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January 14, 2013

VIA COURIER

Michael Jack
c/o Lloyd Tapp
252 Angeline Street North
Lindsay, Ontario
K9V 4R1

Dear Mr. Tapp:

RE: CV-12-470815 Michael Jack –and- Her Majesty the Queen in Right of Ontario as represented by the Ministry of Community Safety and Correctional Services

Please be advised that I am counsel for Her Majesty the Queen in right of Ontario (the “Crown”) in respect of the above civil matter. Please direct all future correspondence and documentation in this matter to myself.

We were served with the Statement of Claim on December 27, 2012. Please be advised that pursuant to section 7 of the *Proceedings Against the Crown Act*, plaintiffs are required to serve a Notice of Claim on the Crown at least sixty days before the commencement of any action. We do not have a record of service of a Notice of Claim on the Crown. If one was served on the Crown, please provide us with a copy of the Notice along with particulars as to where and when it was served.

In the absence of a properly served Notice of Claim under the *Proceedings Against the Crown Act*, the courts have held that the action is a nullity as against the Crown. We are therefore not able to waive or abridge the Notice of Claim requirement even if inclined to do so. We are prepared to accept the Notice of Action and Statement of Claim served on December 27, 2012 as a Notice of Claim under section 7 of the *Proceedings Against the Crown Act*. The usual procedure plaintiff’s counsel follow in these circumstances is to discontinue the existing action as against the Crown and commence another action against the Crown after the expiry of the requisite sixty days and consolidate the new action with the existing action against the other defendants.

We trust having regard to the above that you will not note the Crown in default. If you have any questions regarding the foregoing, please do not hesitate to contact me.

Yours very truly,

A handwritten signature in black ink, appearing to be 'Lisa Compagnone', written over a horizontal line.

Lisa Compagnone
Senior Counsel

c Ashton, Nicole (JUS)
Weafer, Carolyn (JUS)