

COURT FILE NO. 2503 03094

COURT COURT OF KING'S BENCH OF ALBERTA

JUDICIAL CENTRE EDMONTON

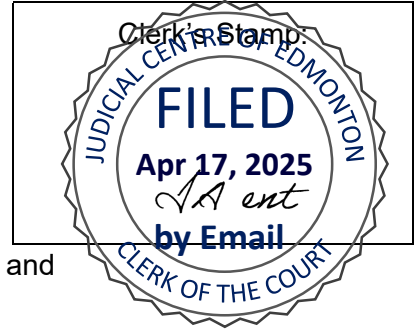
PLAINTIFFS/
RESPONDENTS LORI HAND, OLGA COLLINS, LISA WOLFS, and
SCARLETT MARTYN

DEFENDANTS/
APPLICANTS ROCCO GALATI LAW FIRM PROFESSIONAL CORPORATION, ROCCO
GALATI, CONSTITUTIONAL RIGHTS CENTRE INC.

DOCUMENT **APPLICATION BY CONSTITUTIONAL RIGHTS CENTRE INC.,
DEFENDANT**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY

Joe D. Spelliscy Barrister & Solicitor Phone: 780.441.4330 Fax: 780.428.9683 File #220002	DUNCAN CRAIG LLP LAWYERS MEDIATORS 2800 Rice Howard Place 10060 Jasper Avenue Edmonton, Alberta Canada T5J 3V9
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NOTICE TO RESPONDENTS: LORI HAND, OLGA COLLINS, LISA WOLFS and SCARLETT MARTYN

This application is made against you. You are a Respondent. You have the right to state your side of this matter before the Court.

To do so, you must be in Court when the application is heard as shown below:

Date: **Wednesday, April 30, 2025** May 1, 2025/AJ2

Time: 10:00 AM

Where: Law Courts, 1A Sir Winston Churchill Square, Edmonton, AB T5J 0R2

Before Whom: Applications Judge in Chambers

Go to the end of this document to see what else you can do and when you must do it.

Remedy claimed or sought:

1. An Order dismissing or alternatively staying, the within Action on the grounds that this Honourable Court does not have jurisdiction to hear this Action;
2. Alternatively, an Order staying the within Action on the grounds that this Honourable Court is *forum non conveniens* for the issues to be tried in this Action;
3. An Order setting aside any Order permitting service of the Statement of Claim outside the Province of Alberta;
4. An Order setting aside any service of the Statement of Claim;
5. In the further alternative, if this Honourable Court dismisses the aforementioned Applications, this Applicant, Constitutional Rights Centre Inc., seeks an Order striking the Plaintiffs' Statement of Claim in the within Action as against this Applicant;
6. An Order for costs of this Application; and
7. Such further and other relief as this Honourable Court may deem just and appropriate in the circumstances.

Grounds for making this application:

8. On February 13, 2025, the four named Plaintiffs filed the within Action in the Court of King's Bench of Alberta in the Judicial Centre of Edmonton, against the three Defendants being:
 - a. Rocco Galati Law Firm Professional Corporation (the "Firm");
 - b. Rocco Galati ("Galati"); and
 - c. Constitutional Rights Centre Inc. ("CRC").
9. The Statement of Claim alleges the four named Plaintiffs each had entered into a Retainer Agreement with the Firm and Galati in which the four named Plaintiffs would be plaintiffs in one of six other actions challenging various COVID-19 rules and restrictions (the "COVID Actions").
10. The four named Plaintiffs seek to have the within Action certified as a class action and allege that the Firm and Galati, in litigating the COVID Actions, were negligent legal counsel, that they breached their Retainer Agreements with the four named Plaintiffs, and that they breached their duties owed as legal counsel to the four named Plaintiffs and an alleged class, and/or subclasses, of parties.
11. CRC has been served with a copy of the Statement of Claim filed in the within Action.
12. The four named Plaintiffs seek damages against CRC on behalf of an alleged subclass of parties that donated funds to CRC and that such donations were funding, or partially funding, the COVID Actions
13. CRC is a Province of Ontario corporation, with its office, along with its founder and executive director, Galati, being located in the City of Toronto, Ontario.
14. CRC has no connection to the Province of Alberta.
15. The within Action has no real and substantial connection with the Province of Alberta.
16. Any and all witnesses to be called in the defense of the withinn Action by CRC reside outside the Province of Alberta and are largely, if not entirely, in the Province of Ontario.

17. All, or substantively all, of the physical evidence and documentation of CRC is located in the Province of Ontario.

Alternative Application;

18. In the alternative, if this Honourable Court dismisses the aforementioned Applications, CRC seeks an Order striking the within Statement of Claim as against it.

19. The Statement of Claim discloses no reasonable claim against CRC.

20. The four named Plaintiffs seek damages against CRC on behalf of parties that are alleged to have donated funds to CRC and that such donations were funding, or partially funding, the COVID Actions.

21. The Plaintiffs seek to commence a class action lawsuit pursuant to a claimed membership group for which they are not members and have little or no relation to.

22. There is no allegation that any one of more of the four named Plaintiffs have ever donated to CRC or that they otherwise fall within the "Donation Subclass" as those terms are defined at paragraphs 8 and 9(b) of the Statement of Claim.

23. Further, and in the alternative, there is no proximity between CRC and the Donation Subclass and no allegation that representations or alleged misrepresentations were made directly from CRC to any particular member of the Donation Subclass.

24. The members of the Donation Subclass as defined in the Statement of Claim are parties that made "donations" to CRC and did not pay, and are not alleged to have paid, for any personal or professional services of CRC, Galati, the Firm or any one or more of them.

25. Members of the Donation Subclass are not, and are not alleged to be, a client of CRC, Galati or the Firm, nor that any member of the Donation Subclass was a party in any of the COVID Actions. Accordingly, the Donation Subclass did not sustain, and could not have sustained damages or losses.

26. Although Galati, a lawyer practicing and residing in Toronto, Ontario, is the founder and executive director of CRC, CRC is not a lawyer, or a law firm, is not alleged to be such, and never represented any one or more of the four named Plaintiffs, or any party, in the COVID Actions.

27. Further, there is no allegation in the Statement of Claim that CRC entered a Retainer Agreement, or any agreement at all, with any one of more of the four named Plaintiffs, or members of the "Donation Subclass". No duty of care exists, or can exist, between the "Donation Subclass" as donors and CRC as the donee.

Material or evidence to be relied upon:

28. Statement of Claim filed February 13, 2025.

29. Affidavit of Alex Borner, sworn on April 2, 2025.

Applicable Rules:

30. Rule 1.2, 1.3, 1.4, 1.7, 3.68, 11.25 and 11.31 of the Alberta *Rules of Court*, A.R. 124/2010

Applicable Acts and Regulations:

31. None

Any irregularity complained of or objection relied upon:

32. This Honourable Court is not the *forum conveniens*.

33. This Honourable Court does not have jurisdiction to hear the within Action.

34. Any purported service did not comply with Rule 11.2.

How the application is proposed to be heard or considered:

35. Before an Applications Judge in Chambers

WARNING

If you do not come to Court either in person or by your lawyer, the Court may give the applicant(s) what they want in your absence. You will be bound by any order that the Court makes. If you want to take part in this application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of the form. If you intend to give evidence in response to the application, you must reply by filing an affidavit or other evidence with the Court and serving a copy of that affidavit or other evidence on the applicant(s) a reasonable time before the application is to be heard or considered.