



**Norman Groot**  
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January 10, 2012

**VIA COURIER**

Michael Jack  
c/o Lloyd Trapp  
252 Angeline Street North  
Lindsay, ON K9V 4R1

Dear Mr. Jack:

**Re: Ontario Provincial Police Association et al. ats Michael Jack**  
**Court File No.: CV-12-470815**  
**Our File No.: 0269-10468**

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Please be advised that we have been retained to represent the Ontario Provincial Police Association ("OPPA"), Shaun Filman, Karen German, Jim Styles and Marty McNamara (collectively, the OPPA Defendants) in the above action.

Please find enclosed our Notice of Motion returnable April 22, 2013, brought under Rule 21 seeking an order to strike your claim as against our clients on the basis of failure to disclose a known cause of action as against our clients, and on the basis of being statute barred by the Limitations Act. Please advise whether you will consent to the dismissal or discontinuance of your action as against our clients. If you fail to consent, we will be seeking costs as against you payable forthwith.

As this is a Rule 21 motion, we request you do not take any steps to note our clients in default prior to the hearing of the motion.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Norman J. Groot', is written over a large, light-colored scribble.

Norman J. Groot  
NJG/es  
Enclosure

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

BETWEEN:

**MICHAEL JACK**

Plaintiff

-and-

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO  
AS REPRESENTED BY THE MINISTRY OF COMMUNITY  
SAFETY AND CORRECTIONAL SERVICES OPERATING AS THE  
ONTARIO PROVINCIAL POLICE AND ITS EMPLOYEES MARC  
GRAVELLE, JOHN POLLOCK, SHAUN FILMAN, JENNIFER PAYNE,  
JAMIE BROCKLEY, MELYNDA MORAN, MARY D'AMICO, RICHARD NIE,  
BRAD RATHBUN, ROBERT FLINDALL, PETER BUTORAC, RONALD  
CAMPBELL, MIKE JOHNSTON, CHRIS NEWTON, COLLEEN KOHEN,  
HUGH STEVENSON AND MIKE ARMSTRONG**

**ONTARIO PROVINCIAL POLICE ASSOCIATION  
AND ITS REPRESENTATIVES SHAUN FILMAN, KAREN GERMAN,  
JIM STYLES AND MARTY MCNAMARA**

Defendants

**MOTION RECORD  
(for April 22, 2013)**

January 9, 2013

**Investigation Counsel  
Professional Corporation**  
Barristers and Investigation Consultants  
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Self-Represented Plaintiff

Plaintiff

-and-

**AND TO: Ontario Provincial Police**  
General Headquarters  
Lincoln M. Alexander Building  
777 Memorial Avenue  
Orillia, ON L3V 7V3

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Facsimile: (705) 329-6600

Employer of Ronald Campbell, Mike Johnston, Chris Newton, Colleen Kohen,  
Hugh Stevenson and Mike Armstrong Marc Gravelle, John Pollock, Shaun  
Filman, Jennifer Payne, Jamie Brockley, Melynda Moran, Mary DAmico, Richard  
Nie, Brad Rathbun, Robert Flindall and Peter Butorac

Defendants

INDEX

Tab	Document
1	Notice of Motion, dated January 9, 2013
A	Statement of Claim, Issued December 21, 2012

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

BETWEEN:

**MICHAEL JACK**

Plaintiff

-and-

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO  
AS REPRESENTED BY THE MINISTRY OF COMMUNITY  
SAFETY AND CORRECTIONAL SERVICES OPERATING AS THE  
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Defendants

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1	Notice of Motion, dated January 9, 2013
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**ONTARIO  
SUPERIOR COURT OF JUSTICE**

**BETWEEN:**

**MICHAEL JACK**

Plaintiff

-and-

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO  
AS REPRESENTED BY THE MINISTRY OF COMMUNITY  
SAFETY AND CORRECTIONAL SERVICES OPERATING AS THE  
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**ONTARIO PROVINCIAL POLICE ASSOCIATION  
AND ITS REPRESENTATIVES SHAUN FILMAN, KAREN GERMAN,  
JIM STYLES AND MARTY MCNAMARA**

Defendants

**NOTICE OF MOTION**

The defendants the Ontario Provincial Police Association ("OPPA"), Shaun Filman, Karen German, Jim Styles and Marty McNamara (collectively, the OPPA Defendants) will make a motion to a judge, on **Monday, April 22, 2013**, at the **Superior Court of Justice, 393 University Avenue, Toronto, Ontario**.

**PROPOSED METHOD OF HEARING:** The motion is to be heard orally.

**THE MOTION IS FOR:**

1. an order that the Statement of Claim be struck in its entirety as against the OPPA Defendants as it discloses no reasonable cause of action pursuant to Rule 21.01(1)(b);
2. in the alternative, an order pursuant to Rule 21.01(3)(c) that the Statement of Claim be dismissed or stayed as against the OPPA Defendants as another proceeding is pending

in Ontario before the Human Rights Tribunal of Ontario between the same parties in respect of the same subject matter;

3. in the further alternative, an order dismissing the action pursuant to Rule 21.01(1)(a) due to expiry of the limitation period;
4. in the alternative, an order staying this action;
5. costs on a substantial indemnity basis, or in the alternative, on a partial indemnity basis.
6. such further and other relief as this Honourable Court deems just.

**THE GROUNDS FOR THE MOTION ARE:**

1. the Plaintiff's claim deals with events that occurred during his employment with the Ontario Provincial Police ("OPP") during the period from January 2009 until the termination of his employment in December 2009;
2. the Plaintiff alleges that various negative financial, emotional and physical consequences of his termination only became evident to him in the months following his termination;
3. therefore on December 14, 2010, the Plaintiff filed an application with the Human Rights Tribunal of Ontario ("HRTO") seeking damages for the various violations of his human rights that he alleges were caused by the Defendants to this action;
4. the hearing at the HRTO commenced on May 22, 2012 and continued until May 24, 2012, at which time it was adjourned until November 1, 2012. When the hearing resumed, the adjudicator recommended that the parties go to mediation;
5. based on this recommendation, as well as other statements made by the adjudicator, the Plaintiff decided to commence the present civil action;
6. on December 21, 2012, three years after his dismissal and more than two years after becoming aware of the alleged consequences of that dismissal, the Plaintiff

commenced this action as against the OPPA Defendants, and served the Statement of Claim on those Defendants on or about December 27, 2012;

7. the Statement of Claim does not disclose a cause of action against the OPPA Defendants and so must be struck in its entirety;
8. in the alternative, the claim against the OPPA Defendants must be stayed or dismissed because the Plaintiff has already commenced an application at the HRTO in December of 2010 against the same parties in respect of the same subject matter. In fact, the HRTO proceeding had advanced to the hearing stage when the Plaintiff commenced the present action;
9. further, by initiating this proceeding the Plaintiff has violated the rule that, as far as possible, multiplicity of legal proceedings shall be avoided. The OPPA Defendants submit that this is an additional factor for the Court to consider in deciding whether to dismiss or stay this action and order that the claims advanced within this action be dealt with by way of the HRTO application;
10. in the further alternative, the action against the OPPA Defendants is statute-barred by reason of being commenced outside the two-year limitation period pursuant to s. 4 of the *Limitations Act*.
11. Rules 21.01, 25.11 and 57 of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194, as amended;
12. Sections 106 and 138 of the *Courts of Justice Act*, R.S.O. 1990, c.43, as amended;
13. Section 4 of the *Limitations Act*, S.O. 2002, c.24, Sch. B;
14. Such further and other grounds as counsel may advise and as this Honourable Court may permit.

**THE FOLLOWING MATERIAL** will be relied on at the hearing of the motion:

1. the Statement of Claim, filed with the court on December 21, 2012;



2. such further and other material as this Honourable Court deems fit.

**DATE:** January 9, 2013

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Jim Styles and Marty McNamara

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Self-Represented Plaintiff

**AND TO: Ontario Provincial Police**  
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Hugh Stevenson and Mike Armstrong Marc Gravelle, John Pollock, Shaun  
Filman, Jennifer Payne, Jamie Brockley, Melynda Moran, Mary D'Amico, Richard  
Nie, Brad Rathbun, Robert Flindall and Peter Butorac

**MICHAEL JACK**  
Plaintiff

v.

**THE ONTARIO PROVINCIAL POLICE ET AL.**  
Defendants

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
  
PROCEEDING COMMENCED AT  
TORONTO

**NOTICE OF MOTION**

**INVESTIGATION COUNSEL**  
**PROFESSIONAL CORPORATION**

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Lawyers for the Defendants,  
Ontario Provincial Police Association,  
Shaun Filman, Karen German, Jim Styles  
and Marty McNamara





FORM 14A  
Courts of Justice Act

CV-12-470815

(Court file No.)

STATEMENT OF CLAIM (GENERAL)

(Court seal)

Michael Jack

BETWEEN

Plaintiff

- and -

Her Majesty the Queen in Right of Ontario  
as represented by the Ministry of Community  
Safety and Correctional Services operating as the  
Ontario Provincial Police and its employees Marc  
Gravelle, John Pollock, Shaun Filman, Jennifer Payne,  
Jamie Brockley, Melynda Moran, Mary D'Amico, Richard Nie,  
Brad Rathbun, Robert Flindall, Peter Butorac, Ronald  
Campbell, Mike Johnston, Chris Newton, Colleen Kohen,  
Hugh Stevenson and Mike Armstrong

Ontario Provincial Police Association  
and its representatives Shaun Filman, Karen German,  
Jim Styles and Marty McNamara

Defendants

STATEMENT OF CLAIM

TO THE DEFENDANT

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the plaintiff. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a statement of defence in Form 18A prescribed by the Rules of Civil Procedure, serve it on the plaintiff's lawyer or, where the plaintiff does not have a lawyer, serve it on the plaintiff, and file it, with proof of service in this court office, WITHIN TWENTY DAYS after this statement of claim is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

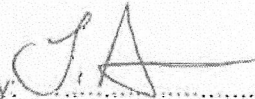
Instead of serving and filing a statement of defence, you may serve and file a notice of intent to defend in Form 18B prescribed by the Rules of Civil Procedure. This will entitle you to ten more days within which to serve and file your statement of defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

IF YOU PAY THE PLAINTIFF'S CLAIM, and \$ 0.00 for costs, within the time for serving and filing your statement of defence you may move to have this proceeding dismissed by the court. If you believe the amount claimed for costs is excessive, you may pay the plaintiff's claim and \$400 for costs and have the costs assessed by the court.

Date: Friday, December 21, 2012

Issued by:



Local registrar

AND TO: Shaun Filman, Karen German, Jim St...

Address of court office:  
393 University Avenue  
10<sup>th</sup> Floor  
Toronto, ON. M5G 1E6

TO: Her Majesty the Queen in Right of Ontario  
as represented by the Ministry of Community  
Safety and Correctional Services and operating  
as the Ontario Provincial Police

c/o Denise Dwyer  
Director of Legal Branch  
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5<sup>th</sup> Floor  
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Tel: 416-326-1237  
Fax: 416-314-3518

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Jamie Brockley, Melynda Moran, Mary D'Amico, Richard Nie,  
Brad Rathbun, Robert Flindall, Peter Butorac

c/o Timothy Tachel  
Staff Sergeant, Peterborough Detachment  
453 Lansdowne Street East  
Peterborough, ON K9J 6Z6  
Ph: 705-742-0401

AND TO: Ronald Campbell, Mike Johnston, Chris Newton,  
Colleen Kohen, Hugh Stevenson, Mike Armstrong

c/o Chris Lewis  
Commissioner, Ontario Provincial Police  
777 Memorial Avenue  
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AND TO: Ontario Provincial Police Association

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AND TO: Shaun Filman, Karen German, Jim Styles, Marty McNamara

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President, Ontario Provincial Police Association  
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Barrie, ON L4M 2Y1

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## CLAIM

1. As elaborated in detail on pages 66 to 101 of this claim the Plaintiff claims:

(a) General damages (compensation for losses that can readily be proven to have occurred and for which the injured party has the right to be compensated) for defamation relating to economic loss \$3,395,135.00;

(b) Punitive damages: damages awarded to a Plaintiff in excess of Compensatory damages in order to punish the Defendant for a reckless or wilful act. Special and highly exceptional damages ordered by a court against a defendant where the act or omission which caused the suit, was of a particularly heinous, malicious or high-handed nature. For personal injury in Tort the Plaintiff claims \$500,000;

(c) Aggravated damages: damages awarded by a court to reflect the exceptional harm done to a plaintiff of a tort action. The Plaintiff claims \$250,000.00;

(d) Costs of this action on a full indemnity basis, together with applicable Goods and Services Tax therein in accordance with the *Excise Tax Act*, R.S.C. 1985, c. E - 15, as amended.

228. Further details about the case are available on the following websites:  
[www.racisminopp.org](http://www.racisminopp.org) and [www.discriminationopp.org](http://www.discriminationopp.org)

Dated: Friday, December 21, 2012

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**MICHAEL JACK**

Plaintiff

- and -

**ONTARIO PROVINCIAL POLICE ASSOCIATION et. al.**

Defendants

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
PROCEEDING COMMENCED AT  
TORONTO**

**MOTION RECORD**

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