

28/Jan/2025

1

REGISTRAR / GREFFIER  
COUR D'APPEL DE L'ONTARIO

Court File No.: COA-25-CV-0051

**COURT OF APPEAL FOR ONTARIO**

B E T W E E N:

Amynah Hirani, Oana-Andreea 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, **(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, Rebecca Verscheure, Tina Waring, **(Chatham Kent Health Alliance  
Workers)**

-and-

Mike Belawetz, Jonathon Croley, Mona Hansen, Ryan Kreeft, **(The Corporation of the County  
of Essex)**

-and-

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

-and-

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

-and-

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

-and-

Hafiza Ally, Csilla Ankuczka, Amy Campbell, Bojan Gagic, Janet Izumi, Danielle Little, Alaa Maloudi, Martin Mueller, Jody Myers, Diane Radisic, Tatjana Suserski, Erika Toth, **(Grand River Hospital Workers)**

-and-

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

-and-

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

-and-

Svitlana Alyonkina, Lisa Augustino, Gary Blake, Laura Bosch, Ryan Cino, Susan Davis, Erica Demers, Colleen Gair, Katharine Gamble, Loredana Gheorghe, Mario Gheorghe, Sonja Jankovic, Cheryl Jordan, Catherine King, Ashley Loeffen, Denis Madjar, Merima Mahmutovic, Shirley Morin, Kristine Osenenko, Naomi Quiring, Brent Scarisbrick, Jocelyn Scholtens, Rob Shortill, Liza Sibbald, Paola Sivazlian, Bethany Stroh-Gingrich, Lori Swan, Rachel Thibault, Susan Torenvliet, Tiffany-Anne Toulouse-Sauve, Brooke Vandewater, Benjamin Wencel, 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), Patricia Weaver (Mississauga Halton), **(Home and Community Care Support Services Workers)**

-and-

Tony Best, Susan Iori, Antonietta Mongillo, Kristine Sandoval, Felicia Ing-Tyng Tseng, 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, Danielle Qawwas, Jonathan Sandor, Michelynne Tremblay, Kattie Westfall, **(Hotel Dieu Grace Healthcare Workers)**

-and-

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

-and-

Glenda Mendoza, (**The Corporation of the City of Windsor**)

-and-

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

-and-

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

-and-

Andrej Bosnjak, Laurie Bowman, Tonia Coyle, Mary Eastman, Chiara Marie Elliott, Cathy Lindsay, Jessica Lindsay, Heather MacNally, Maria Dorothy Moore, Georgia Murphy, Anita Murray, Mark Read, Katherine Robichaud, Nancy Sawlor, Lisa Starogianie, (**London Health Sciences Centre Workers**)

-and-

Sharon Addison, Maxim Avtonomov, Cassandra Craig, Tasha Crump, Alex D'Souza, Christine L. Ehgoetz, Alyssia Elias, Chuck Evans, Vanessa Gallant, 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, Sarah Walter, (**North Bay Regional Health Centre Workers**)

-and-

Sherri Bond, Ronnie Esau, 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, Norma Smith, Andrew Wilgress, **(Orillia Soldiers Memorial Hospital Workers)**

-and-

Nataliya Burlakov, Gabriele Caporale, Sirpa Joyce, Amy McNutt, Slaven Savic, 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, Cynthia June Jordan, Matthew Langdon, Amanda Osbourne, Sarah  
Rogerson, Rachel Runions, Stephanie VanderSpruit, **(Quinte Healthcare Corporation)**

-and-

Gabriela Borovicanin, Madison Kristensen-Piens, Michelle Piens, **(The Corporation of the  
Municipality of Chatam-Kent)**

-and-

Caroline Goulet, Amir Hamed Farahkhiz, **(Royal Ottawa Health Care Group)**

-and-

Gabriela Lassak, Justyna Lassak, Paulina Lassak, Sasha McArthur, Nadia Mousseau, **(Royal  
Victoria Regional Health Centre Workers)**

-and-

Cecile Butt, Darlene Crang, Jocelyn Ford, Melissa Idenouye, Judith Schoutsen, Holly Tucker,  
**(Saint Elizabeth Health Care)**

-and-

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

-and-

Sean Filbey, Musette Hoepfner, Glenda Mendoza, Janet Neuts, **(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-

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, Barb Fisher, Cheryl Jeffrey, Gail Magarrey, Graham Nishikawa, Jennifer Pluck, 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-

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

-and-

Joanna Carabetta, Andrea R. DeVries, Juanita Diorio, Rosa Grobanopoulos, Katarzyna Kobylinski, Vanessa MacLeish, Veronica Pereira, Karen Rotham, Tianilla Weigert Corredoura, **(Trillium Health Partners Workers)**

-and-

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

-and-

Romana Freitas, Nadiya Kaminska, Magdalena Kulikowski, Anna Piri, Afrodite Vorvis, Danijela Vukovic, Elaine Walker-Esson, **(University Health Network Workers (UHN))**

-and-

Sarah Boyington, Sara Hampton, **(Waypoint Centre for Mental Health Care Workers)**

--and-

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

-and-

Sarah Adams, Michelle Bourgoïn, Esther Grace Bradt, Ada Chiarot, Dayna Crowder, Tommy Dang, Wendy Douglas, Nicole Faucher, Anna Maria Gelinas, Christopher Gignac, Breanne Gillen, Nidia Ingoldsby, Edua Keresztes, Renata Kreeft, Rhonda Lamont, Kelly Loch, Jennifer Macri, Natalie Morrone, Kristina Neufeld, Alexandra Pepin, Lisa Trif, Elizabeth (Liz) Vaughan, Deborah Wiebe, **(Windsor Regional Hospital Workers)**

-and-

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

**APPELLANTS**

-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 Sciences, (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, 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 Healthcare Corporation, 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

## **RESPONDENTS**

### **NOTICE OF APPEAL (Rule 61.04; Form 61A)**

**THE APPELLANTS** appeal to the Court of Appeal, from the judgment of The Honourable Justice Koehnen dated December 18th, 2024, made at Toronto, in Superior Court Docket No. CV- 22-00685694-0000, striking the Appellants' action, and further appeal the order as to costs and its quantum.

**THE APPELLANTS ASK** that the judgment be set aside, and judgment be granted as follows:

1. That the judgment of Justice Koehnen be set aside and that the Superior Court action proceed.
2. Costs of the motion in Superior Court and the within appeal.
3. Such further and other relief as counsel for the Appellants may advance and this Honourable Court entertain.

**THE GROUNDS OF APPEAL** are as follows:

1. The Court erred, in law, in misapplying the test and jurisprudence on a motion to strike, and further erred, in law, in determining the jurisdictional issue as between unionized and non-unionized Plaintiffs.
2. The Court erred, in law, by exceeding jurisdiction, on a motion to strike, by usurping the function and jurisdiction of a trial judge, with respect to the determinations made on the motion.
3. The Court erred, in law, in ignoring and choosing to not address the written and oral submissions of the Plaintiffs, in response to the Defendants' issues, upon which issues the Court ruled.
4. The Court erred, in law, in making palatable errors, in making findings of fact at all, and further making findings of fact in disregard to the pleadings, which factual pleadings in the claim the Court was under a duty to assume as proven, and further making, and relying on facts plucked out of thin air.
5. The Court erred, in law, contrary to the Supreme Court of Canada in **R. v. Find, [2001] 1 S.C.R. 863, 2001 SCC 32**, taking judicial notice of scientific and medical facts, especially aggravated and in excess of jurisdiction in the context of a motion to strike.
6. The Court erred, in law and principle, in its award of costs simpliciter, and with respect to the quantum of costs, against the Plaintiffs.
7. Such further or other grounds as counsel may advance and this Honourable Court entertain.



**THE BASIS OF THE APPELLATE COURT'S JURISDICTION IS:**

1. The Judgment made on December 18th, 2024, was a final judgment of Justice Koehnen, a judge of the Superior Court of Justice in Toronto, striking the Appellants' Claim, with prejudice, on jurisdictional grounds, pursuant to s. 6(1)(d) of the *Courts of Justice Act*, whereby an appeal lies to the Court of Appeal from a final order of a judge of the Superior Court of Justice; and
2. There is no requirement of leave to appeal under the *Courts of Justice Act* or the **Rules**.

The Appellants request that this appeal be heard at Toronto.

Dated at Toronto, this 15<sup>th</sup> day of January, 2025.

---

ROCCO GALATI LAW FIRM  
 PROFESSIONAL CORPORATION  
 Rocco Galati, B.A., LL.B., LL.M.  
 1062 College Street, Lower Level  
 Toronto, Ontario M6H 1A9  
 TEL: (416) 530-9684  
 FAX: (416) 530-8129  
 Email: [rglfpc@gmail.com](mailto:rglfpc@gmail.com)  
 Lawyer for the Appellants

TO:

ATTORNEY GENERAL OF ONTARIO  
 Civil Law Division, Constitutional Law  
 Branch  
 720 Bay St., 4<sup>th</sup> Floor  
 Toronto, Ontario M7A 2S9

Sean Hanley  
 LSO#: 41870J  
 Email: [Sean.Hanley@ontario.ca](mailto:Sean.Hanley@ontario.ca)  
 Tel: 416-455-9560

Emily Owens  
LSO#: 80144G  
Email: [Emily.Owens@ontario.ca](mailto:Emily.Owens@ontario.ca)  
Tel: 416-937-3687

Sean Kissick  
LSO#: 84753L  
Email: [Sean.D.Kissick@ontario.ca](mailto:Sean.D.Kissick@ontario.ca)  
Tel: 437-522-4147

Counsel for the Respondents His Majesty the King in Right of Ontario, Ontario Premier Doug Ford, Former Minister of Health Christine Elliot, Current Minister of Health Sylvia Jones and Minister of Long-Term Care Paul Calandra 12

AND TO:

HICKS MORLEY HAMILTON STEWART  
STORIE LLP  
77 King St W., 39<sup>th</sup> Floor, Box 371, TD Centre  
Toronto, ON M5K 1K8

Frank Cesario  
LSO#: 44516P  
Tel: 416-864-7355  
E-mail: [frank-cesario@hicksmorley.com](mailto:frank-cesario@hicksmorley.com)

Shivani Chopra (Ms.)  
LSO#: 73415Q  
Tel: 416-864-7310  
E-mail: [shivani-chopra@hicksmorley.com](mailto:shivani-chopra@hicksmorley.com)

Counsel for the Co-Respondent

*HMTK et al.*

*Hirani et al.*

Respondents

Appellants

COURT OF APPEAL FOR  
ONTARIO

Proceeding commenced at Toronto

**NOTICE OF APPEAL**

ROCCO GALATI LAW FIRM  
PROFESSIONAL CORPORATION  
Rocco Galati, B.A., LL.B., LL.M.

1062 College Street, Lower Level  
Toronto, Ontario M6H 1A9  
TEL:416-530-8129  
FAX:416-530-9684

Lawyer for the Appellants