

First Responders/Essential Workers  
Procedural Update  
Rocco Galati  
Constitutional Rights Centre Inc.  
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A date has been set to iron out a schedule for the Defendant's summary judgment motion. This date is January 24<sup>th</sup>, 2024, with the timetable imposed on January 24<sup>th</sup>, 2024 going forward from that date which will include the serving and filing of the Defendants motion record, our response to their motion record, dates for cross-examination on affidavits, serving and filing of factum's (legal arguments) and a hearing date to argue the case.

There are twenty-two (22) different legal counsel acting for the Defendants, so far. There may be more.

In accordance with your retainer, if we lose the motion, the Plaintiffs would be liable for costs, severally and jointly. To remind you, your one-page retainer agreement sets out in part:

“I further understand and acknowledge that in the event that we are unsuccessful in Court, and the Court orders Court costs against us, that I am severally and jointly liable for those costs with the other Plaintiffs”

In anticipation for such an eventuality, I am requesting that each Plaintiff put \$4,500 towards covering Court costs to the other side if we are unsuccessful. We were unable to guesstimate the potential cost liability, in the event we are unsuccessful, any earlier because we did not know how many legal counsels would be acting for the different Defendants. (For example, in some of our other cases **all** Defendants are represented by one (1) or two (2) legal counsel – total. We have 22 so far.).

The exact amount of costs, if unsuccessful, is not determinable at this stage. That will depend on what the Defendants seek, and what the Court orders.

\*These funds being requested as security for costs, will be held in trust and, if we succeed, will be returned to the Plaintiffs.

\*If those funds are not received by January 24<sup>th</sup>, 2024, before we set a schedule, Rocco will proceed to discontinue the action because we cannot be left with the uncertainty of trying to collect Court costs after the fact.

\*To be clear, this is **NOT** for Rocco's legal fees, this is in case the Court orders costs against the Plaintiffs, to pay the Defendants legal fees, with 22+ lawyers, each firm is entitled to submit their own costs request.