

CITATION: PETERSON v. WILFRID LAURIER UNIVERSITY

ONTARIO SUPERIOR COURT OF JUSTICE (TORONTO REGION)
CIVIL ENDORSEMENT FORM
(Rule 59.02(2)(c)(i))

BEFORE	Judge/Associate Judge Justice AKAZAKI	Court File Number: CV-18-00604843-0000
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Title of Proceeding:

..... **PETERSON** Plaintiff(s)

-v-

..... **WILFRID LAURIER UNIVERSITY** Defendants(s)

Case Management: **Yes** If so, by whom: _____ **No**

Participants and Non-Participants: *(Rule 59.02(2)(vii))*

Party	Counsel	E-mail Address	Phone #	Participant (Y/N)
1) Plaintiff	Kathryn Marshall	kmarshall@levittlp.com	416-597-7887	Y
2) Defendant	Natasha O'Toole	notoole@tgplawyers.com	416-507-1840	Y
3)				

Date Heard: *(Rule 59.02(2)(c)(iii))* **April 15, 2024**

Nature of Hearing (mark with an "X"): *(Rule 59.02(2)(c)(iv))*

Motion Appeal Case Conference Pre-Trial Conference Application

Format of Hearing (mark with an "X"): *(Rule 59.02(2)(c)(iv))*

In Writing Telephone Videoconference In Person

If in person, indicate courthouse address:

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Relief Requested: *(Rule 59.02(2)(c)(v))*

Adjournment of ant-SLAPP motion.

Disposition made at hearing or conference (operative terms ordered): (Rule 59.02(2)(c)(vi))

Adjournment request denied.

Counsel to inform my judicial assistant of any changes to the motion, by 12 p.m. April 16, 2024.

Costs: On a _____ indemnity basis, fixed at \$ _____ are payable
by _____ to _____ [when] _____

Brief Reasons, if any: (Rule 59.02(2)(b))

The case conference was brought before me as the judge assigned to hear the anti-SLAPP motion on April 18, 2024. Before I began the conference, counsel confirmed that there was no objection to my hearing the motion due to my participation, prior to my appointment, in an on-campus debate organized by University of Toronto students touching on the plaintiff's ideas. I have, separately, determined there are no grounds for recusal.

The grounds for the motion for adjournment was the need to join the two related actions. Subsection 137.1(5) does not provide for judicial discretion based on other steps that could be taken, because it specifically prohibits further steps. Once an anti-SLAPP motion has been brought, the plaintiff cannot even discontinue the action: *Canadian Thermo Windows Inc. v. Seangio*, 2021 ONSC 6555, at para. 35. Since the grounds for seeking the adjournment entail prohibited procedural steps, I saw no reason to grant the adjournment.

I discussed with counsel the nature of the second statement of claim as being less of a libel claim than a pleading of aggravation of the cause of action set out in the first statement of claim. Counsel for the University stated that she had no instructions to bring an anti-SLAPP motion in the first claim. Counsel appeared willing to discuss a resolution of the motion, possibly subject to argument regarding costs under subsections (7) and (8).

In the event the motion is resolved or the issues change as a result of that discussion, counsel should contact my judicial assistant to inform me same.

Additional pages attached: Yes No

April 15, 20 **24**

Date of Endorsement (Rule 59.02(2)(c)(ii))



Signature of Judge/Associate Judge (Rule 59.02(2)(c)(i))