Matfin, Stevan Price, Shanna Pendakis, Kathleen Stringer, Martina Vulcan,
Bailey Webster, **(Joseph Brant Hospital Workers)**

-and-

Chelsea Graham, Deborah Hogg, Cathy Houthuys, Jacqueline Vande Pol,
(Lakeridge Health Workers)

-and-

Andrew Adamyk, Andrej Bosnjak, Laurie Bowman, Olga Collins, Tonia Coyle,
Mary Eastman, Chiara Marie Elliot, Cathy Lindsay, Jessica Lindsay, Stephanie Liokossis,
Heather MacNally, Maria Dorothy Moore, Georgia Murphy, Anita Murray, Mark Read,
Katherine Robichaud, Nancy Sawlor, Christopher Squires,
Lisa Starogianie, Allison Walsh, Lisa Wolfs
(London Health Sciences Centre Workers)

-and-

-14-

Sharon Addison, Maxim Avtonomov, Marlene Brouwer, Cassandra Craig, Tasha Crump, Alex D'Souza, Christine L. Ehgoetz, Alyssia Elias, Chuck Evans, Vanessa Gallant, Dawn Greer, Rachel Lambkin, Christine Pritty, Kaitlyn Raso, Zorica Savanovic, Magen Scholtens, Catherine Seguin, Ada Talbot, Lianne Tessier, Megan Tiersma, Victoria Wright (**Niagara Health System Workers**)

-and-

Alison Margaret Bourre, Jenny Brown, Kathleen Burns, Lynne M.S. Cheff, Krista Leckie, Susan Mary Marcotte, Kristy Palmer, Charlene Splichen, Kathy Walsh, Sarah Walter
(**North Bay Regional Health Centre Workers**)

-and-

Sherri Bond, Ronnie Esau, Roman Goldschmidt, Arlene Kalmbach-Pashka, Kelvin Kean, Peter Mason, Kerry Scully, Kevin Snow, Bobbi-Jo Snow, Sheivonn Thompson, Kelly Lynn Woodrow, Goran Zdravkovski
(**Ontario Shores Centre for Mental Health Sciences Workers**)

-and-

Wendy Baerg, Rachel Blake, Paula Burke, Brianna Grantham, Norma Smith, Andrew Wilgress, (**Orillia Soldiers Memorial Hospital Workers**)

-and-

Nataliya Burlakov, Gabriele Caporale, Catherine Cox, Shelley Flynn, Sirpa Joyce, Amy McNutt, Shawn Riopelle, Slaven Savic, Robert Voith, Lori Wells
(**The Ottawa Hospital Workers**)

-and-

Jennifer Dixon, Kim Driver, Alexander Faulkner, Holly McDonald, Mandy Parkes, Katie Jeanette Pattison, Karly Marie Stothart, Breanne Townsend,
(**Peterborough Regional Health Centre**)

-and-

Caseymae (Casey) Brant, Beth Ann Dick, *Cynthia June Jordan*, Matthew Langdon, Amanda Osbourne, Jonathan Raby, Sarah Rogerson, Rachel Runions, Dr. John Doe #1, Stephanie VanderSpruit (~~**Quinte Health Care Workers**~~)
(**Quinte Healthcare Corporation**)

-and-

-15-

Gabriela Borovicanin, Kristen Garcia, Madison Kristensen-Piens,
Robin Millen, Cheryl Payne, Michelle Piens (~~Riverview Gardens Long Term care Chatham-
Kent Workers~~)
(The Corporation of the Municipality of Chatham-Kent)

-and-

Caroline Goulet, Amir Hamed Farahkhiz, (~~The Royal Ottawa Mental Health Care~~)
(The Royal Ottawa Health Care Group)

-and-

Merilyn Gibson, Marcela Kollarova, ~~Bozena Lassak~~, Gabriela Lassak,
~~Gracjana Lassak~~ Justyna Lassak, Paulina Lassak, Crystal Luchkiw, Sasha McArthur, Nadia
Mousseau, Jenny Ramsay,
(Royal Victoria Regional Health Centre Workers)

-and-

Cecile Butt, Darlene Crang, Jocelyn Ford, Melissa Idenouye, Lisa Marie Mountney, Jennifer
Rands-Grimaldi, Judith Schoutsen, Holly Tucker, (~~Saint Elizabeth Home Health Care
Workers~~) **(Saint Elizabeth Health Care)**

-and-

Sheila Daniel, Petrina Mattison, Karleen Smith, Eric Thibodeau, Lucy Thibodeau,
(Scarborough Health Network Workers)

-and-

Sean Filbey, Musette Hoepfner, Glenda Mendoza, Janet Neuts, Cindy Sorenson, Cassandra
Vaseleniuck Dunbar, **(Schlegel Villages Workers)**

-and-

Marina Anisimov, Oleg Anisimov, Cari Bradley, James Langille, Tammy Parker, Kelly
Richards, Amanda Slik, Sheila Stiles, Mary Todd, Nataliya Veremenko, Anna Zamriga,
(Southlake Regional Health Centre Workers)

-and-

Jesse Gratz, Sandra Zurkan, **(St. Joseph's Care Group)**

-and-

-16-

Lisa Autuchiewicz, Alicia Badger, Carly Bennett, Robin de Groot, Charmaine Dupuis, Nikki Greenhow, Cheri Mitchell, Angela Stacey, Wendy Thornton, Alison Wilson,
(St. Joseph's Health Care London Workers)

-and-

Byron Bolton, Michelle Cruz, Renee Daviault, Barb Fisher, Cheryl Jeffrey, Gail Magarrey, Graham Nishikawa, Jennifer Pluck, Rhonda Rohr, Brooke Simpell, Christine Vitez, Stanislaw Wroblewski **(St. Joseph's Health Care Hamilton Workers)**

-and-

Leigh Carroll, Vincent Cromie, Tammy Foster-Grieco, Donna Glenn, Galina Karataeva, Lorrie Poulin, Jelena Sorgic, **(St. Mary's General Hospital Workers)**

-and-

Joan Elizabeth Rosen **(Extendicare)**

-and-

Kyla Balke, Danny Budd, Susan Buob-Corbett, Judith Deschenes, Linda Fieldhouse, Darlene Freeman, Nicholas Kowalczyk, Lorena Legary, Cheri Mantel, Theresa Lynn Noyes, Denise Roy, Rhonda Michelle Rentz, Bryden C. See, Catherine H. See, Cindy Stolz
(Thunder Bay Regional Health Sciences Centre Workers)

-and-

Stephanie Bienias, Angele Bouchard, Tanya Bouvier, Carol Charters, Julie Joanisse-Gillis, Angele Samson **(Timmins and District Hospital Workers)**

-and-

Derick Anderson Jr., Joanna Carabetta, Andrea R. DeVries, Juanita Diorio, Rosa Grobanopoulos, Panagiota Patricia Jovanovic, Katarzyna Kobylinski, Vanessa MacLeish, Rosemary Morgan, Veronica Pereira, Karen Rotham, Tianilla Weigert Corredoura **(Trillium Health Partners Workers)**

-and-

Imelda Agustin, Jessica Boccadoro, Esther Carter, Diana de Medeiros, Bridget Doukas, LesleyAnn Faltine, Raymond Hogue, Tania Ilkiw, Nathan Le, Vincent Le, Julia Ordonez, Jenny Poon, Amedeo Popescu, Rosa Ramos, Ian Samuda, Fawn Schroeder, Sandra Silva, John Doe #2, Ageliki Tzakis, Yuriy Wankiewicz, Lorraine Welsh **(Unity Health Toronto Workers)**

-17-

-and-

Cheryl Bamford, Romana Freitas, Danica Dana Jovanovic, Nadiya Kaminska,
Joanna Kiwak, Magdalena Kulikowski, Anna Piri, Afrodite Vorvis, Danijela Vukovic, Elaine
Walker-Esson (**University Health Network Workers (UHN)**)

-and-

Sarah Boyington, Corinna Gayle, Sara Hampton, Sheila Jean Mackie,
Anna Pavsic, Victoria Tiessen, William Vowels, Josh Wahl
(**Waypoint Centre for Mental Health Care Workers**)

-and-

(WFCC Niagara Health System)

-and-

Michelle Bowler, Margaret Caminero, Jennifer Correia, Judith Dube,
Jennifer Jitta, Joan Knight-Grant, Clayton Lewis, Wetshi Mbotembe, Dolores Peckham,
Jolanta Pietrzykowski, Crystal Simm, Malgorzata Skrzypek-Aviles,
Crestina Tolfo, Irene Veenstra, Jacqueline Watson, Sharon Yandt,
(**William Osler Health System Workers**)

-and-

Sarah Adams, Ashley Bardsley, ~~Diane Boim~~, Michelle Bourgoin,
Esther Grace Brandt, Ada Chiarot, Dayna Crowder, Tommy Dang,
Wendy Douglas, Nicole Faucher, Amanda Foster, Anna Maria Gelinas, Christopher
Gignac, Breanne Gillen, Jessica Hebert, Nidia Ingoldsby, Edua Keresztes, Renata Kreeft,
Rhonda Lamont, Kelly Loch, Jennifer Macri,
Natalie Morrone, Kristina Neufeld, Alexandra Pepin, Clifford Rosen, David Sion, Lisa
Trif, Elizabeth (Liz) Vaughan, Deborah Wiebe,
(**Windsor Regional Hospital Workers**)

-and-

~~Kelly Ciriello~~, Samantha King, Leah Kittmer
(**Woodstock General Hospital Workers**)

Plaintiffs

- and -

HIS MAJESTY THE KING IN RIGHT OF ONTARIO, Ontario Premier Doug Ford, Former Minister of Health Christine Elliot, Current Minister of Health Sylvia Jones, Minister of Long Term Care Paul Calandra, Bayshore Healthcare, Belleville General Hospital, Brant Community Health Care System, Cambridge Memorial Hospital, Centre for Addiction and Mental Health, Chatham-Kent Health Alliance, The Corporation of the County of Essex, Community Living Windsor, Erie Shores HealthCare, Extendicare, Georgian Bay General Hospital, Grand River Hospital. Grey Bruce Health Services, Halton Healthcare Services Corporation, Hamilton Health Services Sciences, ~~Home and Community Care Support Services~~ (Toronto Central Local Health Integration Network, Mississauga Halton Local Health Integration Network, Erie St. Clair Local Health Integration Network, Hamilton Niagara Haldimand Brant Local Health Integration Network, South West Local Health Integration Network), Hospital for Sick Children, Hotel Dieu Grace Healthcare, Humber River Hospital, ~~Huron Lodge Long Term Care Home~~ The Corporation of the City of Windsor, Joseph Brant Hospital, Lakeridge Health, London Health Services, Niagara Health System, North Bay Regional Health Centre, Ontario Shores Centre for Mental Health Sciences, Orillia Soldiers Memorial Hospital, The Ottawa Hospital, Peterborough Regional Health Centre, ~~Quinte Health Care~~ Quinte Healthcare Corporation, ~~Riverview Gardens Long Term Care~~ Chatham-Kent The Corporation of the Municipality of Chatham-Kent, Royal Ottawa Health Care Group, Royal Victoria Regional Health Care, Saint Elizabeth Health Care, Scarborough Health Network, Schlegel Village, Southlake Regional Health Centre, St. Joseph's Care Group, St. Joseph's Health Care London, St. Joseph's Health System, St. Mary's General Hospital, Thunder Bay Regional Health Sciences Centre, Timmins and District Hospital, Trillium Health Partners, Unity Health Toronto, University Health Network, Waypoint Centre for Mental Health Care, William Osler Health System, Windsor Regional Hospital, Woodstock Hospital

Defendants/Moving Parties

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**FACTUM OF THE MOVING PARTIES (HEALTHCARE DEFENDANTS)
(Motion to Dismiss Action)**

PART I - OVERVIEW

1. This Action was commenced by 473 plaintiffs against 59 separate healthcare and government entities. Some, but not all of the plaintiffs enjoyed either an employment or privileging relationship with one of the defendants. More than 80% (i.e., 387 out of 473) of the Plaintiffs in the Action are unionized.¹

2. The Action is the Plaintiffs' collective protest against the responses of the legislature, government officials, and various healthcare providers to the COVID-19 pandemic in Ontario on numerous fronts including, but not limited to, the implementation of workplace Vaccination Policies. The Plaintiffs make allegations of civil and criminal wrongdoing against 59 defendants; they also seek monetary damages and injunctive relief (which they have not pursued to-date).

3. This factum is filed on behalf of **54** of the Defendants² (the "**Moving Parties**"), comprising all of the Defendants *other than* the Crown and individual government officials (those Crown/government official parties have also brought a motion to dismiss, being heard at the same time as the Moving Parties' motion).

4. This Action is untenable with no reasonable chance of success. To borrow Justice Chalmers' phrasing in *Galati v. Toews et al*³, the pleading is prolix, argumentative, advances pseudo-legal concepts and conspiracy theories, and has no reasonable chance for success. Consequently, the Moving Parties seek an Order striking out the Plaintiffs' (the "**Responding**

¹ Please note that three of the Plaintiffs, Debra Bugg, Brenda Lowe, and Trisha Stansfield have filed a Notice of Discontinuance and are not longer parties to this Action. As a result, there are now 470 plaintiffs. Of those 470 plaintiffs, 384 are unionized.

² A list of the Moving Parties is attached as **Appendix A**.

³ [*Galati v. Toews et al*](#), 2023 ONSC 7508, at para 75.

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Parties”) Amended Statement of Claim (the “Amended Claim”), without leave to amend, on four grounds:

5. First, the Court lacks jurisdiction with respect to the claims of those Plaintiffs who are, or were, unionized employees because exclusive jurisdiction over their claims rests with the Ontario labour relations regime, pursuant to the Ontario *Labour Relations Act, 1995* and binding jurisprudence of the Supreme Court of Canada. The Court also lacks jurisdiction over the seven Plaintiffs whose claims relate to the revocation or reinstatement of their hospital privileges, because those claims are subject to the jurisdiction and statutory regime set out in the *Public Hospitals Act*.⁴

6. Second, the Action is vexatious, oppressive and an abuse of the Court’s process. The Action – described in the Amended Claim spanning 58 pages – is unwieldy, overly broadly cast, seeks to have what are effectively 473 individual actions proceed as one claim, and portends the opposite of a just, expeditious and least expensive determination of the proceeding. The Amended Claim is also replete with argumentative, pseudo-scientific rhetoric and is premised on thinly veiled, unfounded, and inflammatory attacks presented as fact.

7. Third, the Amended Claim does not disclose any reasonable cause of action, or any claims which are known or tenable in law.

8. Fourth, the *Charter* does not apply to 44 of the 54 Moving Parties and therefore they are not properly subject to a Claim alleging various breaches of the *Charter*, nor are they liable for damages on such basis.

⁴ See attached at **Appendix B** the Chart of Unionized Plaintiffs which includes each Unionized Plaintiff’s name, position, bargaining agent, related Defendant, and related paragraphs within the Affidavit of Karen-Anne Thomson (“Thomson Affidavit”). See attached at **Appendix C**, the Chart of Credentialed Staff Plaintiffs which includes each of these Plaintiffs’ name, position, bargaining agent, related Defendant, and related paragraphs within the Thomson Affidavit.

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PART II - SUMMARY OF FACTS

9. The Plaintiffs commenced this Action by issuing a Statement of Claim on August 17, 2022. The Amended Claim was served on February 3, 2023, however, it was not filed with the court until July 14, 2023.

10. The Amended Claim is unduly long and difficult to decipher; however; the Moving Parties will attempt to summarize the claims for purposes of this motion as follows.

11. The Plaintiffs primarily appear to be seeking declaratory and relief relating to “Directive #6” which was issued by the Ministry of Health on August 17, 2021, and applied to various healthcare organizations. Per Directive #6, the Moving Parties were required to develop and implement a COVID-19 vaccination policy. Directive #6 did not address how COVID-19 vaccination policies were to be enforced, including with respect to potential consequences for non-compliance. The focus of Directive #6 was to address risks to patients and health care system capacity from the (re)introduction of COVID-19 into healthcare settings. On March 14, 2022, Directive #6 was revoked.⁵

12. The Plaintiffs have alleged that the Moving Parties, through the implementation of their vaccination policies, engaged in: the “tort of conspiracy to deprive [the Plaintiffs] of their constitutional rights”; the tort of intimidation; and the tort of intentional infliction of mental anguish.

13. The Plaintiffs have also alleged a violation of their *Charter* and constitutional rights and seek a variety of remedies under s. 24(1) of the *Charter*.

14. In addition to these claims, the Plaintiffs have also made, amongst others, the following allegations:

- (a) there is and was no COVID-19 pandemic;

⁵ Paragraph 1(a) of the Amended Claim.

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- (b) the SARS-CoV-2 virus has not been identified or isolated;
- (c) COVID-19 vaccines do not prevent transmission of COVID-19;
- (d) mandatory vaccine policies constitute a “Crime Against Humanity; and
- (e) COVID-19 vaccines have created the variants of the COVID-19 virus.

15. Finally, the Plaintiffs seek various forms of declaratory relief – for example, declarations that: (a) sections of the *Health Protection and Promotion Act* (the “**HPPA**”) and the *Crown Liability and Proceedings Act* (the “**CLPA**”) are unconstitutional and of no force and effect; (b) certain emergency measures put in place by government and employers during the COVID-19 pandemic constitute crimes against humanity; and (c) polymerase chain reaction (“**PCR**”) testing constitutes a criminal act.

16. The Moving Parties comprise 50 distinct corporate organizations, generally providing a range of healthcare services in Ontario. These organizations vary widely in terms of size, scope of operations, number of employees, services provided, and geographic location. The Moving Parties are separate organizations; with their own employment relationships with their respective employees (including those employees who are Plaintiffs); and the Moving Parties do not all have identical Vaccination policies.

17. Of the 473 named Plaintiffs (not including anonymized “John Doe” or “Jane Doe” Plaintiffs), 387 are represented in their employment by a certified bargaining agent (the “**Unionized Plaintiffs**”, see **Appendix B**). The remainder are not represented by a certified bargaining agent (the “**Non-Unionized Plaintiffs**”)

18. The Unionized Plaintiffs have access to robust grievance procedures through their collective agreements and the application of the Ontario *Labour Relations Act, 1995* (“*OLRA*”).⁶ As an example, many of the Plaintiffs are governed by the Ontario Nurses Association central collective agreement language. The grievance provision at Article 7.01 defines a grievance

⁶ See, for example, Exhibit “864” of the Thomson Affidavit which includes the Ontario Nurses Association central collective agreement language.

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broadly as “a difference arising between the parties relating to the interpretation, application, administration or alleged violation of the Agreement including any question as to whether a matter is arbitrable.” Article 7.07 provides that where a grievance cannot be resolved through the grievance process, “any grievance between the parties arising from the interpretation, application, administration or alleged violation of this Agreement, including any question as to whether a matter is arbitrable [...] may be submitted to arbitration.” Similar language exists across all of the collective agreements that are relevant to this matter.

19. In addition, eight of the Plaintiffs were staff of one of the Moving Parties who possessed privileges to access the Moving Parties’ facilities by virtue of the Moving Parties’ specific by-laws (the “**Credentialed Staff Plaintiffs**”, see **Appendix C**). Of the Credentialed Staff Plaintiffs, seven were Physicians who were granted privileges per the respective hospital’s by-laws and the *Public Hospitals Act* regime.⁷

20. The Moving Parties submit that the Court lacks jurisdiction to proceed with this Action commenced by unionized plaintiffs by virtue of the OLRA, and against the credentialed physician plaintiffs by virtue of the *Public Hospitals Act*. Finally, the Moving Parties submit that the Action must be wholly dismissed against **all Plaintiffs** on the basis that: (a) the Action is vexatious, oppressive and an abuse of the court process; (b) it does not disclose any reasonable cause of action; and (c) the *Charter* does not apply to 44 of the 54 Moving Parties and therefore they are not properly subject to a Claim alleging various breaches of the *Charter*, nor are they liable for damages on such basis.

PART III - STATEMENT OF ISSUES, LAW & AUTHORITIES

(A) *The Court Lacks the Jurisdiction Over this Action*

21. Rule 21.01(3)(a) provides that a defendant may move to have an action dismissed on the ground that the Court has no jurisdiction over the subject matter of the Action.⁸

⁷ See **Appendix B** for a list of the respective Plaintiffs.

⁸ [Rules of Civil Procedure](#), RRO 1990, Reg 194, Rule 21.01(3)(a) [“**Rules**”].

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22. The Moving Parties submit that the Court lacks jurisdiction with respect to the unionized Plaintiffs because exclusive jurisdiction over their claims rests with the Ontario labour relations regime pursuant to the OLRA. Similarly, the Court lacks jurisdiction over seven Plaintiffs respecting their claims relating to or arising from the revocation or reinstatement of those Plaintiffs' hospital privileges, because those claims are subject to the exclusive jurisdiction and statutory regime set out in the *Public Hospitals Act*.

23. Accordingly, the Action advanced on behalf of these Plaintiffs ought to be dismissed under Rule 21.01(3)(a) due to a lack of jurisdiction.

(i) The Court Lacks Jurisdiction under the *Labour Relations Act, 1995*

24. The relationship between unionized employees and their employer is subject to the labour relations scheme mandated by the OLRA. Under the OLRA, the union is the employees' exclusive bargaining agent and represents them in their relationship with their employer.⁹ Canadian courts have long recognized that disputes arising out of the interpretation, application, administration or violation of a collective agreement are within the exclusive jurisdiction of labour arbitrators.

25. Regardless of whether a collective agreement has actually been created, any collective agreement in Ontario must include a provision that disputes arising from a collective agreement must be settled at arbitration:

48(1) Every collective agreement shall provide for the final and binding settlement by arbitration, without stoppage of work, of all differences between the parties arising from the interpretation, application, administration or allege violation of the agreement, including any question as to whether a matter is arbitrable.¹⁰

⁹ *Labour Relations Act, 1995*, s. 45(1), S.O. 1995, c.1, Sched. A; *Syndicat Catholique des Employes de Magasins de Quebec, Inc. v. Compagnie Paquet Ltee*, [1959] SCR 206 at pgs. 212 & 214; *McGavin Toastmaster Ltd. v. Ainscough et al.*, [1976] 1 SCR 718 at pg. 724; *Loyalist College of Applied Arts and Technology v. Ontario Public Service Employees Union*, 2003 CanLII 29709 (ON CA) at para. 37, leave to appeal refused (Nov. 20, 2003) (S.C.C.); *Weber v. Ontario Hydro*, [1995] 2 SCR 929 at para. 58 (“Weber”).

¹⁰ *Labour Relations Act, 1995*, s. 48(1), S.O. 1995, c.1, Sched. A

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26. The effect of these provisions is to preclude court actions relating to claims that arise under a collective agreement and to restrict the remedies available in such cases to those found in a collective agreement.¹¹

(ii) The Arbitrator's Exclusive Jurisdiction

27. The Supreme Court of Canada has repeatedly made clear that labour arbitrators have “exclusive jurisdiction” over disputes that expressly or inferentially arise out of a collective agreement. This principle was stated in the leading case, *Weber v. Ontario Hydro*, as follows:

The issue is not whether the action, defined legally, is independent of the collective agreement, but rather whether the dispute is one arising under the collective agreement. Where the dispute, regardless of how it may be characterized legally, arises under the collective agreement, then the jurisdiction to resolve it lies exclusively with the labour tribunal and the courts cannot try it.¹²

28. The Supreme Court confirmed the same principle in *Allen v. Alberta*:

Simply, the decision-maker must determine whether, having examined the factual context of the dispute, its essential character concerns a subject matter that is covered by the collective agreement. Upon determining the essential character of the dispute, the decision-maker must examine the provisions of the collective agreement to determine whether it contemplates such factual situations. It is clear that the collective agreement need not provide for the subject-matter of the dispute explicitly. If the essential character of the dispute arises either explicitly or implicitly, from the interpretation, application, administration or violation of the collective agreement, the dispute is within the sole jurisdiction of an arbitrator to decide.¹³

29. The seminal decision in *Weber*, and the unbroken line of decisions following it, dictate that disputes that arise out of the interpretation, application, administration or violation of the Collective Agreement are within the exclusive jurisdiction of labour arbitrators. Courts have

¹¹ *St. Anne Nackawic Pulp & Paper v. CPU*, [1986] 1 SCR 704 at pgs. 718-719, 720-721, (“*St. Anne*”); *Weber, supra*, at paras. 50-58; *Coleman v. Demers*, 2007 CanLII 7526 (ON SC) at para. 21, (“*Coleman*”)

¹² *Weber, supra*, at para. 43 [emphasis added]

¹³ *Allen v. Alberta*, [2003] 1 SCR 128, at para. 15 [emphasis added]

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interpreted the jurisdiction of labour arbitrators broadly.¹⁴ The courts do not have “overlapping” or “concurrent” jurisdiction with a labour arbitrator. If a dispute is within the jurisdiction of a labour arbitrator, the Court has no jurisdiction to consider it.¹⁵

30. The rationale for granting exclusive jurisdiction to arbitrators is simple: allowing such disputes to proceed in the courts when there is comprehensive statutory scheme designed to govern all aspects of the employer-employee relationship would subvert both the employer-employee relationship and the statutory scheme. The Supreme Court of Canada articulated this point in *Regina Police Assn. v. Regina (City) Board of Police Commissioner*:

The underlying rationale for the approach to determining jurisdiction set out in *Weber, supra*, was based, in part, on the recognition that it would do violence to a comprehensive statutory scheme, designed to govern all aspects of the relationship between parties in a labour relations setting, to allow disputes to be heard in a forum other than that specified in the scheme: see, e.g., *St. Anne Nackawic, supra*, at p. 721; *Weber*, at para. 46.¹⁶

31. The key consideration in determining whether a labour arbitrator has jurisdiction over a dispute is not how the legal issues are pleaded or framed in the Amended Claim, but rather what is the essential character of the dispute.¹⁷

32. Moreover, the Supreme Court of Canada and the Ontario Court of Appeal have also made clear that labour arbitrators have not only the power, but the exclusive right, to adjudicate the claims and to remedy wrongs arising from the alleged wrongful dismissal of unionized employees. As noted in *Weber*:

[A] review of decisions over the past few years reveals the following claims among those over which the courts have been found to lack jurisdiction: wrongful dismissal; bad faith on the part of the union; conspiracy and constructive dismissal; and damage to reputation.¹⁸ [emphasis added]

¹⁴ *Vaughan v. Canada*, [2005] 1 S.C.R. 146, at para. 13 [“*Vaughan*”]

¹⁵ *St. Anne, supra*, at p. 720; *Weber, supra*, at para. 58. See as well *Vaughan*, at para. 13

¹⁶ *Regina Police Assn. Inc. v. Regina (City) Board of Police Commissioners*, [2000] 1 S.C.R. 360, at para. 34.

¹⁷ *Weber, supra*, at paras. 43 and 45; *Brown v. University of Windsor*, 2016 ONCA 431 (CanLII), at para. 45

¹⁸ *Weber, supra*, para. 53

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33. In *New Brunswick v O'Leary*, which is the Supreme Court of Canada's companion decision to *Weber*, the Court found that the principles in *Weber* apply to tort claims, including causes of action based in negligence, in relation to unionized employees governed by a collective agreement. The unanimous Supreme Court of Canada held that a court will only have jurisdiction over the dispute if it is established that the claims do not arise expressly or inferentially out of the collective agreement:

It follows from this that the Court of Appeal erred in stating without qualification that “[n]egligence can be the subject of an action independent of the collective agreement” (p. 160). **In fact, negligence can be the subject of an action only if the dispute does not arise from the collective agreement. ...**

Here the agreement does not expressly refer to employee negligence in the course of work. However, such negligence impliedly falls under the collective agreement. Again, it must be underscored that it is the essential character of the difference between the parties, not the legal framework in which the dispute is cast, which will be determinative of the appropriate forum for settlement of the issue.¹⁹

34. The courts have consistently found that arbitrators have jurisdiction to award damages for tort claims where those claims arise from an alleged breach of a collective agreement. Further, this remedial authority precludes the assumption of jurisdiction by a court, even if the type or quantum of the remedies available at arbitration differ from those that may be awarded by a court. In *Giorno v. Pappas*, the Ontario Court of Appeal stated the law:

It is of no moment that arbitrators may not always have approached the awarding of damages in the same way that courts have awarded damages in tort. ...

What is important is that the arbitrator is empowered to remedy the wrong. If that is so, then where the essential character of the dispute is covered by the collective agreement, to require that it be arbitrated, not litigated in the courts, causes no “real deprivation of ultimate remedy”.²⁰

¹⁹ *New Brunswick v. O'Leary*, 1995 CanLII 109 (SCC), at paras. 4 and 6 (“*O'Leary*”)

²⁰ *Giorno v Pappas* (1999), 42 O.R. (3d) 626 (CA), at pp. 630-631

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35. Since *Weber*, the Supreme Court of Canada and the Ontario Court of Appeal have both confirmed that the analysis favoured in *Weber* is not restricted to circumstances where the dispute arises out of matters that are subject of an existing collective agreement. In fact, the provincial labour relations regime is structured such that the principles of deference to labour arbitrators and to the Board apply, even if there is no collective agreement in place between a union and an employer.²¹

(iii) The Unionized Plaintiffs' Claims Are Under the Exclusive Jurisdiction of a Labour Arbitrator

36. The core dispute of the Unionized Plaintiffs' claims as against the Moving Parties is that they were wrongfully dismissed or wrongfully placed on leave without pay as a result of their employer's COVID-19 vaccination policy and are, therefore, owed damages for lost compensation, as well as punitive and general damages. The Unionized Plaintiffs have also raised tort claims and constitutional/*Charter* claims in relation to the allegation that they were wrongfully dismissed or wrongfully placed on leave without pay.²² These tort and constitutional/*Charter* claims are also grounded in the workplace and the employment relationship.

37. Courts in Ontario have repeatedly confirmed that employment claims for damages or wages arising from the dismissal of unionized employees are disputes whose essential character are properly addressed through the labour relations regime and by labour arbitrators.²³ Same is true of tort claims advanced by unionized employees.²⁴

²¹ *Roberts v. Serca Foodservice Inc.*, 2001 CanLII 28315 (ON SC) at paras. 14-16; *Myrtezaj v. Cintas Canada Ltd.*, 2008 ONCA 277, at paras. 38-43; *Gendron v. Supply & Services Union of the P.S.A.C., Local 50057*, 1990 CanLII 110 (SCC), at pgs 1322 and 1326; *Dagher v. McDonnell-Ronald Limousine Service Ltd.*, 1999 CanLII 9305 (ON CA), at paras. 18 & 22

²² See paragraphs 4(a) 25, 54(a), 57(b) and (d), 64(a), 66(a), 78(a), of the Amended Claim.

²³ *Weber*, *supra*, at paras. 43 and 45; *Claxton v. BML Multi Trades Group Ltd.*, 2003 CanLII 34634 (ON CA) at paras. 13-15; *Coleman*, *supra*; *McKeown v. Toronto Star Newspapers Limited*, 2014 ONSC 4159 (CanLII) (“*McKeown*”), at paras. 32-33 and 37-38; *Santos v Crawford Roofing*, 2015 ONSC 4201 (CanLII), (“*Santos*”), at paras. 6-8

²⁴ *Supra*, notes 13 and 14.

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38. The Ontario Court of Appeal has determined that alleged harms suffered by employees, as a result of their employers' policies and practices in response to the COVID-19 pandemic, are properly addressed by way of grievance proceedings:

At its core, the harm at issue was the potential for being placed on leave without pay or terminated under the Policy, if an employee chose to remain unvaccinated. The appellant's members were not being forced to be vaccinated, denied bodily autonomy, or denied the right to give informed consent to vaccination. They could choose to be vaccinated or not. If they chose not to be vaccinated, they faced being placed on unpaid leave or having their employment terminated. This potential harm is fundamentally related to employment. It is harm which an arbitrator has the tools to remedy.²⁵

39. Courts have generally only permitted employees to circumvent the union's role and initiate proceedings in the following three circumstances:

- (a) where the collective agreement confers a right on an individual employee to bring a matter to arbitration,
- (b) where the union takes a position that is adverse in interest to the employee; and,
- (c) where the union's representation of the employee has been so deficient that the employee should be given a right to pursue judicial review.²⁶

40. None of these exceptions are either asserted or applicable in the present case.

41. There is no basis to depart from the governing law which gives arbitrators exclusive jurisdiction over the subject matter of the Unionized Plaintiffs' claims. The claims against the Moving Parties all relate to the implementation of their vaccination policies and the impact of those policies on the Unionized Plaintiffs' employment. The implementation and alleged effect of a workplace policy clearly falls under the application of a collective agreement and the principles in *Weber*. This is evidenced (among other things) by the fact that a number of the Unionized Plaintiffs have filed individual grievances (or formed part of a group grievance)

²⁵ [*National Organized Workers Union v Sinai Health System*](#), 2022 ONCA 802 at para 38

²⁶ [*Jan Wong v. The Globe and Mail Inc.*](#), 2014 ONSC 6372 at para 20 and 24.

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challenging the implementation of the vaccination policy or the impact of the policy on their employment.²⁷

42. While the Amended Claim attempts to characterize these claims as tort or *Charter* claims, the law is clear that those characterizations do not take the claims out of the realm of the labour arbitration regime. As long as the claims *in substance* relate to the employment circumstances of unionized employees, they continue to fall under the exclusive jurisdiction of the labour relations regime in Ontario and ought to be dismissed by courts.

(iv) The Court Lacks Jurisdiction Over Privilege Claims under the *Public Hospitals Act*

43. There are eight Plaintiffs listed within the Amended Claim whose claims relate to their hospital privileges.²⁸ Of these eight Plaintiffs, seven are Physicians (the “**Physician Plaintiffs**”) whose claims are subject to the exclusive jurisdiction of the governing body of the respective hospital and the Health Professionals Appeal and Review Board (“**HPARB**”) as set out in the *Public Hospitals Act*.²⁹

44. The *Public Hospitals Act* sets out a comprehensive code for the process for an individual to both receive hospital privilege and have those privileges revoked, as well as appeal any decision with respect to their hospital privileges or appointment. Under section 36 of the *Public Hospitals Act*, the governing body of a hospital may:

- (a) appoint physicians to a group of the medical staff of the hospital established by the by-laws;
- (b) determine the hospital privileges to be attached to the appointment of a member of the staff; and
- (c) revoke or suspend the appointment of or refuse to reappoint a member of the medical staff.³⁰

²⁷ A total of 270 policy, group, or individual grievances were filed on behalf of, or in relation to, the Unionized Plaintiffs. These grievances are summarized within the Thomson Affidavit. See Exhibits “13541,” “13965,” “13685,” “3884,” “13449,” “14226,” “14228,” “14227,” “13963” of the Thomson Affidavit for examples of the grievances that were filed.

²⁸ See **Appendix C** for a list of the Plaintiffs whose claims relate to their hospital privileges

²⁹ [R.S.O. 1990, C P.40](#).

³⁰ *Ibid* at s. 36

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45. The decision of the governing body of the hospital to revoke or suspend the appointment of medical staff may come at the recommendation of the Medical Advisory Committee.³¹ Section 37 of the *Public Hospitals Act* provides the process whereby a medical professional can request a hearing before the governing body of the hospital with respect to their hospital privileges or appointment.

46. Section 41 of the *Public Hospitals Act* provides the process whereby a medical professional can appeal the decision of the governing body of the hospital with respect to their hospital privileges or appointment. This appeal is heard by the HPARB.

47. The parties to such a proceeding may apply for judicial review of the decision of the HPARB to the Divisional Court.³²

48. The *Public Hospitals Act* provides a complete code for governing the determination of issues related to privileges for members of a hospital's professional staff. The court lacks jurisdiction to hear the claim of the Physician Plaintiffs as their dispute with respect to their hospital privileges properly falls under the *Public Hospitals Act*.

49. In *Beiko v Hotel Dieu Hospital St Catherine's*, the Ontario Superior Court considered the impact of the *Public Hospitals Act* on its jurisdiction, holding as follows:

It seems to me that in establishing such a comprehensive code to deal with issues of privilege, it is not open for this Court to usurp the statutory regime by conducting a hearing independent from the process as set out in the Act. This Court lacks the jurisdiction to do so. In my view, parties do not have access to the Court to determine issues of privilege in the absence of following the statutory route. ...

To permit applicants to commence actions for damages on a privilege issue without following the statutory process would result in a system whereby a dissatisfied party would be able to bypass

³¹ *Ibid* at s. 35 and 37.

³² *Ibid* at s. 43(1).

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the specialized tribunal, a result that, in my view, is not permitted under the Act.³³

50. The decision was upheld by the Ontario Court of Appeal which found:

The motion judge reviewed the [*Public Hospitals Act*] in detail and concluded that the legislature had established “a comprehensive code under which the hospital determines privileges for a member of staff.” He then found, again following a careful review of the record, that “[i]n the circumstances of this case, the allocation of OR time is a matter of privilege which was determined under the regime set out in the Act.” In our view, these conclusions are unassailable and fit comfortably within the analytical framework set out in *Weber v. Ontario Hydro*, 1995 CanLII 108 (SCC), [1995] 2 S.C.R. 929 (S.C.C.). The appellants’ complaint is about their access to the respondents’ operating rooms. The essence of this complaint is about an alteration in the crucial professional privilege the appellants enjoy at the hospital. As such, their complaint is amenable to the statutory review and appeal regime established by the [*Public Hospitals Act*].³⁴

Each of the Physician Plaintiffs have requested reinstatement of their hospital privileges. This is squarely an issue with these Plaintiffs’ hospital privileges and falls under the procedure outlined in the *Public Hospitals Act*.

51. The Physician Plaintiffs must raise their claims with respect to their hospital privileges with the governing body of the hospital and the HPARB, as those are the entities empowered by the legislature to address privilege-related claims at first instance. There is no basis to depart from the previous case law establishing the exclusive jurisdiction of the governing body of the hospital and the HPARB to hear these claims. These claims ought to be dismissed.

³³ [Beiko v Hotel Dieu Hospital St Catherines](#), 2007 CanLII 1912 (ON SC) at paras. 53-54.

³⁴ [Beiko v. Hotel Dieu Hospital St. Catharines](#), 2007 ONCA 860 at para 4.

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(B) *The Action Constitutes an Abuse of the Court's Process*

(i) *Applicable Rules*

52. This Action must also be struck pursuant to Rule 1.04(1), Rule 21.01(3)(d) and/or Rule 25.11 because the Amended Claim is vexatious, oppressive and the litigation itself constitutes an abuse of the Court's process.

53. Rule 1.04(1) provides that the *Rules* shall be liberally construed to secure the just, most expeditious and least expensive determination of every civil proceeding on its merits.³⁵

54. Further to the basic principles set out at Rule 1.04(1), Rule 21.01(3)(d) allows this court to dismiss an action on the ground that a Claim is an abuse of the court's process:

21.01 (3) A defendant may move before a judge to have an action stayed or dismissed on the ground that, [...]

(d) the action is frivolous or vexatious or is otherwise an abuse of the process of the court, and the judge may make an order or grant judgment accordingly.³⁶

55. Finally, Rule 25.11 provides that a pleading that may prejudice or delay the fair trial of an action, and is scandalous, frivolous, vexatious or an abuse of process, may be struck.³⁷

56. The doctrine of abuse of process has been authoritatively described as follows:

The doctrine of abuse of process engages the inherent power of the court to prevent the misuse of its procedure, in a way that would be manifestly unfair to a party to the litigation before it or would in some other way bring the administration of justice into disrepute. It is a flexible doctrine unencumbered by the specific requirements of concepts such as issue estoppel.³⁸ [emphasis added]

57. These Rules work in conjunction with one another to ensure that litigation in Ontario is just, focused and workable. The structure of this Action will make it very difficult, if

³⁵ [Rules](#), r. 1.04(1).

³⁶ [Rules](#), r. 21.01(3)(d).

³⁷ [Rules](#), r. 25.11.

³⁸ [Toronto v. C.U.P.E., Local 79](#), 2003 SCC 63, at para. 37 [“*City of Toronto*”].

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not impossible, for these guiding principles to be met. Rather, the Moving Parties submit that this Action runs counter to the basic principles of expediency and prudence prescribed by the *Rules*, for reasons described in further detail below.

(ii) Prejudicial Scope of the Action

58. In certain cases, the consolidation of multiple actions may be an appropriate and efficient use of the Court's time and resources. The threshold test is that the actions must appear to have a question of law or fact in common or claim relief arising out of the same transaction or series of transactions or occurrences.³⁹ However, as an overarching principle, the Court must also determine whether consolidation would achieve the just, most expeditious and least expensive determination of the proceedings in accordance with Rule 1.04.

59. This case does not meet that threshold. It would be inappropriate to allow what are effectively 473 individual Actions to proceed as one claim.

60. The Plaintiffs' claims do not share common questions of fact. The Plaintiffs' reasons for not becoming vaccinated, their requests for exemption (if any) from the application of COVID-19 policies, and the response by the respective Moving Party to Policy non-compliance are not common amongst or between the Parties. To litigate this Action, the circumstances of each individual Plaintiff would have to be carefully reviewed.

61. Second, the Action does not arise out of a common transaction, or series of transactions. Again, the context, content, implementation, and enforcement of COVID-19 policies in various workplaces is specific to each employer. The actions of each individual employer cannot be reduced to a monolithic event or series of events. The Moving Parties – which are institutions of widely varying size and scope, located in different geographic areas – each implemented internal workplace management policies in the face of the COVID-19 pandemic and applied those management strategies only to their own employees. The Moving Parties do not all share identical interests, or identical operating procedures or identical internal

³⁹ [Riva Plumbing v Ferrari et al.](#), 2017 ONSC 3614 (CanLII), at para. 2.

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policies.⁴⁰ As only one example of the complexity amongst and between the Moving Parties, Bayshore Healthcare alone enforces 4 different COVID-19 policies for various staff members.⁴¹

62. Even if the threshold test were met, the Action does not satisfy the overarching principles of reaching a just, expeditious and least expensive determination of the proceedings on its merits. As currently plead, this Action hinders the achievement of these objectives.

63. There are nearly 473 named Plaintiffs and 54 named Defendants (including 50 corporate Defendants) named in this Action, including the government defendants. Based on both the number of parties to the Action, as well as the lack of commonality among and between the Parties, it will take enormous amounts of time and money to litigate this Action. This is clearly not an efficient use of the Court's time and resources. This is evident from the 23-volume, 13,000 page record which the Moving Parties have had to submit in support of this Motion, to give even basic facts relating to the individual Plaintiffs' claims.

64. If the Action were to proceed, the examination for discovery process alone would require hundreds of hours of preparation for counsel and deponents, multiple months of discovery, and hundreds of thousands of dollars in costs. Judges have taken these practical realities into account when presiding over Rule 21.01 motions.⁴²

65. Similarly, although the Action was commenced in Toronto, the vast majority of the Responding Parties as well as the Moving Parties are located outside of Toronto. The locations of the Moving Parties alone range from places such as Thunder Bay, Kingston, Hamilton, and Windsor. Again, this disparity in locations amongst the Parties will hinder the convenient administration of justice and will run counter to the basic principles of expediency and prudence prescribed by the *Rules*.

66. The Action must be struck as it is impractical and prohibitive to all Parties.

⁴⁰ See, for example: Exhibits 10 – 13, 30, 49, 63, 85, of the Thomson Affidavit, pp. 369-382, 419-426, 460-467, 491-498, 537-540.

⁴¹ Exhibits 10 – 13 of the Thomson Affidavit, pp. 369-382.

⁴² See, for example: [Kurdina v. Toronto Police Services Board](#), 2008 CanLII 66629 (ON SC), at para. 14.

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(iii) Improperly Vexatious and Frivolous Pleadings

67. The Amended Claim does not comply with Rules 25.06 and 25.11.

68. Rule 25.06(1) requires that pleadings contain a concise statement of the material facts on which the party relies for the claim or defence, but not the evidence by which those facts are to be proved.⁴³

69. Many of the statements tendered as “fact” in the Amended Claim are actually evidence. For example, paragraphs 44 and 45 of the Amended Claim state:

The COVID-19 “vaccines” are not “vaccines”. They have not gone through the required protocols nor trials. Their human trials are to end in 2023. They are “emergency use” “medical experimentation” as medically and historically understood.

Therefore, at this moment, they are admittedly “medical experimentation”. Medical experimentation without voluntary, informed consent, is a Crime Against Humanity born out of the Nuremberg Code, following the Nazi experimentation under the Nazi regime. [...] ⁴⁴

70. This argumentative, pseudo-scientific, and harmful rhetoric is riddled throughout the Amended Claim.⁴⁵ There is no reasonable basis for statements such as “COVID-19 measures have caused, to a factor of a minimum of five (5) to one (1), more deaths than the actual purported COVID-19 has caused”⁴⁶.

71. In addition to violating the principle in Rule 25.06(1), the purported “facts” pleaded in the Amended Claim are also scandalous, vexatious and oppressive, and therefore the Amended Claim violates Rule 25.11.

⁴³ Rules, r. 25.11.

⁴⁴ Amended Claim, at paras. 44-45.

⁴⁵ Paragraphs 21; 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49; 54; 68; 79(a); and 79(d)(i) of the Amended Claim.

⁴⁶ Labour Relations Act, 1995, S.O. 1995, c. 1, Sched. A

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72. A scandalous pleading includes those parts of a pleading which are irrelevant, argumentative, or inserted for colour, and unfounded and inflammatory attacks on the integrity of a party.⁴⁷

73. The Amended Claim contains unfounded and inflammatory attacks which have been incorrectly characterized as fact. For example, paragraph 30 of the Amended Claim states: “the fact is, that there is no, and there has not been a “COVID-19” “Pandemic” beyond and/or exceeding the consequences of the fall-out of the pre-covid annual flu or influenza”.⁴⁸

74. Such statements conflict with case law wherein courts have taken judicial notice of the COVID-19 pandemic and its impacts. For example, in *R v Morgan*, the Ontario Court of Appeal took judicial notice of the “fact of the COVID-19 pandemic, its impact on Canadians generally, and the current state of medical knowledge of the virus, including its mode of transmission”.⁴⁹ Similarly, in *R v Rajan*, the Court stated that “proof with respect to many COVID-19 factual issues, including the importance of physical distancing, is quintessentially a matter for judicial notice. No evidence need be tendered”.⁵⁰ Finally, Justice Megaw of the Court of King’s Bench for Saskatchewan took judicial notice of the efficacy of COVID-19 vaccination:

Finally, and perhaps most directly relevant to the matters before the Court here, I conclude I am able to take judicial notice that the Pfizer Covid-19 vaccination is safe and effective for use in people, including both adults and children. I form this conclusion by taking judicial notice of the vaccine approval process in Canada and the approval by the health authorities of this particular vaccine. To argue it is experimental as is put forth by the mother and her supporting affidavits is not in accordance with the general knowledge available regarding this approval process and implementation.⁵¹

⁴⁷ *Huachangda Canada Holdings Inc. v. Solcz Group Inc.*, 2019 ONCA 649 (CanLII), para 15; *George v. Harris*, [2000] O.J. No. 1762 (S.C.), at para. 20 (Book of Authorities of the Moving Parties (Healthcare Defendants) Tab “A”)

⁴⁸ Amended Claim, at para. 30.

⁴⁹ *R v Morgan*, 2020 ONCA 279, at para. 8.

⁵⁰ *R. v. Rajan*, 2020 ONSC 2118 (CanLII), at paras. 36, 64; *R. v. Phuntsok*, 2020 ONSC 2158 (CanLII), at para. 26.

⁵¹ *O.M.S. v E.J.S.*, 2021 SKQB 243 (CanLII), at para. 113.

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75. In the face of these examples of judicial notice, the Amended Claim is more than incorrect. It is inflammatory, vexatious and harmful.

76. Moreover, this Action does not exist in isolation. Similar pleadings have been filed in Ontario and British Columbia. The British Columbia pleading has since been struck. The Ontario pleading was recently described by Justice Chalmers as follows:

The Ontario pleading is prolix and argumentative. The claim advances pseudo-legal concepts and conspiracy theories that the pandemic was pre-planned and executed by the WHO, Bill Gates, the World Economic Forum and unnamed billionaires and oligarchs. The similarly drafted A4C claim was struck by Justice Ross. In doing so, he described the pleading as “bad beyond argument”.⁵²

77. Justice Chalmers further opined that the similar Ontario Action has been improperly pleaded and improperly asserts “bizarre conspiracy theories” which are ineffective and have little or no chance of success.⁵³ The Moving Parties submit that the same observations equally apply to this case.

78. The Moving Parties submit that the wild allegations pleaded as fact in the Amended Claim are vexatious and inflammatory and in violation of Rule 25.11.

(iv) Abuse of Process

79. The Supreme Court of Canada has recognized that the Courts have an inherent and residual discretion to dismiss an action that constitutes an abuse of process, even where the specific requirements to establish issue estoppel or cause of action estoppel are not satisfied, but where allowing litigation to proceed would nonetheless violate principles such as: judicial economy, consistency finality and the integrity of the administration of justice.⁵⁴

⁵² *Galati v. Toews et al.*, at para 75 [“Galati”]

⁵³ *Galati, supra*, at para. 88.

⁵⁴ *City of Toronto* 2003 SCC 63; at paras. 35, 37.

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80. This Action is manifestly unfair to all Parties and amounts to an abuse of process. This Court has the inherent and broad jurisdiction to prevent the misuse of its procedure in a way which would bring the administration of justice into disrepute.⁵⁵

81. In *Taylor Made Advertising*⁵⁶, the Ontario Court of Appeal noted that the doctrine of abuse of process was intended to maintain the integrity and fairness of the judicial system by preventing legal proceedings from being misused for improper purposes and bringing the administration of justice into disrepute. While the Court of Appeal ultimately found that the circumstances in that case were not an abuse of process, the Court's description of the purpose of the doctrine of abuse of process is relevant:

In *Foy v. Foy (No. 2)*, Blair J.A., in dissent, referred to the purpose of the doctrine of abuse of process:

The concept of abuse of process protects the public interest in the integrity and fairness of the judicial system. It does so by preventing the employment of judicial proceedings for purposes which the law regards as improper. These improper purposes include harassment and oppression of other parties by multifarious proceedings which are brought for purposes other than the assertion or defence of a litigant's legitimate rights. Such abuse of process interferes with the business of the Courts and tarnishes their image in the administration of justice.

The doctrine of abuse of process has been utilized by the courts in various ways in order to maintain the integrity of the adjudicative function. In particular, it has been invoked in civil proceedings in circumstances where the court's procedure has been misused in such a way that the administration of justice would be brought into disrepute.⁵⁷

82. Importantly, *Taylor Made Advertising* does not limit the doctrine of abuse of process to preventing re-litigation of previously-determined matters.⁵⁸ Nor is the doctrine of

⁵⁵ *City of Toronto; Power Tax Corporation v. Millar*, 2013 ONSC 135, at paras. 21-23, 24 [“*Power Tax*”]

⁵⁶ *Taylor Made Advertising Ltd. v. Atlific Inc.*, 2012 ONCA 459 (CanLII) [“*Taylor Made Advertising*”]

⁵⁷ *Taylor Made Advertising*, paras. 31-32.

⁵⁸ *Power Tax Corporation v. Millar*, 2013 ONSC 135, para. 24, see also para. 21-23.

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abuse of process limited to cases where the grievor or plaintiff has initiated the additional proceedings. If so, the Supreme Court noted that this could “mask the reality of the situation”.⁵⁹

83. The principles set out above apply equally here. Allowing unionized plaintiffs and physicians to litigate this case in court when they are statutorily required to access a separate forum violates the principles of judicial economy, consistency and finality and brings the administration of justice into disrepute. This would be true of the credentialled physicians, and the unionized plaintiffs as stated above. It is important to note that a total of 270 policy, group, or individual grievances were filed on behalf of, or in relation to, the Unionized Plaintiffs pertaining to the matters at issue in this litigation, as reflected in **Appendix B**.

84. In these circumstances, in addition to the jurisdiction argument above, allowing this Action to proceed as is raises the potential for conflicting decisions, condones “forum shopping”, duplicates legal resources and brings the administration of justice into disrepute. Accordingly, the Moving Parties submit that the Action is vexatious, oppressive, and that both the form and content of the Amended Claim constitutes an abuse of the Court’s process pursuant to Rule 21.01(3)(d) and/or Rule 25.11.

(C) *The Amended Claim Does Not Disclose a Reasonable Cause of Action*

85. Under Rule 21.01(1)(b), a defendant may move to strike out a pleading on the grounds that it discloses no reasonable cause of action.

86. A claim will be struck under Rule 21.01(1)(b) if, assuming the facts pleaded to be true, it is “plain and obvious” that the pleading fails to disclose a reasonable cause of action.⁶⁰

87. If the necessary legal elements of a cause of action are not pleaded, the claim has a radical defect and should be struck out.⁶¹

⁵⁹ *City of Toronto*, para. 47

⁶⁰ *Hunt v. Carey Canada Inc.* [1990] 2 S.C.R. 959, at para 30

⁶¹ *McIntyre v. Connolly*, 2008 CanLII 12496 (ON SC), at para 16.

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88. Striking claims that have no reasonable prospect of success is a vital role of the court. In *R. v. Imperial Tobacco Canada Ltd*, the Supreme Court of Canada explained that:⁶²

The power to strike out claims that have no reasonable prospect of success is a valuable housekeeping measure essential to effective and fair litigation.

89. Canadian Courts have recently considered similar claims to those brought within the Amended Claim, finding that bald assertions related to measures taken to address the COVID-19 pandemic ought to be dismissed for failing to disclose a reasonable cause of action.⁶³

(i) The Tort of Conspiracy

90. The necessary elements in a pleading alleging the tort of conspiracy are:

The statement of claim should describe who the several parties are and their relationship with each other. It should allege the agreement between the defendants to conspire, and state precisely what the purpose or what were the objects of the alleged conspiracy, and it must then proceed to set forth, with clarity and precision, the overt acts which are alleged to have been done by each of the alleged conspirators in pursuance and in furtherance of the conspiracy; and lastly, it must allege the injury and damage occasioned to the plaintiff thereby. [emphasis added.]

91. In respect of the tort of conspiracy, the Amended Claim asserts that the Defendants engaged in a conspiracy in declaring “a false pandemic” and implementing “coercive and damaging measures” as well as in conspiring to “undermine” and “violate the Plaintiffs constitutional, statutory, and common law rights to informed consent over medical treatment.”

92. The Plaintiffs have failed to plead the alleged purpose of the alleged conspiracy, or any overt acts done by the Defendants in furtherance of that conspiracy. Accordingly, the Plaintiffs have failed to plead the constituent elements of the tort of conspiracy beyond the bald

⁶² *Knigh t v. Imperial Tobacco Canada Ltd.*, 2011 SCC 42, at para 19.

⁶³ *Adelberg v. Canada*, 2023 FC 252 at paras 37-57; *Action4Canada v British Columbia (Attorney General)*, 2022 BCSC 1507 at paras 45-48, upheld on appeal in *2024 BCCA 59*; *Turmel v. Canada*, 2021 FC 1095, at para 25.

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assertion that a conspiracy exists. Simply reciting a series of events and stating that there was an intention to injure the Plaintiffs is not sufficient to establish conspiracy at law.⁶⁴

93. In the absence of material facts to support each element of the tort of conspiracy, paragraphs 5(a)(ii) 54, 55, 56, 57, and 58 of the Amended Claim ought to be struck.

(ii) The Tort of Intimidation

94. To assert a successful claim of intimidation, the Plaintiffs must prove that:

- (a) the Defendants coerced them to do or refrain from doing an act;
- (b) the Defendants used a threat as a means of compulsion;
- (c) the Defendants' threat must have involved some form of unlawful conduct;
- (d) the Plaintiff must have complied with the Defendants' demand;
- (e) the Defendants must have intended to injure the Plaintiffs; and
- (f) the Plaintiffs suffered damages as a result.⁶⁵

95. The tort of intimidation requires that the claimant must have changed their position in response to a defendant's threats, and somehow acted in response to that defendant's demand.⁶⁶

96. The Plaintiffs have failed to plead the constituent elements of the tort of intimidation, including failing to plead sufficient facts regarding any unlawful conduct on the part of the Defendants; sufficient facts regarding whether the Plaintiffs' complied with the Defendants' demand; or sufficient facts regarding the Defendants' intent to injure the Plaintiffs.

⁶⁴ [Normart Management Limited v. West Hill Redevelopment Company Limited et. al.](#), 1998 CanLII 2447 (ON CA), at para 22.

⁶⁵ [Daishowa Inc. v. Friends of the Lubicon](#), (1996), 27 O.R. (3d) 215 at 12-3 (QL) (Div. Ct.), aff'd April 24, 1996, (unreported ON CA), aff'd (1997), 223 N.R. 157 (S.C.C.).

⁶⁶ [A.I. Enterprises Ltd. v. Bram Enterprises Ltd.](#), 2014 SCC 12 (CanLII), at para. 65.

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97. In the absence of material facts to support each element of the tort of intimidation, paragraphs 5(a)(i), 57 and 58 of the Amended Claim ought to be struck.

(iii) The Tort of Intentional Infliction of Mental Anguish

98. The three constituent elements of the tort of intentional infliction of mental suffering which must be plead are:

- (a) the Defendant committed a reckless act or made a knowingly false or reckless statement;
- (b) the Defendant did so for the purpose of injuring the Plaintiff; and
- (c) the Plaintiff was injured as a result.⁶⁷

99. The Plaintiffs have failed to plead with the requisite particularity, the elements of the alleged intentional infliction of mental suffering, including what was said, when, where, how, and by whom. Moreover, the Plaintiffs have failed to identify how, if at all, they were injured or the damages which resulted from any alleged injury.

100. Therefore, the Plaintiffs' claim for intentional infliction of mental anguish as pleaded in paragraphs 5(a)(iv), 59, and 60 in the Amended Claim ought to be struck.

(iv) Unnamed and Improperly Listed Plaintiffs

101. The Amended Claim purports to include claims on behalf of unnamed individuals that are not identified within the Amended Claim. This includes claims made against Erie Shores Healthcare, Hotel Dieu Grace Healthcare, Quinte Health Care and Unity Health Toronto.⁶⁸

102. Following the filing of the Moving Parties' motion record, it has come to the attention of Quinte Health Care that Dr. John Doe who is listed as a Plaintiff in the Action has commenced a separate action in Belleville under court file number CV-23-00000320-0000. The Defendant Quinte Health Care has brought a motion before the court seeking that the action be

⁶⁷ *Rahemtulla v. Vanfed Credit Union*, 1984 CanLII 689 (BC SC) at paras. 50 - 54.

⁶⁸ Paragraphs 235, 222, and 621 of the Thomson Affidavit.

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struck (or other alternate relief). That motion was initially scheduled to be heard on June 4, 2024, but has been adjourned (on consent) to August 27, 2024, at the Plaintiff's request.

103. The claims that have been raised on behalf of unnamed and unidentified individuals ought to be struck for failing to disclose a cause of action.

104. In addition, there are a number of individuals listed as former employees of certain Defendant organizations when, in fact, these individuals were never employed, or were not employed at the time of the circumstances underlying the Amended Claim, with the Defendant organization. This includes the following individuals:

- (a) Jennifer Correia, listed as a Plaintiff associated with William Osler Health System;
- (b) Clayton Lewis, listed as a Plaintiff associated with William Osler Health System; and
- (c) Jacqueline Watson, listed as a Plaintiff associated with William Osler Health System.⁶⁹

105. Any claims by these individual Plaintiffs vis-à-vis those Defendant organizations cannot be maintained and must be struck.

(D) *The Charter Does Not Apply to Many of the Defendants*

106. It is plain and obvious that many of the Moving Parties (specifically including all of the hospitals and long-term care homes) (the “**Non-Charter Defendants**”) are not subject to the application of the *Charter*.⁷⁰ Therefore, the *Charter*-related claims set out in the Amended Claim against the Non-Charter Defendants – including the assertions that (a) placing employees on an unpaid leave; (b) terminating the employment of non-compliant employees; and (c)

⁶⁹ Paragraphs 664, 665, and 666 of the Thomson Affidavit.

⁷⁰ The Non-Charter Defendants are listed in **Appendix D** of this Factum. The Moving Parties who are municipalities and (for the purposes of this motion only and without prejudice to any position they may take in this Action), the Moving Parties who are LHINs do not take the position that they are not subject to the *Charter*.

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revoking physicians' hospital privileges are a violation of s. 2, 7, and 15 of the *Charter* – have no reasonable chance for success.

107. The Supreme Court has confirmed in *Eldridge* the way in which the *Charter* may apply to an entity, which have come to be known as Category 1 and Category 2 applications:

- (a) In “**Category 1**”, the *Charter* applies to an entity because the entity is itself “government” for the purposes of s. 32. This involves an inquiry into whether the entity is government “either by its very nature or in virtue of the degree of governmental control exercised over it”. If so, *all* of the activities of the entity will be subject to the *Charter*.
- (b) In “**Category 2**”, where an entity is not itself “government”, the *Charter* applies where that entity carries on a particular *activity* that can be ascribed to government. The focus is not on the nature of the entity but on the nature of the activity. The act must be truly “governmental” in nature – e.g., implementation of a specific statutory scheme or a government program. If so, the entity performing it will be subject to review under the *Charter* only in respect of that act, and not its other, private activities.⁷¹

108. As the Supreme Court held in *Godbout*, “[i]n cases where a party seeks to invoke the protection of the *Charter*, it is, of course, important to ensure that the *Charter* actually applies on the facts”.⁷²

109. The Non-Charter Defendants do not satisfy category 1 or category 2 of the test set out in *Eldridge*. Instead, this case is akin to the facts before the Supreme Court of Canada in *Stoffman v Vancouver General Hospital*⁷³ whose reasoning was specifically upheld in *Eldridge*.

110. In *Stoffman*, the *Charter* was invoked to challenge a hospital regulation requiring doctors with admitting privileges to retire at the age of 65. The Supreme Court found that the

⁷¹ *Eldridge v. British Columbia (Attorney General)*, 1997 CanLII 327 (SCC), at para. 44. [“*Eldridge*”]

⁷² *Godbout v. Longueuil (City)*, 1997 CanLII 335 (SCC) at para. 43 [“*Godbout*”]

⁷³ *Stoffman v Vancouver General Hospital*, 1990 CanLII 62 (SCC) [“*Stoffman*”]

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Vancouver General Hospital was *not* part of the apparatus of government and that its adoption of a mandatory retirement policy did not implement a government policy:

In sum, it is crucial in assessing the statutory framework summarized by the Court of Appeal to bear in mind the difference between ultimate or extraordinary, and routine or regular control. While it is indisputable that the fate of the Vancouver General is ultimately in the hands of the Government of British Columbia, I do not think it can be said that the *Hospital Act* makes the daily or routine aspects of the hospital's operation, such as the adoption of policy with respect to the renewal of the admitting privileges of medical staff, subject to government control. On the contrary, it implies that the responsibility for such matters will, barring some extraordinary development, rest with the Vancouver General's Board of Trustees.⁷⁴ [emphasis added]

111. As in *Stoffman*, the Non-Charter Defendants chose to implement a workplace policy which applies to the day-to-day operations of their respective workplaces. The COVID-19 policies involve the “daily or routine” aspects of their operations.

112. By contrast to *Stoffman*, *Eldridge* related to a hospital providing *medical services*; specifically, whether the failure to provide sign language interpreters for hearing impaired patients amounted to a *Charter* violation. The Supreme Court distinguished the facts in *Eldridge* from *Stoffman*, and held that the impugned activity of the hospital in *Eldridge* was related to government policy and therefore subject to “Category 2”, as follows:

Unlike *Stoffman*, then, in the present case there is a "direct and . . . precisely-defined connection" between a specific government policy and the hospital's impugned conduct. The alleged discrimination -- the failure to provide sign language interpretation -- is intimately connected to the medical service delivery system instituted by the legislation. The provision of these services is not simply a matter of internal hospital management; it is an expression of government policy. Thus, while hospitals may be autonomous in their day-to-day operations, they act as agents for the government in providing the specific medical services set out in the *Act*. [...] ⁷⁵

⁷⁴ *Stoffman*, at p. 516.

⁷⁵ *Eldridge*, at para. 51.

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113. The allegations in the Amended Claim fall squarely within the analysis and conclusion in *Stoffman*, in that (a) the Non-Charter Defendants are not “government” entities; and (b) their actions in implementing and enforcing COVID-19 workplace policies are not attributable to government.

114. The Non-Charter Defendants are not government actors, as confirmed by *Stoffman* and *Eldridge*, and therefore cannot be considered “government” for the purposes of s. 32 of the *Charter*. The mere fact that an entity performs what may loosely be termed a public function, or the fact that a particular activity may be described as public in nature, is not sufficient to bring it within the scope of “government” for the purposes of s. 32 of the *Charter*.⁷⁶

115. In addition, the Non-Charter Defendants were not engaged in “government activity”. For the *Charter* to apply to an entity engaged in “government activity”, there must be an element of delegated government either through powers of compulsion or through implementing a particular activity that can be ascribed to government. Put differently, there must be an element of state action that the *Charter* is designed to protect against.

116. The Amended Claim grounds the Plaintiffs’ *Charter*-based claims in Directive #6. For example, paragraph 1(a) of the Amended Claim states that “[d]eclarations that COVID-19 “Directive #6 [...] and actions taken pursuant to it [...] were and continue to be unconstitutional and of no force and effect because: (i) any purported mandatory, or coerced *de facto* mandatory vaccine mandates violate ss. 2, 7, and 15 of the *Charter*”. But the fact that Directive #6 existed for a period of time does not make the ongoing implementation and enforcement of COVID-19 workplace policies an action “attributable to government”. Directive #6 did not (and could not) impose employment-related consequences for non-compliance with any vaccination policy.⁷⁷ Those consequences were independent acts of the institutions/employers, in accordance with employer obligations pursuant to the *Occupational Health and Safety Act* (“*OHSA*”) to protect employees from an unprecedented health and safety hazard in the workplace. As with any workplace policy, the Non-Charter Defendants established consequences for non-compliance.

⁷⁶ *Eldridge*, at para. 43.

⁷⁷ Paragraph 8 of the Thomson Affidavit.

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117. In sum, the actions of the Non-Charter Defendants are not subject to the application of the *Charter*. They have the right to implement and enforce workplace policies, subject to the applicable legal restrictions pursuant to employment law. For the above reasons, the Plaintiffs' *Charter* arguments have no reasonable chance for success.

PART IV - ORDER REQUESTED

118. Based on the foregoing, the Moving Parties respectfully request that this motion be allowed with costs against the Plaintiffs. In particular, the Moving Parties respectfully request:

- (a) an Order striking out the Amended Claim, without leave to amend, and dismissing the Action as against the Moving Parties;
- (b) an order granting the Moving Parties' costs of this motion; and
- (c) such further and other Relief as to this Honourable Court may seem just.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 14th day of June, 2024



Frank Cesario



Shivani Chopra

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SCHEDULE “A”

LIST OF AUTHORITIES

1. [Galati v. Toews et al.](#), 2023 ONSC 7508
2. [Syndicat Catholique des Employes de Magasins de Quebec, Inc. v. Compagnie Paquet Ltee.](#), [1959] SCR 206
3. [McGavin Toastmaster Ltd. v. Ainscough et al.](#), [1976] 1 SCR 718
4. [Loyalist College of Applied Arts and Technology v. Ontario Public Service Employees Union.](#) 2003 CanLII 29709 (ON CA)
5. [Weber v. Ontario Hydro.](#) [1995] 2 SCR 929
6. [St. Anne Nackawic Pulp & Paper v. CPU.](#) [1986] 1 SCR 704
7. [Coleman v. Demers.](#) 2007 CanLII 7526 (ON SC)
8. [Allen v. Alberta.](#) [2003] 1 SCR 128
9. [Vaughan v. Canada.](#) [2005] 1 S.C.R. 146
10. [Regina Police Assn. Inc. v. Regina \(City\) Board of Police Commissioners.](#) [2000] 1 S.C.R. 360
11. [Brown v. University of Windsor.](#) 2016 ONCA 431 (CanLII), at para. 45
12. [New Brunswick v. O’Leary.](#) 1995 CanLII 109 (SCC)
13. [Giorno v Pappas.](#) (1999), 42 O.R. (3d) 626 (CA)
14. [Roberts v. Serca Foodservice Inc.](#), 2001 CanLII 28315 (ON SC)
15. [Myrtezaj v. Cintas Canada Ltd.](#), 2008 ONCA 277
16. [Gendron v. Supply & Services Union of the P.S.A.C., Local 50057.](#) 1990 CanLII 110 (SCC)
17. [Dagher v. McDonnell-Ronald Limousine Service Ltd.](#), 1999 CanLII 9305 (ON CA)
18. [Claxton v. BML Multi Trades Group Ltd.](#), 2003 CanLII 34634 (ON CA)
19. [McKeown v. Toronto Star Newspapers Limited.](#) 2014 ONSC 4159 (CanLII)

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20. [*Santos v Crawford Roofing*](#), 2015 ONSC 4201 (CanLII)
21. [*National Organized Workers Union v Sinai Health System*](#), 2022 ONCA 802
22. [*Jan Wong v. The Globe and Mail Inc.*](#), 2014 ONSC 6372
23. [*Beiko v Hotel Dieu Hospital St Catherines*](#), 2007 CanLII 1912 (ON SC)
24. [*Beiko v. Hotel Dieu Hospital St. Catharines*](#), 2007 ONCA 860
25. [*Toronto v. C.U.P.E., Local 79*](#), 2003 SCC 63, at para. 37
26. [*Riva Plumbing v Ferrari et al.*](#), 2017 ONSC 3614 (CanLII)
27. [*Kurdina v. Toronto Police Services Board*](#), 2008 CanLII 66629 (ON SC)
28. [*Huachangda Canada Holdings Inc. v. Solcz Group Inc.*](#), 2019 ONCA 649 (CanLII)
29. *George v. Harris*, [2000] O.J. No. 1762 (S.C.) **Tab “A”**
30. [*R v Morgan*](#), 2020 ONCA 279
31. [*R. v. Rajan*](#), 2020 ONSC 2118 (CanLII)
32. [*R. v. Phuntsok*](#), 2020 ONSC 2158 (CanLII)
33. [*O.M.S. v E.J.S.*](#), 2021 SKQB 243 (CanLII)
34. [*Power Tax Corporation v. Millar*](#), 2013 ONSC 135
35. [*Taylor Made Advertising Ltd. v. Atlific Inc.*](#), 2012 ONCA 459 (CanLII)
36. [*Hunt v. Carey Canada Inc.*](#) [1990] 2 S.C.R. 959
37. [*McIntyre v. Connolly*](#), 2008 CanLII 12496 (ON SC)
38. [*Knight v. Imperial Tobacco Canada Ltd.*](#), 2011 SCC 42
39. [*Adelberg v. Canada*](#), 2023 FC 252
40. [*Action4Canada v British Columbia \(Attorney General\)*](#), 2022 BCSC 1507
41. [*Turmel v. Canada*](#), 2021 FC 1095

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42. [*Normart Management Limited v. West Hill Redevelopment Company Limited et. al.*](#), 1998 CanLII 2447 (ON CA)
43. [*Daishowa Inc. v. Friends of the Lubicon*](#), (1996), 27 O.R. (3d) 215 at 12-3 (QL) (Div. Ct.), aff'd April 24, 1996, (unreported ON CA), aff'd (1997), 223 N.R. 157 (S.C.C.)
44. [*A.I. Enterprises Ltd. v. Bram Enterprises Ltd.*](#), 2014 SCC 12 (CanLII)
45. [*Rahemtulla v. Vanfed Credit Union*](#), 1984 CanLII 689 (BC SC)
46. [*Eldridge v. British Columbia \(Attorney General\)*](#), 1997 CanLII 327 (SCC)
47. [*Godbout v. Longueuil \(City\)*](#), 1997 CanLII 335 (SCC)
48. [*Stoffman v Vancouver General Hospital*](#), 1990 CanLII 62 (SCC)

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SCHEDULE “B”

TEXT OF STATUTES, REGULATIONS & BY – LAWS

[Labour Relations Act, 1995](#), S.O. 1995, c.1, Sched. A

Recognition provisions

45 (1) Every collective agreement shall be deemed to provide that the trade union that is a party thereto is recognized as the exclusive bargaining agent of the employees in the bargaining unit defined therein.

Arbitration

48 (1) Every collective agreement shall provide for the final and binding settlement by arbitration, without stoppage of work, of all differences between the parties arising from the interpretation, application, administration or alleged violation of the agreement, including any question as to whether a matter is arbitrable.

[Public Hospitals Act](#), R.S.O. 1990, C P.40, ss. 35, 36, 37, 43(1)

Medical advisory committee

35 (1) Every board shall establish a medical advisory committee composed of such elected and appointed members of the medical staff as are prescribed by the regulations. R.S.O. 1990, c. P.40, s. 35 (1).

Duties

(2) The medical advisory committee shall consider and make recommendations to the board respecting any matter referred to it under section 37 and perform such other duties as are assigned to it by or under this or any other Act or by the board. R.S.O. 1990, c. P.40, s. 35 (2).

Powers of board re medical staff

36 The board may,

- (a) appoint physicians to a group of the medical staff of the hospital established by the by-laws;
- (b) determine the hospital privileges to be attached to the appointment of a member of the staff; and

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- (c) revoke or suspend the appointment of or refuse to reappoint a member of the medical staff. R.S.O. 1990, c. P.40, s. 36.

Medical staff appointment, hospital privileges, etc.

37 (1) Every physician is entitled to apply for an appointment or a reappointment to any group of the medical staff of a hospital established by its by-laws or for a change in hospital privileges and, upon receipt of a written request, an administrator shall supply an appropriate application form. R.S.O. 1990, c. P.40, s. 37 (1).

[...]

Appeal from decision of Appeal Board

43 (1) Any party to proceedings before the Appeal Board may appeal from its decision to the Divisional Court in accordance with the rules of court. R.S.O. 1990, c. P.40, s. 43 (1).

Rules of Civil Procedure, RRO 1990, Reg 194, Rule 1.04(1); , r. 21.01(3)(d); r. 25.11

General Principle

1.04 (1) These rules shall be liberally construed to secure the just, most expeditious and least expensive determination of every civil proceeding on its merits. R.R.O. 1990, Reg. 194, r. 1.04 (1).

[...]

Where Available

To Any Party on a Question of Law

21.01 (1) A party may move before a judge,

- (a) for the determination, before trial, of a question of law raised by a pleading in an Action where the determination of the question may dispose of all or part of the Action, substantially shorten the trial or result in a substantial saving of costs; or
- (b) to strike out a pleading on the ground that it discloses no reasonable cause of Action or defence,

and the judge may make an order or grant judgment accordingly. R.R.O. 1990, Reg. 194, r. 21.01 (1).

(2) No evidence is admissible on a motion,

- (a) under clause (1) (a), except with leave of a judge or on consent of the parties;
- (b) under clause (1) (b). R.R.O. 1990, Reg. 194, r. 21.01 (2).

To Defendant

(3) A defendant may move before a judge to have an Action stayed or dismissed on the ground that,

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Jurisdiction

- (a) the court has no jurisdiction over the subject matter of the Action;

Capacity

- (b) the plaintiff is without legal capacity to commence or continue the Action or the defendant does not have the legal capacity to be sued;

Another Proceeding Pending

- (c) another proceeding is pending in Ontario or another jurisdiction between the same parties in respect of the same subject matter; or

Action Frivolous, Vexatious or Abuse of Process

- (d) the Action is frivolous or vexatious or is otherwise an abuse of the process of the court, and the judge may make an order or grant judgment accordingly. R.R.O. 1990, Reg. 194, r. 21.01 (3).

[...]

Striking out a Pleading or Other Document

25.11 The court may strike out or expunge all or part of a pleading or other document, with or without leave to amend, on the ground that the pleading or other document,

- (a) may prejudice or delay the fair trial of the Action;
- (b) is scandalous, frivolous or vexatious; or
- (c) is an abuse of the process of the court. R.R.O. 1990, Reg. 194, r. 25.11.

Appendix A:

CHART OF MOVING PARTIES

	DEFENDANT
1.	Bayshore Healthcare
2.	Brant Community Health Care System
3.	Cambridge Memorial Hospital
4.	Centre for Addiction and Mental Health
5.	Chatham-Kent Health Alliance
6.	The Corporation of the County of Essex
7.	Community Living Windsor
8.	Erie Shores HealthCare
9.	Extendicare
10.	Georgian Bay General Hospital
11.	Grand River Hospital Corporation
12.	Grey Bruce Health Services
13.	Halton Healthcare Services
14.	Hamilton Health Sciences
15.	Erie St. Clair Local Health Integration Network
16.	Hamilton Niagara Haldimand Brant Local Health Integration Network
17.	Mississauga Halton Local Integration Health Network
18.	South West Local Health Integration Network
19.	Toronto Central Local Health Integration Network
20.	Hospital for Sick Children
21.	Hotel Dieu Grace Healthcare
22.	Humber River Hospital
23.	The Corporation of the City of Windsor (Huron Lodge)
24.	Joseph Brant Hospital
25.	Lakeridge Health
26.	London Health Sciences Centre

27.	Niagara Health System
28.	North Bay Regional Health Centre
29.	Ontario Shores Centre for Mental Health Sciences
30.	Orillia Soldiers Memorial Hospital
31.	The Ottawa Hospital
32.	Peterborough Regional Health Centre
33.	Quinte Healthcare Corporation
34.	Corporation of the Municipality of Chatham-Kent (Riverview Gardens)
35.	Royal Ottawa Mental Health Care
36.	Royal Victoria Regional Health Care
37.	Saint Elizabeth Health Care
38.	Scarborough Health Network
39.	Schlegel Villages
40.	Southlake Regional Health Centre
41.	St. Joseph's Care Group
42.	St. Joseph's Health Care London
43.	St. Joseph's Health Care Hamilton
44.	St. Joseph's Lifecare Centre
45.	St. Mary's General Hospital
46.	Thunder Bay Regional Health Sciences Centre
47.	Timmins and District Hospital
48.	Trillium Health Partners
49.	Unity Health Toronto
50.	University Health Network
51.	Waypoint Centre for Mental Health Care
52.	William Osler Health System
53.	Windsor Regional Hospital
54.	Woodstock Hospital

Appendix B:

CHART OF UNIONIZED PLAINTIFFS

	PLAINTIFF	UNION	DEFENDANT	REFERENCE K = MOTION AFF P = PHYSICIAN AFF R = REPLY AFF
1.	Alexandra Newbold, RN	SEIU	Brant Community Healthcare System	K ¶12, 14, 15, 17
2.	Melissa Betts, RN	SEIU	Cambridge Memorial Hospital	K ¶18, 20, 23
3.	Catherine Frustaglio	ONA	Cambridge Memorial Hospital	K ¶18, 24, 25, 27
4.	Christina Amorim, RN	ONA	Centre for Addiction and Mental Health	K ¶29, 31, 32, 34
5.	Lisa Avarino, RN	ONA	Centre for Addiction and Mental Health	K ¶29, 31, 32, 34
6.	Chelsea D’Almeida, Program Assistant	OPSEU	Centre for Addiction and Mental Health	K ¶29, 35, 37
7.	Danielle Cogghe, RN	ONA	Chatham-Kent Health Alliance	K ¶38, 40, 41, 43
8.	Amy Simpson, RN	ONA	Chatham-Kent Health Alliance	K ¶38, 41, 43 R ¶3
9.	Amber DePass, RN	ONA	Chatham-Kent Health Alliance	K ¶38, 40, 41, 43

	PLAINTIFF	UNION	DEFENDANT	REFERENCE K = MOTION AFF P = PHYSICIAN AFF R = REPLY AFF
10.	Lauren Ives, RN	ONA	Chatham-Kent Health Alliance	K ¶38, 40, 41, 43
11.	Karen Metcalfe, RN	ONA	Chatham-Kent Health Alliance	K ¶38, 40, 41, 43
12.	Mary Margaret Raaymakers, RN	ONA	Chatham-Kent Health Alliance	K ¶38, 40, 41, 43
13.	Rebecca Verscheure, RN	ONA	Chatham-Kent Health Alliance	K ¶38, 40, 41, 43
14.	Sonia Couto, Dietary Aide	CLAC	Chatham-Kent Health Alliance	K ¶38, 44, 45, 47
15.	Roxanne Jones, RPN	CLAC	Chatham-Kent Health Alliance	K ¶38, 44, 45, 47
16.	Michelle Raaymakers OR Support Assistant	CLAC	Chatham-Kent Health Alliance	K ¶38, 44, 45, 47
17.	Erica Sowers-Rumble, RPN	CLAC	Chatham-Kent Health Alliance	K ¶38, 44, 45, 47
18.	Tina Waring, RPN	CLAC	Chatham-Kent Health Alliance	K ¶38, 44, 45, 47
19.	Desirea Lamoureux ER Registration Clerk	OPSEU	Chatham-Kent Health Alliance	K ¶38, 49, 50, 52

	PLAINTIFF	UNION	DEFENDANT	REFERENCE K = MOTION AFF P = PHYSICIAN AFF R = REPLY AFF
20.	Erin Robitaille Non-Registered Laboratory Technologist	OPSEU	Chatham-Kent Health Alliance	K ¶38, 48, 50
21.	Karen Roche Medical Radiation Technologist	OPSEU	Chatham-Kent Health Alliance	K ¶38, 48, 50
22.	Mike Belawetz Primary Care Paramedic	CUPE	The Corporation of the County of Essex	K ¶53, 55, 56, 59, 64, 65
23.	Jonathon Croley Primary Care Paramedic	CUPE	The Corporation of the County of Essex	K ¶53, 55, 56, 60, 64, 65
24.	Mona Hansen Primary Care Paramedic	CUPE	The Corporation of the County of Essex	K ¶53, 55, 56, 61, 64, 65
25.	Ryan Kreeft Primary Care Paramedic	CUPE	The Corporation of the County of Essex	K ¶53, 56, 62, 66 R ¶4
26.	Brittany Raymond Primary Care Paramedic	CUPE	The Corporation of the County of Essex	K ¶53, 55, 56, 63, 64, 65 R ¶5
27.	Maria Danho Support Worker	CUPE	Community Living Windsor	K ¶67, 69, 70, 72
28.	Jennifer Jarrett Support Worker	CUPE	Community Living Windsor	K ¶67, 69, 70, 72
29.	Erika Marrie Support Worker	CUPE	Community Living Windsor	K ¶67, 69, 70, 72

	PLAINTIFF	UNION	DEFENDANT	REFERENCE K = MOTION AFF P = PHYSICIAN AFF R = REPLY AFF
30.	Crystal Mclean Support Worker	CUPE	Community Living Windsor	K ¶67, 69, 70, 72
31.	Danuta Nogal Support Worker	CUPE	Community Living Windsor	K ¶67, 69, 70, 72
32.	Beata Spadafora Support Worker	CUPE	Community Living Windsor	K ¶67, 69, 70, 72
33.	Moustafa Yahfoufi Support Worker	CUPE	Community Living Windsor	K ¶67, 69, 70, 72
34.	Katie Friesen Health Records ROI Clerk	CUPE	Erie Shores Healthcare	K ¶74, 76, 77, 87
35.	Melissa Del Greco Laboratory Technologist	UNIFOR, TECH	Erie Shores Healthcare	K ¶74, 82, 83, 89
36.	Nicole Ward Housekeeper	UNIFOR, SERVICE	Erie Shores Healthcare	K ¶74, 79, 80, 90, 91
37.	Karen Botham Diagnostic Imaging Technologist	UNIFOR, TECH	Erie Shores Healthcare	K ¶74, 82, 84, 85
38.	Connie Grossett Laboratory Technologist	UNIFOR, TECH	Erie Shores Healthcare	K ¶74, 82, 83, 89
39.	Joan Elizabeth Rosen, RN	ONA	Extendicare	K ¶524, 527, 528, 530, 531

	PLAINTIFF	UNION	DEFENDANT	REFERENCE K = MOTION AFF P = PHYSICIAN AFF R = REPLY AFF
40.	Debra Bugg, PRN <i>* Please note that Trisha Stansfield has filed a Notice of Discontinuance and is no longer a party to this Action</i>	SEIU	Georgian Bay General Hospital	K ¶92, 94, 97, 98 R ¶6
41.	Chantal Demera, RPN	SEIU	Georgian Bay General Hospital	K ¶92, 94, 97, 98 R ¶7
42.	Crystal Richardson, RPN	SEIU	Georgian Bay General Hospital	K ¶92, 94, 97, 98 R ¶8
43.	Csilla Ankuczka, RN	ONA	Grand River Hospital	K ¶99, 110, 111
44.	Michael Goddard, RN	ONA	Grand River Hospital	K ¶99, 110, 111
45.	Erika Toth, RN	ONA	Grand River Hospital	K ¶99, 110, 111
46.	Denise Allan Clinical Assistant	UNIFOR	Grand River Hospital	K ¶99, 101, 102, 105
47.	Hafiza Ally Clinical Assistant	UNIFOR	Grand River Hospital	K ¶99, 106, 107, 109
48.	Janet Izumi Clinical Assistant	UNIFOR	Grand River Hospital	K ¶99, 101, 102, 105
49.	Danielle Little, RPN	UNIFOR	Grand River Hospital	K ¶99, 106, 107, 109

	PLAINTIFF	UNION	DEFENDANT	REFERENCE K = MOTION AFF P = PHYSICIAN AFF R = REPLY AFF
50.	Martin Mueller Safety Assistant	UNIFOR	Grand River Hospital	K ¶99, 106, 107, 109
51.	Jody Myers, RPN	UNIFOR	Grand River Hospital	K ¶99, 106, 107, 109
52.	Danie Radisic Clinical Assistant	UNIFOR	Grand River Hospital	K ¶99, 101, 102, 105
53.	Angela Robinson, RPN	UNIFOR	Grand River Hospital	K ¶99, 106, 107, 109
54.	Wanda Ropp, RPN	UNIFOR	Grand River Hospital	K ¶99, 106, 107, 109
55.	Sarah Roussy, RPN	UNIFOR	Grand River Hospital	K ¶99, 106, 107, 109
56.	Sherry Roussy, RPN	UNIFOR	Grand River Hospital	K ¶99, 106, 107, 109
57.	Sarah Samuel Clinical Assistant	UNIFOR	Grand River Hospital	K ¶99, 104, 105
58.	Tatjana Suserski, RPN	UNIFOR	Grand River Hospital	K ¶99, 106, 107, 109
59.	Amy Campbell Registered Laboratory Technologist	OPSEU	Grand River Hospital	K ¶99, 114, 115, 117

	PLAINTIFF	UNION	DEFENDANT	REFERENCE K = MOTION AFF P = PHYSICIAN AFF R = REPLY AFF
60.	Jacquie Haugen Medical Laboratory Technologist	OPSEU	Grand River Hospital	K ¶99, 114, 115, 117
61.	Alaa Maloudi Medical Laboratory Technologist	OPSEU	Grand River Hospital	K ¶99, 114, 115
62.	Bojan Gagic Security Officer	USW	Grand River Hospital	K ¶99, 118, 119, 120
63.	Tammy Algera, RN	ONA	Grey Bruce Health Services	K ¶122,124, 125
64.	Brenda Lowe, RN <i>* Please note that Trisha Stansfield has filed a Notice of Discontinuance and is no longer a party to this Action</i>	ONA	Grey Bruce Health Services	K ¶122,124, 125
65.	Hetty Van Halteren, RN	ONA	Grey Bruce Health Services	K ¶122,124, 125
66.	Melissa Leitch Food Services Worker	OPSEU	Grey Bruce Health Services	K ¶122,127, 128, 139
67.	Nicholas Rourke General Services Worker	OPSEU	Grey Bruce Health Services	K ¶122,127, 128, 139
68.	Jennifer Lefebvre Patient Movement & Flow Agent	OPSEU	Grey Bruce Health Services	K ¶122, 130, 131, 140, 141
69.	Jennifer Miske Certified Laboratory Assistant	OPSEU	Grey Bruce Health Services	K ¶122, 133, 134, 138, 142

	PLAINTIFF	UNION	DEFENDANT	REFERENCE K = MOTION AFF P = PHYSICIAN AFF R = REPLY AFF
70.	Jenna Widdes Registered Technologist	OPSEU	Grey Bruce Health Services	K ¶122, 133, 134, 138
71.	Sarah (Diane) Acker, RN	ONA	Halton Healthcare	K ¶144, 146, 147, 149
72.	Ruth Hanusch Leclerc, RN	ONA	Halton Healthcare	K ¶144, 146, 147, 149
73.	Laura-Beth Hewer, RN	ONA	Halton Healthcare	K ¶144, 146, 147, 149
74.	Kathy Cherneske MDR Technologist	CUPE	Halton Healthcare	K ¶144, 150, 151
75.	Lisa Austino, RN	ONA	Hamilton Health Sciences	K ¶155,166, 168, 170
76.	Laura Bosch, RN	ONA	Hamilton Health Sciences	K ¶155,166, 168, 170
77.	Darla Brocklebank, RN	ONA	Hamilton Health Sciences	K ¶155,166, 168, 170
78.	Erica Demers, RN	ONA	Hamilton Health Sciences	K ¶155,166, 168, 170
79.	Illja Bukorovic, RN	ONA	Hamilton Health Sciences	K ¶155,166, 168, 170 R ¶10
80.	Katharine Gamble, RN	ONA	Hamilton Health Sciences	K ¶155,166, 168, 170

	PLAINTIFF	UNION	DEFENDANT	REFERENCE K = MOTION AFF P = PHYSICIAN AFF R = REPLY AFF
81.	RosaMaria Jorey, RN	ONA	Hamilton Health Sciences	K ¶155,166, 168, 170
82.	Catherine King, RN	ONA	Hamilton Health Sciences	K ¶155,166, 168, 170
83.	Shirley Morin, RN	ONA	Hamilton Health Sciences	K ¶155
84.	Calvin Murphy, RN	ONA	Hamilton Health Sciences	K ¶155,166, 168, 170
85.	Jocelyn Scholtens, RN	ONA	Hamilton Health Sciences	K ¶155,166, 168, 170
86.	Liza Sibbald, RN	ONA	Hamilton Health Sciences	K ¶155,166, 167, 168, 170
87.	Rachel Thibault, RN	ONA	Hamilton Health Sciences	K ¶155,166, 168, 170
88.	Susan Torenvliet, RN	ONA	Hamilton Health Sciences	K ¶155
89.	Tiffany-Anne Toulouse-Sauve, RN	ONA	Hamilton Health Sciences	K ¶155,166, 168, 170
90.	Monika Zawol- Zaprzala, RN	ONA	Hamilton Health Sciences	K ¶155,166, 168, 170
91.	Svitlana Alyonkina, RPN	CUPE	Hamilton Health Sciences	K ¶155, 157, 158

	PLAINTIFF	UNION	DEFENDANT	REFERENCE K = MOTION AFF P = PHYSICIAN AFF R = REPLY AFF
92.	Gary Blake Co- Generation/Building Operator	CUPE	Hamilton Health Sciences	K ¶155, 157, 158, 159, 160, 163
93.	Ryan Cino CritiCall Call Agent	CUPE	Hamilton Health Sciences	K ¶155, 157, 158
94.	Susan Davis Business Clerk	CUPE	Hamilton Health Sciences	K ¶155, 157, 158, 162
95.	Natalie Djurdjevic CritiCall Call Agent	CUPE	Hamilton Health Sciences	K ¶155, 157, 158
96.	Colleen Gair Environmental Aide	CUPE	Hamilton Health Sciences	K ¶155, 157, 158
97.	Loredana Gheorghe, RPN	CUPE	Hamilton Health Sciences	K ¶155, 157, 158
98.	Mario Gheorge, RPN	CUPE	Hamilton Health Sciences	K ¶155, 157, 158
99.	Sonja Jankovic Nutrition Associate	CUPE	Hamilton Health Sciences	K ¶155, 157, 158
100.	Cheryl Jordan Porter	CUPE	Hamilton Health Sciences	K ¶155, 157, 158
101.	Ashley Loeffen, RPN	CUPE	Hamilton Health Sciences	K ¶155, 157, 158

	PLAINTIFF	UNION	DEFENDANT	REFERENCE K = MOTION AFF P = PHYSICIAN AFF R = REPLY AFF
102.	Denis Madjar Porter	CUPE	Hamilton Health Sciences	K ¶155, 157, 158, 163, 164
103.	Merima Mahmutovic, RPN	CUPE	Hamilton Health Sciences	K ¶155, 157, 158, 163
104.	Katarina Pavlovic Business Clerk	CUPE	Hamilton Health Sciences	K ¶155, 157, 158, 163, 164
105.	Andrea Power Business Clerk	CUPE	Hamilton Health Sciences	K ¶155, 157, 158, 163
106.	Naomi Quiring Orthopaedic Technologist	CUPE	Hamilton Health Sciences	K ¶155, 157, 158
107.	Brent Scarisbrick Co- Generation/Building Operator	CUPE	Hamilton Health Sciences	K ¶155, 157, 158, 159, 160, 163, 165
108.	Sharon Schuur Nutrition Associate	CUPE	Hamilton Health Sciences	K ¶155, 157, 158, 163
109.	Paola Sivazlian Porter	CUPE	Hamilton Health Sciences	K ¶155, 157, 158
110.	Brooke Vandewater Healthcare Aide	CUPE	Hamilton Health Sciences	K ¶155, 157, 158
111.	Taylor Vanyo, RPN	CUPE	Hamilton Health Sciences	K ¶155, 157, 158 R ¶9

	PLAINTIFF	UNION	DEFENDANT	REFERENCE K = MOTION AFF P = PHYSICIAN AFF R = REPLY AFF
112.	Justine Wieczorek, RPN	CUPE	Hamilton Health Sciences	K ¶155, 157, 158
113.	Kristine Osenenko Medical Laboratory Assistant	OPSEU	Hamilton Health Sciences	K ¶155, 171, 172
114.	Benjamin Wencel Respiratory Therapist	OPSEU	Hamilton Health Sciences	K ¶155, 171, 172
115.	Melissa Conley Patient Services Assistant	CUPE	Erie St. Clair Local Health Integration Network	K ¶174, 176, 177, 179
116.	Chantelle Seguin Patient Services Assistant	CUPE	Erie St. Clair Local Health Integration Network	K ¶174, 176, 177, 179
117.	Trisha Stansfield Patient Services Assistant <i>* Please note that Trisha Stansfield has filed a Notice of Discontinuance and is no longer a party to this Action</i>	CUPE	Erie St. Clair Local Health Integration Network	K ¶174, 176, 177, 180
118.	Patricia Weaver Care Co-ordinator	CUPE	Mississauga Halton Local Health Integration Network	K ¶174, 182, 184
119.	Janice Fisher Care Co-ordinator	ONA	South West Local Health Integration Network	K ¶174, 194, 195, 197
120.	Daria Poronik/Boussarvia Care Co-ordinator	COPE	Toronto Central Local Health Integration Network	K ¶174, 187, 189

	PLAINTIFF	UNION	DEFENDANT	REFERENCE K = MOTION AFF P = PHYSICIAN AFF R = REPLY AFF
121.	Veronica Sloan Patient Care Assistant	OPSEU	Hamilton Niagara Haldimand Brant Local Health Integration Network	K ¶174, 191, 193
122.	Tony Best Transport Aide	CUPE	Hospital for Sick Children	K ¶198, 200, 201, 204, 206
123.	Sonia Cameiro Patient Service Aide	CUPE	Hospital for Sick Children	K ¶198, 200, 201, 204
124.	Debbie Oliveira Patient Aide	CUPE	Hospital for Sick Children	K ¶198, 200, 201
125.	Melissa DeMelo Patient Service Aide	CUPE	Hospital for Sick Children	K ¶198, 200, 201
126.	Shauna Carriere, RPN	CUPE	Hotel Dieu Grace Healthcare	K ¶207, 209, 210
127.	Jessica Clark- Carroll, RPN	CUPE	Hotel Dieu Grace Healthcare	K ¶207, 209, 210
128.	Bill Gerassimou, RPN	CUPE	Hotel Dieu Grace Healthcare	K ¶207, 209, 210
129.	Biljana Ignjatic- Ovuka Certified Rehabilitation Assistant	CUPE	Hotel Dieu Grace Healthcare	K ¶207, 209, 210
130.	Biljana Josipovic Certified Rehabilitation Assistant	CUPE	Hotel Dieu Grace Healthcare	K ¶207, 209, 210

	PLAINTIFF	UNION	DEFENDANT	REFERENCE K = MOTION AFF P = PHYSICIAN AFF R = REPLY AFF
131.	Mihaela Opris, RPN	CUPE	Hotel Dieu Grace Healthcare	K ¶207, 209, 210
132.	Jenifer Pedro, RPN	CUPE	Hotel Dieu Grace Healthcare	K ¶207, 209, 210
133.	Kattie Westfall, RPN	CUPE	Hotel Dieu Grace Healthcare	K ¶207, 209, 210
134.	Tara Lauzon Social Worker	OPSEU	Hotel Dieu Grace Healthcare	K ¶207, 212, 213
135.	Breanne Poole Psychometrist	OPSEU	Hotel Dieu Grace Healthcare	K ¶207, 212, 213, 215
136.	Helena Feloniuk- Coaton, RN	ONA	Hotel Dieu Grace Healthcare	K ¶207, 216, 217
137.	Aleah Marton, RN	ONA	Hotel Dieu Grace Healthcare	K ¶207, 216, 217
138.	Danielle Qawwas, RN	ONA	Hotel Dieu Grace Healthcare	K ¶207, 216, 217
139.	Jonathan Sandor, RN	ONA	Hotel Dieu Grace Healthcare	K ¶207, 216, 217
140.	Salvatore Panzica Housekeeper	UNIFOR	Hotel Dieu Grace Healthcare	K ¶207, 219, 220
141.	Michelynne Tremblay Chemical	UNIFOR	Hotel Dieu Grace Healthcare	K ¶207, 219, 220

	PLAINTIFF	UNION	DEFENDANT	REFERENCE K = MOTION AFF P = PHYSICIAN AFF R = REPLY AFF
	Dependency Couonsellor			
142.	Glenda Mendoza, RPN	CUPE	Corporation of the City of Windsor (Huron Lodge)	K ¶223, 225, 226, 228
143.	Jeanette Bellamy, RPN	CUPE	Joseph Brant Hospital	K ¶229, 231, 232, 234
144.	Georgette Marshall, RPN	CUPE	Joseph Brant Hospital	K ¶229, 231, 232, 235
145.	Wanda MacGrandles Admitting & Registration Clerk	CUPE	Joseph Brant Hospital	K ¶229, 231, 232, 236
146.	Stevan Price Distribution & Environmental Services Aide	CUPE	Joseph Brant Hospital	K ¶229, 231, 232, 237
147.	Martina Vulgan, RPN	CUPE	Joseph Brant Hospital	K ¶229, 231, 232, 238
148.	Bailey Webster, RPN	CUPE	Joseph Brant Hospital	K ¶229, 231, 232, 238
149.	Zsuzanna Kerestely, RN	ONA	Joseph Brant Hospital	K ¶229, 240, 241, 243
150.	Kristin Matfin Clinical Leader	ONA	Joseph Brant Hospital	K ¶229, 240, 241, 244

	PLAINTIFF	UNION	DEFENDANT	REFERENCE K = MOTION AFF P = PHYSICIAN AFF R = REPLY AFF
151.	Shanna Pendakis, RN	ONA	Joseph Brant Hospital	K ¶229, 240, 241, 245
152.	Kathleen Stringer Case Manager	OPSEU	Joseph Brant Hospital	K ¶229, 247, 249
153.	Chelsea Graham, RPN	CUPE	Lakeridge Health	K ¶250, 252, 253, 255
154.	Cathy Houthuys Admitting Clerk	CUPE	Lakeridge Health	K ¶250, 252, 253, 256
155.	Jaqueline Vande Pol, RN	ONA	Lakeridge Health	K ¶250
156.	Deborah Hogg Registered Technologist	OPSEU	Lakeridge Health	K ¶250, 257, 258, 260
157.	Andrew Adamyk, RN	ONA	London Health Sciences Centre	K ¶261, 263, 264
158.	Andrej Bosnjak, RN	ONA	London Health Sciences Centre	K ¶261, 263, 264, 266
159.	Laurie Bowman, RN	ONA	London Health Sciences Centre	K ¶261, 263, 264, 266
160.	Tonia Coyle, RN	ONA	London Health Sciences Centre	K ¶261, 263, 264, 266
161.	Mary Eastman, RN	ONA	London Health Sciences Centre	K ¶261, 263, 264

	PLAINTIFF	UNION	DEFENDANT	REFERENCE K = MOTION AFF P = PHYSICIAN AFF R = REPLY AFF
162.	Stephanie Liokossis, RN	ONA	London Health Sciences Centre	K ¶261, 263, 264, 266
163.	Georgia Murphy, RN	ONA	London Health Sciences Centre	K ¶261, 263, 264
164.	Anita Murray Radiation Therapist	ONA	London Health Sciences Centre	K ¶261, 263, 264, 268, 269, 272
165.	Maria Dorothy Moore Radiation Therapist/Clinical Instructor	ONA	London Health Sciences Centre	K ¶261, 268, 269, 271
166.	Nancy Sawlor, RN	ONA	London Health Sciences Centre	K ¶261, 263, 264, 266
167.	Lisa Wolfs Clinical Educator, Renal Care	ONA	London Health Sciences Centre	K ¶261, 263, 264, 266, 267
168.	Christopher Squires Laboratory Assistant	OPSEU	London Health Sciences Centre	K ¶261, 278, 280
169.	Allison Walsh Respiratory Therapist	OPSEU	London Health Sciences Centre	K ¶261, 274, 276
170.	Chiara Marie Elliot, RPN	UNIFOR	London Health Sciences Centre	K ¶261, 281, 282, 285
171.	Cathy Lindsay Dietary Worker	UNIFOR	London Health Sciences Centre	K ¶261

	PLAINTIFF	UNION	DEFENDANT	REFERENCE K = MOTION AFF P = PHYSICIAN AFF R = REPLY AFF
172.	Jessica Lindsay Dietary Worker	UNIFOR	London Health Sciences Centre	K ¶261, 281, 282, 286
173.	Lisa Starogianie Dietary Worker	UNIFOR	London Health Sciences Centre	K ¶261
174.	Sharon Addison Registered Technologist	OPSEU	Niagara Health System	K ¶287, 302, 303, 305
175.	Alex D'Souza Biomedical Technologist	OPSEU	Niagara Health System	K ¶287, 302, 303
176.	Dawn Greer Case Manager	OPSEU	Niagara Health System	K ¶287
177.	Maxim Avtonomov, RN	ONA	Niagara Health System	K ¶287, 289, 290, 292
178.	Cassandra Craig, RN	ONA	Niagara Health System	K ¶287, 289, 290, 292
179.	Kaitlyn Raso, RN	ONA	Niagara Health System	K ¶287, 289, 290, 292
180.	Lianne Tessier, RN	ONA	Niagara Health System	K ¶287, 289, 290
181.	Megan Tiersma, RN	ONA	Niagara Health System	K ¶287, 289, 290
182.	Tasha Crump MDR Attendant	SEIU SERVICE	Niagara Health System	K ¶287, 293, 294, 296

	PLAINTIFF	UNION	DEFENDANT	REFERENCE K = MOTION AFF P = PHYSICIAN AFF R = REPLY AFF
183.	Alysia Elias, PSW	SEIU SERVICE	Niagara Health System	K ¶287, 293, 294, 297
184.	Chuck Evans, EVS	SEIU SERVICE	Niagara Health System	K ¶287, 293, 294, 298
185.	Vanessa Gallant, RPN	SEIU SERVICE	Niagara Health System	K ¶287, 293, 294, 299
186.	Rachel Lambkin, EVS	SEIU SERVICE	Niagara Health System	K ¶287, 293, 294,
187.	Christine Pritty RN Assistant	SEIU SERVICE	Niagara Health System	K ¶287, 293, 294,
188.	Zorica Savanovic, PSW	SEIU SERVICE	Niagara Health System	K ¶287, 293, 294,
189.	Catherine Seguin, RPN	SEIU SERVICE	Niagara Health System	K ¶287, 293, 294, 300
190.	Victoria Wright Receptionist	SEIU CLERICAL	Niagara Health System	K ¶287, 293, 294, 301
191.	Susan Mary Marcotte, RPN	CUPE	North Bay Regional Health Centre	K ¶306, 308, 309, 311
192.	Kristy Palmer Environmental Services Attendant	CUPE	North Bay Regional Health Centre	K ¶306, 308, 309, 312
193.	Jenny Brown, RPN	CUPE	North Bay Regional Health Centre	K ¶306, 308, 309

	PLAINTIFF	UNION	DEFENDANT	REFERENCE K = MOTION AFF P = PHYSICIAN AFF R = REPLY AFF
194.	Lynne M.S. Cheff Food Service Worker	CUPE	North Bay Regional Health Centre	K ¶306, 308, 309
195.	Sarah Walter, RN	CUPE	North Bay Regional Health Centre	K ¶306, 308, 309
196.	Alison Margaret Bourre, RN	ONA	North Bay Regional Health Centre	K ¶306, 313, 314, 316
197.	Kathleen Burns, RN	ONA	North Bay Regional Health Centre	K ¶306, 313, 314, 316
198.	Krista Leckie, RN	ONA	North Bay Regional Health Centre	K ¶306, 313, 314, 316 R ¶11
199.	Sherri Bond, RN	OPSEU	Ontario Shores Centre for Mental Health Services	K ¶317, 319, 320, 322
200.	Ronnie Esau, RN	OPSEU	Ontario Shores Centre for Mental Health Services	K ¶317, 319, 320, 323
201.	Roman Goldschmidt, RN	OPSEU	Ontario Shores Centre for Mental Health Services	K ¶317, 319, 320, 324
202.	Arlene Kalmbach- Pashka, RPN	OPSEU	Ontario Shores Centre for Mental Health Services	K ¶317, 319, 320, 325
203.	Kelvin Kean Leisure/Life Skills Instructor	OPSEU	Ontario Shores Centre for Mental Health Services	K ¶317, 319, 320, 326
204.	Peter Mason Child Care Worker	OPSEU	Ontario Shores Centre for Mental Health Services	K ¶317, 319, 320, 327

	PLAINTIFF	UNION	DEFENDANT	REFERENCE K = MOTION AFF P = PHYSICIAN AFF R = REPLY AFF
205.	Kerry Scully, RPN	OPSEU	Ontario Shores Centre for Mental Health Services	K ¶317, 319, 320, 328
206.	Kevin Snow Patient Care Attendant	OPSEU	Ontario Shores Centre for Mental Health Services	K ¶317, 319, 320, 329
207.	Bobbi-Jo Snow, RPN	OPSEU	Ontario Shores Centre for Mental Health Services	K ¶317, 319, 320,
208.	Sheivonn Thompson Recreation Therapist	OPSEU	Ontario Shores Centre for Mental Health Services	K ¶317, 319, 320, 330
209.	Kelly Lynn Woodrow Patient Care Attendant	OPSEU	Ontario Shores Centre for Mental Health Services	K ¶317, 319, 320, 331
210.	Goran Zdravkovski Environmental Support Worker	OPSEU	Ontario Shores Centre for Mental Health Services	K ¶317, 319, 320, 332
211.	Wendy Baerg Dialysis Technologist	OPSEU	Orillia Soldiers' Memorial Hospital	K ¶333, 335, 336
212.	Andrew Wilgress Dialysis Technologist	OPSEU	Orillia Soldiers' Memorial Hospital	K ¶333, 335, 336
213.	Rachel Blake, RN	ONA	Orillia Soldiers' Memorial Hospital	K ¶333, 345
214.	Paula Burke, RPN	SEIU	Orillia Soldiers' Memorial Hospital	K ¶333, 338, 339, 341

	PLAINTIFF	UNION	DEFENDANT	REFERENCE K = MOTION AFF P = PHYSICIAN AFF R = REPLY AFF
215.	Brianna Grantham, RPN	SEIU	Orillia Soldiers' Memorial Hospital	K ¶333, 338, 339, 342
216.	Norma Smith, RPN	SEIU	Orillia Soldiers' Memorial Hospital	K ¶333, 338, 339, 343
217.	Nataliya Burlakov, RPN	CUPE	The Ottawa Hospital	K ¶348, 350, 351 R ¶13
218.	Shelly Flynn OR Attendant	CUPE	The Ottawa Hospital	K ¶348, 350, 351, 353
219.	Amy McNutt Outpatient Clerk	CUPE	The Ottawa Hospital	K ¶348, 350, 351, 354 R ¶12
220.	Sirpa O. Joyce, RN	ONA	The Ottawa Hospital	K ¶348, 355, 356
221.	Lori Carolyn Wells, RN	ONA	The Ottawa Hospital	K ¶348, 355, 356
222.	Garbiele Caporale Anaesthesia Assistant	OPSEU	The Ottawa Hospital	K ¶348, 358, 359
223.	Jennifer Dixon Dietary Aide	CUPE	Peterborough Regional Health Centre	K ¶361, 363, 364, 366
224.	Kim Driver Environmental Services Attendant	CUPE	Peterborough Regional Health Centre	K ¶361, 363, 364, 367
225.	Alexander Faulkner Environmental Services Attendant	CUPE	Peterborough Regional Health Centre	K ¶361, 363, 364, 368

	PLAINTIFF	UNION	DEFENDANT	REFERENCE K = MOTION AFF P = PHYSICIAN AFF R = REPLY AFF
226.	Holly McDonald Dietary Aide	CUPE	Peterborough Regional Health Centre	K ¶361, 363, 364, 369
227.	Mandy Parkes, RPN	CUPE	Peterborough Regional Health Centre	K ¶361, 363, 364, 370
228.	Katie Pattison Environmental Services Attendant	CUPE	Peterborough Regional Health Centre	K ¶361, 363, 364, 371
229.	Breanne Townsend, RPN	CUPE	Peterborough Regional Health Centre	K ¶361, 363, 364, 372
230.	Karly Marie Stothart Clerk	OPSEU	Peterborough Regional Health Centre	K ¶361, 374, 375
231.	Rachel Runions, RN	ONA	Quinte Health Care	K ¶377, 379, 380, 394, 395
232.	Caseymae Brant Hospitality Service Representative	UNIFOR	Quinte Health Care	K ¶377, 382, 383, 385, 386
233.	Amanda Osborne, RPN	UNIFOR	Quinte Health Care	K ¶377, 382, 383, 385, 386
234.	Jonathan Raby Medical Device Reprocessing Technician	UNIFOR	Quinte Health Care	K ¶377, 382, 383, 385, 386
235.	Sarah Rogerson Food Service Worker	UNIFOR	Quinte Health Care	K ¶377, 382, 383, 385, 386

	PLAINTIFF	UNION	DEFENDANT	REFERENCE K = MOTION AFF P = PHYSICIAN AFF R = REPLY AFF
236.	Cynthia June Jordan Medical Radiation Technologist	OPSEU	Quinte Health Care	K ¶377, 387, 388
237.	Stephanie VanderSpruit Central Booking Clerk	SEIU	Quinte Health Care	K ¶377, 390, 391, 396
238.	Gabriela Borovicainin Dietary Aide	UNIFOR	Corporation of the Municipality of Chatham- Kent (Riverview Gardens)	K ¶397, 399, 400, 403
239.	Kristen Garcia Dietary Aide	UNIFOR	Corporation of the Municipality of Chatham- Kent (Riverview Gardens)	K ¶397, 399, 400 R ¶16
240.	Madison Kristensen-Piens, PSW	UNIFOR	Corporation of the Municipality of Chatham- Kent (Riverview Gardens)	K ¶397, 399, 400, 402, 404
241.	Robin Millen Dietary Aide	UNIFOR	Corporation of the Municipality of Chatham- Kent (Riverview Gardens)	K ¶397, 399, 400
242.	Cheryl Payne Laundry Aide	UNIFOR	Corporation of the Municipality of Chatham- Kent (Riverview Gardens)	K ¶397, 399, 400
243.	Michelle Piens Housekeeper	UNIFOR	Corporation of the Municipality of Chatham- Kent (Riverview Gardens)	K ¶397, 399, 400
244.	Amir Farahkhiz, RN	ONA	Royal Ottawa Mental Health Care	K ¶405, 407, 408
245.	Caroline Goulet, RN	ONA	Royal Ottawa Mental Health Care	K ¶405, 407, 408

	PLAINTIFF	UNION	DEFENDANT	REFERENCE K = MOTION AFF P = PHYSICIAN AFF R = REPLY AFF
246.	Nadia Mousseau, RN	ONA/RN	Royal Victoria Regional Health Centre	K ¶412, 414, 415, 427
247.	Jenny Ramsay Anaesthesia Assistant	ONA/HCP	Royal Victoria Regional Health Centre	K ¶412, 417, 418, 428
248.	Merilyn Gibson Medical Device Reprocessing Technician	SEIU Local 1	Royal Victoria Regional Health Centre	K ¶412, 421, 422
249.	Marcela Kollarova. RPN	SEIU Local 1	Royal Victoria Regional Health Centre	K ¶412, 421, 422
250.	Justyna Lassak Logistics Attendant	SEIU Local 1	Royal Victoria Regional Health Centre	K ¶412, 421, 422, 424
251.	Gabriela Lassak FSC Team Leader	SEIU Local 1	Royal Victoria Regional Health Centre	K ¶412
252.	Paulina Lassak Medical Device Reprocessing Technician	SEIU Local 1	Royal Victoria Regional Health Centre	K ¶412, 421, 422, 425
253.	Sasha McArthur, RPN	SEIU Local 1	Royal Victoria Regional Health Centre	K ¶412, 421, 422, 426
254.	Sheila Daniel, RN	ONA	Scarborough Health Network	K ¶430, 432, 433, 435
255.	Petrina Mattison Unit Clerk	CUPE	Scarborough Health Network	K ¶430, 436, 437, 439

	PLAINTIFF	UNION	DEFENDANT	REFERENCE K = MOTION AFF P = PHYSICIAN AFF R = REPLY AFF
256.	Karleen Smith, RPN	CUPE	Scarborough Health Network	K ¶430, 436, 437, 440
257.	Eric Thibodeau Transport Service Rep.	CUPE	Scarborough Health Network	K ¶430, 436, 437, 441
258.	Lucy Thibodeau Registration Clerk	CUPE	Scarborough Health Network	K ¶430, 436, 437, 442
259.	Musette Hoepfner, PSW	UNIFOR	Schlegel Villages	K ¶444, 446, 447, 449
260.	Glenda Mendoza, RPN	UNIFOR	Schlegel Villages	K ¶444, 446, 447, 449
261.	Janet Neuts Housekeeping Aide	UNIFOR	Schlegel Villages	K ¶444, 446, 447, 449
262.	Cindy Sorenson, PSW	UNIFOR	Schlegel Villages	K ¶444, 446, 447, 449
263.	Cassandra Vaseleniuck Dunbar, PSW	UNIFOR	Schlegel Villages	K ¶444, 446, 447, 449
264.	Marina Anisimov Transport Service Associate	SEIU SERVICE	Southlake Regional Health Centre	K ¶450, 452, 453, 455
265.	Kelly Richards Patient Services Partner	SEIU SERVICE	Southlake Regional Health Centre	K ¶450, 452, 453, 456
266.	Mary Todd Transport Service Associate	SEIU SERVICE	Southlake Regional Health Centre	K ¶450, 452, 453, 457

	PLAINTIFF	UNION	DEFENDANT	REFERENCE K = MOTION AFF P = PHYSICIAN AFF R = REPLY AFF
267.	Oleg Anisimov, RN	ONA	Southlake Regional Health Centre	K ¶450, 462, 463
268.	James Langille, RN	ONA	Southlake Regional Health Centre	K ¶450, 462, 463, 466
269.	Amanda Slik, RN	ONA	Southlake Regional Health Centre	K ¶450, 462, 463, 465
270.	Anna Zamriga, RN	ONA	Southlake Regional Health Centre	K ¶450, 462, 463, 467
271.	Sheila Stiles Professional Resource Radiation Therapy	SEIU CLERICAL	Southlake Regional Health Centre	K ¶450, 459, 461
272.	Jesse Gratz Maintenance Worker	IUOE	St. Joseph's Care Group	K ¶468, 467
273.	Sandra Zurkan Food Service Worker	UNIFOR	St. Joseph's Care Group	K ¶468, 470, 471, 473
274.	Michelle Cruz Administrative Support	CUPE	St. Joseph's Health Care Hamilton	K ¶487, 489, 490
275.	Cheryl Jeffrey, RPN	CUPE	St. Joseph's Health Care Hamilton	K ¶487, 489, 490, 492
276.	Brooke Simpell Administrative Support	CUPE	St. Joseph's Health Care Hamilton	K ¶487, 489, 490, 493

	PLAINTIFF	UNION	DEFENDANT	REFERENCE K = MOTION AFF P = PHYSICIAN AFF R = REPLY AFF
277.	Gail Magarrey Recreation Therapist	OPSEU	St. Joseph's Health Care Hamilton	K ¶487, 494, 495, 497
278.	Alicia Badger Registered Technologist	OPSEU	St. Joseph's Health Care London	K ¶474, 476, 477
279.	Carly Bennett Dental Assistant	OPSEU	St. Joseph's Health Care London	K ¶474, 476, 477, 479
280.	Robin de Groot Occupational Therapist	OPSEU	St. Joseph's Health Care London	K ¶474, 476, 477
281.	Charmaine Dupuis Social Worker	OPSEU	St. Joseph's Health Care London	K ¶474, 476, 477
282.	Wendy Thornton Ophthalmic Technician	OPSEU	St. Joseph's Health Care London	K ¶474, 476, 477
283.	Alison Wilson Registered Technologist	OPSEU	St. Joseph's Health Care London	K ¶474, 476, 477
284.	Nikki Greenhow, RN	ONA	St. Joseph's Health Care London	K ¶474, 480, 481
285.	Cheri Mitchell, RN	ONA	St. Joseph's Health Care London	K ¶474, 480, 481, 483
286.	Angela Stacey, RPN	UNIFOR	St. Joseph's Health Care London	K ¶474, 484, 485
287.	Lisa Autuchiewicz Central Transport Attendant	UNIFOR	St. Joseph's Health Care London	K ¶474, 484, 485

	PLAINTIFF	UNION	DEFENDANT	REFERENCE K = MOTION AFF P = PHYSICIAN AFF R = REPLY AFF
288.	Byron Bolton Facility Maintenance	IUOE	St. Joseph's Lifecare Centre	K ¶498, 503, 504
289.	Stanislaw Wroblewski Facility Maintenance	IUOE	St. Joseph's Lifecare Centre	K ¶498, 503, 504
290.	Barb Fisher, RN	ONA	St. Joseph's Lifecare Centre	K ¶498, 500, 501, 506, 507
291.	Jennifer Pluck, RN	ONA	St. Joseph's Lifecare Centre	K ¶498, 500, 501, 508
292.	Galina Karataeva, RN	ONA	St. Mary's General Hospital	K ¶509, 511, 512, 514
293.	Jelena Sorgic, RN	ONA	St. Mary's General Hospital	K ¶509, 511, 512, 514
294.	Leigh Carroll Plant Maintenance	UNIFOR	St. Mary's General Hospital	K ¶509,515, 516, 518, 519, 520
295.	Vincent Cromie Electrician	UNIFOR	St. Mary's General Hospital	K ¶509,515, 516, 518, 521
296.	Tammy Foster- Greico Physiotherapist	UNIFOR	St. Mary's General Hospital	K ¶509,515, 516, 518, 522
297.	Donna Glenn Part-Time Attendant	UNIFOR	St. Mary's General Hospital	K ¶509,515, 516, 518

	PLAINTIFF	UNION	DEFENDANT	REFERENCE K = MOTION AFF P = PHYSICIAN AFF R = REPLY AFF
298.	Lorrie Poulin Medical Records Clerk	UNIFOR	St. Mary's General Hospital	K ¶509, 515, 516, 518, 523
299.	Cheri Mantel Ward Clerk	COPE	Thunder Bay Regional Health Science Centre	K ¶532, 534, 535
300.	Susan Buob- Corbett, RN	ONA	Thunder Bay Regional Health Science Centre	K ¶532, 537, 538, 540
301.	Judith Deschenes, RN	ONA	Thunder Bay Regional Health Science Centre	K ¶532, 537, 538, 540
302.	Linda Fieldhouse, RN	ONA	Thunder Bay Regional Health Science Centre	K ¶532, 537, 538, 540
303.	Nicholas Kowalczyk, RN	ONA	Thunder Bay Regional Health Science Centre	K ¶532, 537, 538, 540
304.	Lorena Legary, RN	ONA	Thunder Bay Regional Health Science Centre	K ¶532, 537, 538, 540
305.	Cindy Stolz, RN	ONA	Thunder Bay Regional Health Science Centre	K ¶532, 537, 538, 540
306.	Kyla Balke Therapeutic Receptionist	OPSEU	Thunder Bay Regional Health Science Centre	K ¶532, 542, 543, 549
307.	Rhonda Rentz Ultrasound Technologist	OPSEU	Thunder Bay Regional Health Science Centre	K ¶532, 542, 543, 545
308.	Darlene Freeman Housekeeping Attendant	SEIU	Thunder Bay Regional Health Science Centre	K ¶532, 546, 547, 550

	PLAINTIFF	UNION	DEFENDANT	REFERENCE K = MOTION AFF P = PHYSICIAN AFF R = REPLY AFF
309.	Theresa Noyes Housekeeping Attendance	SEIU	Thunder Bay Regional Health Science Centre	K ¶532, 546, 547, 552
310.	Bryden See, RPN	SEIU	Thunder Bay Regional Health Science Centre	K ¶532, 546, 547, 555
311.	Catherine See, RPN	SEIU	Thunder Bay Regional Health Science Centre	K ¶532, 546, 547, 557
312.	Stephanie Bienias, RN	ONA	Timmins and District Hospital	K ¶559, 561, 562, 570
313.	Julie Joannis-Gilles Social Worker	OPSEU	Timmins and District Hospital	K ¶559, 564, 565
314.	Tanya Bouvier, RPN	USW	Timmins and District Hospital	K ¶559, 567, 568
315.	Angele Bouchard, RPN	USW	Timmins and District Hospital	K ¶559, 567, 568
316.	Carol Charters, RPN	USW	Timmins and District Hospital	K ¶559, 567, 568
317.	Angele Samson, RPN	USW	Timmins and District Hospital	K ¶559, 567, 568
318.	Panagiota Patricia Jovanovic, RPN	CUPE	Trillium Health Partners	K ¶571, 574, 576
319.	Vanessa MacLeish, RN	ONA	Trillium Health Partners	K ¶571

	PLAINTIFF	UNION	DEFENDANT	REFERENCE K = MOTION AFF P = PHYSICIAN AFF R = REPLY AFF
320.	Imelda Agustin, RPN	CUPE	Unity Health Toronto	K ¶577, 579, 596, 597
321.	Diana De Medeiros Clerical Assistant	CUPE	Unity Health Toronto	K ¶577, 581, 598, 600, 601
322.	Raymond Hogue Unit Service Worker	CUPE	Unity Health Toronto	K ¶577, 602, 603
323.	Julia Ordonez Unit Service Worker	CUPE	Unity Health Toronto	K ¶577, 579, 608, 609, 610
324.	Rosa Ramos Clerical Assistant	CUPE	Unity Health Toronto	K ¶577, 581, 612, 613
325.	Fawn Schroeder Clerical Assistant	CUPE	Unity Health Toronto	K ¶577, 581, 614, 615
326.	Sandra Silva Information Desk Assistant	CUPE	Unity Health Toronto	K ¶577, 581, 616, 617
327.	Yuriy Wankiewicz Unit Service Aide	CUPE	Unity Health Toronto	K ¶577, 579, 618, 619, 620
328.	Tanya Ilkiw Cardiac Sonographer	LiUNA	Unity Health Toronto	K ¶577, 583, 584, 604, 606, 607
329.	Jessica Boccadoro, RN	ONA	Unity Health Toronto	K ¶577, 586, 587
330.	Esther Carter, RN	ONA	Unity Health Toronto	K ¶577, 586, 587

	PLAINTIFF	UNION	DEFENDANT	REFERENCE K = MOTION AFF P = PHYSICIAN AFF R = REPLY AFF
331.	Lesley Ann Faltine, RN	ONA	Unity Health Toronto	K ¶577, 586, 587
332.	Jenny Poon, RN	ONA	Unity Health Toronto	K ¶577, 586, 587
333.	Ian Samuda, RN	ONA	Unity Health Toronto	K ¶577, 586, 587
334.	Angeliki Tzakis, RN	ONA	Unity Health Toronto	K ¶577, 586, 587
335.	Lorraine Welsh, RN	ONA	Unity Health Toronto	K ¶577, 586, 587
336.	Amedeo Popescu Security Guard	SEIU	Unity Health Toronto	K ¶577, 590, 591, 593, 594, 611
337.	Romana Freitas Environmental Service Aide	CUPE	University Health Network	K ¶622, 624, 625, 634
338.	Danica Jovanovic Hospital Assistant	CUPE	University Health Network	K ¶622, 624, 625, 635
339.	Nadiya Kaminska Environmental Service Aide	CUPE	University Health Network	K ¶622, 624, 625, 636
340.	Danijela Vukovic, RN	ONA	University Health Network	K ¶622, 627, 628, 630
341.	Elaine Walker- Esson, RN	ONA	University Health Network	K ¶622, 627, 628, 630

	PLAINTIFF	UNION	DEFENDANT	REFERENCE K = MOTION AFF P = PHYSICIAN AFF R = REPLY AFF
342.	Joanna Kiwak Pharmacy Technician	OPSEU	University Health Network	K ¶622, 631, 632
343.	Sarah Boyington, RN	OPSEU	Waypoint Centre for Mental Health Care	K ¶637, 639, 640, 642
344.	Corinna Gayle Care Co-ordinator	OPSEU	Waypoint Centre for Mental Health Care	K ¶637, 639, 640, 643
345.	Sara Hampton Community Clinician RN	OPSEU	Waypoint Centre for Mental Health Care	K ¶637, 639, 640, 644
346.	Sheila Jean Mackie, RN	OPSEU	Waypoint Centre for Mental Health Care	K ¶637, 639, 640, 645
347.	Anna Pavsic Administrative Assistant	OPSEU	Waypoint Centre for Mental Health Care	K ¶637, 639, 640, 646
348.	Victoria Tiessen, RN	OPSEU	Waypoint Centre for Mental Health Care	K ¶637, 639, 640, 647
349.	William Vowels, RPN	OPSEU	Waypoint Centre for Mental Health Care	K ¶637, 639, 640, 648
350.	Josh Wahl, RN	OPSEU	Waypoint Centre for Mental Health Care	K ¶637, 639, 640, 649
351.	Michelle Bowler, RN	ONA	William Osler Health System	K ¶650, 652, 653, 661
352.	Judith Dube, RN	ONA	William Osler Health System	K ¶650, 652, 653

	PLAINTIFF	UNION	DEFENDANT	REFERENCE K = MOTION AFF P = PHYSICIAN AFF R = REPLY AFF
353.	Dolores Peckham, RN	ONA	William Osler Health System	K ¶650, 652, 653
354.	Jennifer Jitta, RPN	CUPE	William Osler Health System	K ¶650,655, 656
355.	Joan Knight-Grant, RPN	CUPE	William Osler Health System	K ¶650,655, 656
356.	Wetshi Mbotembe, RPN	CUPE	William Osler Health System	K ¶650,655, 656
357.	Jolanta Pietrzykowski Health Care Aide	CUPE	William Osler Health System	K ¶650,655, 656, 663
358.	Crystal Simm, RPN	CUPE	William Osler Health System	K ¶650,655, 656
359.	Malgorzata Skrzypek-Aviles Service Associate	CUPE	William Osler Health System	K ¶650,655, 656
360.	Sharon Yandt, RPN	CUPE	William Osler Health System	K ¶650,655, 656
361.	Crestina Tolfo Clerical Associate	TEAMSTERS	William Osler Health System	K ¶650, 658, 659
362.	Michelle Bourgoïn, RPN	CUPE	Windsor Regional Hospital	K ¶667, 669, 670, 686

	PLAINTIFF	UNION	DEFENDANT	REFERENCE K = MOTION AFF P = PHYSICIAN AFF R = REPLY AFF
363.	Christopher Gignac, RPN	CUPE	Windsor Regional Hospital	K ¶667, 669, 670, 688
364.	Nidia Ingoldsby, RPN	CUPE	Windsor Regional Hospital	K ¶667, 669, 670, 689
365.	Alexandra Pepin, RPN	CUPE	Windsor Regional Hospital	K ¶667, 669, 670, 694
366.	Lisa Trif, RPN	CUPE	Windsor Regional Hospital	K ¶667, 669, 670, 695
367.	Breanne Gillen Switchboard Operator	IBEW	Windsor Regional Hospital	K ¶667, 672, 673
368.	Renata Kreeft Unit Clerk	IBEW	Windsor Regional Hospital	K ¶667, 672, 673, 675, 690
369.	Rhonda Lamont Unit Clerk	IBEW	Windsor Regional Hospital	K ¶667, 672, 673, 675, 691, 692
370.	Kelly Loch Unit Clerk	IBEW	Windsor Regional Hospital	K ¶667, 672, 673, 675, 693
371.	Sarah Adams, RN	ONA	Windsor Regional Hospital	K ¶667, 676, 677
372.	Ashley Bardsley, RN	ONA	Windsor Regional Hospital	K ¶667, 676, 677, 679
373.	Esther Bradt, RN	ONA	Windsor Regional Hospital	K ¶667, 676, 677, 679

	PLAINTIFF	UNION	DEFENDANT	REFERENCE K = MOTION AFF P = PHYSICIAN AFF R = REPLY AFF
374.	Ada Chiarot, RN	ONA	Windsor Regional Hospital	K ¶667
375.	Dayna Crowder, RN	ONA	Windsor Regional Hospital	K ¶667, 676, 677
376.	Nicole Faucher, RN	ONA	Windsor Regional Hospital	K ¶667, 676, 677, 679
377.	Anna Maria Gelinias, RN	ONA	Windsor Regional Hospital	K ¶667, 679
378.	Edua Keresztes, RN	ONA	Windsor Regional Hospital	K ¶667, 676, 677, 679
379.	Jennifer Macri, RN	ONA	Windsor Regional Hospital	K ¶667
380.	Kristina Neufeld, RN	ONA	Windsor Regional Hospital	K ¶667, 676, 677, 679
381.	Deborah Wiebe, RN	ONA	Windsor Regional Hospital	K ¶667, 676, 677
382.	Elizabeth Vaughn Learning Consultant	ONA	Windsor Regional Hospital	K ¶667, 680, 681
383.	Wendy Douglas Medical Device Reprocessing Technician	UNIFOR	Windsor Regional Hospital	K ¶667, 683, 684

	PLAINTIFF	UNION	DEFENDANT	REFERENCE K = MOTION AFF P = PHYSICIAN AFF R = REPLY AFF
384.	Amanda Foster Medical Device Reprocessing Technician	UNIFOR	Windsor Regional Hospital	K ¶667, 683, 684
385.	Natalie Morrone Biomedical Technician	UNIFOR	Windsor Regional Hospital	K ¶667, 683, 684
386.	Samantha King, RN	ONA	Woodstock Hospital	K ¶696, 698, 699, 702
387.	Leah Kittmer Ward Clerk	UNIFOR	Woodstock Hospital	K ¶696, 704, 705

Appendix C:

CHART OF CREDENTIALLED STAFF PLAINTIFFS

	PLAINTIFF	POSITION	DEFENDANT	REFERENCE K = MOTION AFF P = PHYSICIAN AFF R = REPLY AFF
1.	Tommy Dang	Surgical Assistant	Windsor Regional Hospital	P ¶ 4, 51 - 57
2.	Jessica Hebert	Midwife	Windsor Regional Hospital	P ¶ 4, 51, 58-62
3.	Matthew Langdon	Anaesthesiologist	Quinte Health Care	P ¶ 4, 37-41
4.	Dr. John Doe #1	Unknown	Quinte Health Care	P ¶ 42
5.	Crystal Luchkiw	Hospitalist	Royal Victoria Regional Health Centre	P ¶ 4, 43-48
6.	Vinod Nair	Physician	Grey Bruce Health Services	P ¶ 4, 22 - 25
7.	Clifford Rosen	Anaesthesiologist	Windsor Regional Hospital	P ¶ 4, 51, 63-67
8.	Albrecht Schall	Pathologist	Humber River Hospital	P ¶ 4, 28 - 34
9.	David Sion	Surgeon	Erie Shores Healthcare and Windsor Regional Hospital	P ¶ 4, 51, 68-72

Appendix D:

**CHARTER OF *CHARTER* APPLICABLE VERSUS
INAPPLICABLE MOVING PARTIES**

CHARTER APPLICABLE	
1.	The Corporation of the County of Essex
2.	Community Living Windsor
3.	Erie St. Clair Local Integration Health Network
4.	Hamilton Niagara Haldimand Brant Local Integration Health Network
5.	Mississauga Halton Local Integration Health Network
6.	South West Local Integration Health Network
7.	Toronto Central Integration Health Network
8.	Corporation of the Municipality of Chatham-Kent (Riverview Gardens)
9.	Saint Elizabeth Health Care
10.	St. Joseph's Care Group

CHARTER INAPPLICABLE	
1.	Bayshore Healthcare
2.	Brant Community Healthcare System
3.	Cambridge Memorial Hospital
4.	Centre for Addiction and Mental Health
5.	Chatham-Kent Health Alliance
6.	Erie Shores HealthCare

CHARTER INAPPLICABLE	
7.	Georgian Bay General Hospital
8.	Grand River Hospital Corporation
9.	Grey Bruce Health Services
10.	Halton Healthcare
11.	Hamilton Health Sciences
12.	Hospital for Sick Children
13.	Hotel Dieu Grace Healthcare
14.	Humber River Hospital
15.	Corporation of the City of Windsor (Huron Lodge)
16.	Joseph Brant Hospital
17.	Lakeridge Health
18.	London Health Sciences Centre
19.	Niagara Health System
20.	North Bay Regional Health Centre
21.	Ontario Shores Centre for Mental Health Sciences
22.	Orillia Soldiers' 'Memorial Hospital
23.	The Ottawa Hospital
24.	Peterborough Regional Health Centre
25.	Quinte Health Care
26.	Royal Ottawa Mental Health Care

CHARTER INAPPLICABLE	
27.	Royal Victoria Regional Health Centre
28.	Scarborough Health Network
29.	Schlegel Villages
30.	Southlake Regional Health Centre
31.	St. Joseph's Health Care London
32.	St. Joseph's Health Care Hamilton
33.	St. Joseph's Lifecare Centre
34.	St. Mary's General Hospital
35.	Extendicare
36.	Thunder Bay Regional Health Science Centre
37.	Timmins and District Hospital
38.	Trillium Health Partners
39.	Unity Health Toronto
40.	University Health Network
41.	Waypoint Centre for Mental Health Care
42.	William Osler Health System
43.	Windsor Regional Hospital
44.	Woodstock Hospital

MICHELET DORCEUS et al.

(Plaintiffs)

-and- **HMTK et al.**

(Defendants)

Court File No.: CV-22-00685694-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Toronto

**FACTUM OF THE MOVING PARTIES
(HEALTHCARE DEFENDANTS)**

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