

Court File No. CV-24-00715344-0000

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N:

DR. KULVINDER GILL

Plaintiff

-and-

**ROCCO GALATI and ROCCO GALATI LAW FIRM
PROFESSIONAL CORPORATION**

Defendants

REPLY

1. The Plaintiff denies all the allegations set out in the Statement of Defence, save only to the extent that such allegations are fully consistent with the contents of the Statement of Claim or are otherwise specifically admitted herein.
2. Without limiting the foregoing, the Plaintiff specifically states the following in reply to the Statement of Defence.
3. With respect to the allegations contained in paragraph 21 of the Statement of Defence, the Plaintiff pleads the following deficiencies with the statement of claim advanced against the Defamation Defendants (as that term is defined in the Statement of Claim):
 - a. The significant number of defendants targeted by the action,
 - b. The exaggerated and substantial claim for general damages;
 - c. The exaggerated and substantial claim for aggravated damages;
 - d. The exaggerated and substantial claim for punitive damages;

- e. The inclusion of two entirely different set of expressions (i.e. the MacIver expressions and the COVID-19 expressions) in the same proceeding;
- f. Pleading other irrelevant causes of action including conspiracy, negligence and professional negligence;
- g. Including sensational allegations in the pleading, including those at paras 245, 257, 282; and,
- h. Such other deficiencies as may be particularized, and the Court may accept.

4. All of the deficiencies pleaded above increased the likelihood that a motion judge on a s. 137.1 would be filed and would ultimately find that the action should be dismissed with costs. Any reasonably prudent lawyer would have advised that these deficiencies with the statement of claim would likely lead, if not almost guarantee, that the defendants would bring s. 137.1 motions and would be successful.

5. In response to paragraph 30 of the Statement of Defence, the Plaintiff, Dr. Gill, denies that she refused to participate in any of the motions brought by the Defendants to remove themselves from the record. In fact, it is the Defendants who significantly delayed their own removal motions, including by failing to schedule motion dates, failing to file documents with the courts, failing to respect deadlines, serving and filing unredacted (or poorly redacted) motion records, failing to confirm motion dates, and failing to follow the August 8, 2023 endorsement of Justice Chalmers to renew their motion to be removed as counsel of record in the matter against Amir Attaran.

6. In addition to the above, despite repeated requests by Dr. Gill, the Defendants failed to remove the unredacted (or poorly redacted) motion records and/or refile properly redacted motion records, thereby violating Dr. Gill's right to solicitor-client privilege.

Date: September 23, 2024

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DR. KULVINDER GILL
Plaintiff

-and-

ROCCO GALATI
Defendant

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Proceeding commenced in Toronto

REPLY

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