



# Human Rights Tribunal of Ontario

## Request for an Order During Proceedings - Rule 19 (Form 10)

(Disponible en français)

[www.hrto.ca](http://www.hrto.ca)

At any time after an Application has been filed with the Tribunal, a party may make a Request for an Order during a proceeding by completing this Request for an Order During Proceedings (Form 10).

The Tribunal will determine whether a Request for an Order will be heard in writing, in person or electronically and, where necessary, will set a date for the hearing of the Request. This Request may be heard on the basis of Form 10 alone.

### Follow these steps to make your request:

1. Fill out this Form 10.
2. All documents you are relying on must be included with this Form 10.
3. Deliver a copy of Form 10 to all parties and any person or organization who has an interest in this Request.
4. If this is a Request for an Order that a non-party provide a report, statement or oral or affidavit evidence in accordance with Rule 1.7 (q), this Form 10 must be delivered to the non-party in addition to the other parties in the proceeding.
5. Complete a Statement of Delivery (Form 23).
6. File Form 10 and Form 23 with the Tribunal.

### Information for all parties and any person or organization who receives a copy of this Request

You may respond to this Request for an Order by completing a Response to a Request for an Order During Proceedings (Form 11).

### Follow these steps to respond:

1. Fill out Form 11.
2. All documents you are relying on must be included with Form 11.
3. Deliver a copy of Form 11 to all parties and any other person or organization that has an interest in the Request.
4. Complete a Statement of Delivery (Form 23).
5. File Form 11 and Form 23 with the Tribunal.

You must file your Response to a Request for Order not later than **fourteen (14)** days after the Request for Order was delivered to you.

Download forms from the Tribunal's web site [www.hrto.ca](http://www.hrto.ca). If you need a paper copy or accessible format, contact us.

Human Rights Tribunal of Ontario  
655 Bay Street, 14th floor  
Toronto, Ontario  
M7A 2A3

Phone: 416-326-1312 Toll-free: 1-866-598-0322  
Fax: 416-326-2199 Toll-free: 1-866-355-6099  
TTY: 416-326-2027 Toll-free: 1-866-607-1240  
Email: [hrto.registrar@ontario.ca](mailto:hrto.registrar@ontario.ca)





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The Applicant through his representative has filed a Statement of Claim (Claim) against the Respondent, the Ontario Provincial Police Association. The Applicant has indicated in the Claim that this application is currently in the hearing stage and that he will be filing an order requesting that this application be frozen pending the status of the Claim. The Applicant has further indicated in the Claim that should it be allowed to proceed he would then be requesting an order for withdrawal of his application.

Hence this request is being submitted to have this application deferred until a determination is made regarding the status of the Claim. Should the Claim be allowed to proceed the Applicant will be submitting another form 10 requesting a complete withdrawal of his application.

### 4. What are the reasons for the Request, including any facts relied on and submissions in support of the Request.

The applicant believes that the Tribunal has the authority to grant this request and in support for this request he provides 'Appendix A' consisting of the first three pages of the Claim along with the Applicant's address regarding the concern of double jeopardy.

### 5. Do the other parties consent to your Request?

- Yes
- No
- Don't Know

### 6. If you are requesting production of a Document(s), please explain if you have already requested the document and any response you have received. You must attach a copy of your written Request for the Document(s) and the Responding Party's Response, if any.

N/A

### 7. If you are relying on any documents in this Request please list below and attach. You must include all the documents you are relying on.

Appendix 'A' - five pages as outlined in item 4.

### 8. Please check off how you wish the tribunal to deal with the matter:

- In Writing
- Conference Call
- Don't Know
- In Person Hearing

### 9. Explain why you wish the Tribunal to deal with the request in the manner indicated above.



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The Applicant is residing in Israel and as the seized Vice Chair is familiar with the case the applicant will be returning for the continuation of the hearing when scheduled. To request this order to be dealt with by way of an in person hearing or conference call would not be the most cost efficient manner. The applicant has dealt with other orders (form 10 and form 11) via the manner requested and hence requests the same manner of correspondence for this request.

### 10. Do the other parties agree with your choice for how the Tribunal should deal with your Request?

- Yes
- No
- Don't Know

### 11. Signature

By signing my name, I declare that, to the best of my knowledge, the information that is found in this form is complete and accurate.

Lloyd Tapp for Michael Jack  
Name

\_\_\_\_\_  
Signature

30/12/2012  
Date (dd/mm/yyyy)

Please check this box if you are filing your Request electronically. This represents your signature. You must fill in the date, above.

#### Freedom of Information and Privacy

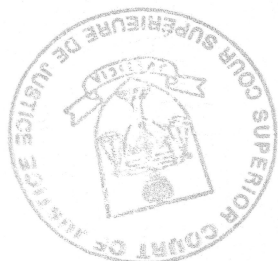
The Tribunal may release information about an Application in response to a request made under the *Freedom of Information and Protection of Privacy Act*. Information may also become public at a hearing, in a written decision, or in accordance with Tribunal policies. At the request of the Commission, the Tribunal must provide the Commission with copies of applications and responses filed with the Tribunal and may disclose other documents in its custody or control.

**APPENDIX 'A'**

FORM 14A

*Courts of Justice Act*

CV-12-470815



(Court seal)

(Court file No.)

STATEMENT OF CLAIM (GENERAL)

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

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  
655 Bay Street  
5<sup>th</sup> Floor  
Toronto, ON M7A-0A8

Tel: 416-326-1237  
Fax: 416-314-3518

AND TO: Marc Gravelle, John Pollock, Shaun Filman, Jennifer Payne,  
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  
Orillia, ON L3V 7V3

Ph: 705-329-6725  
Fax: 705-329-6600

AND TO: Ontario Provincial Police Association

c/o Jim Christie  
President, Ontario Provincial Police Association  
119 Ferris Lane  
Barrie, ON L4M 2Y1

Ph: 705728-6161  
Fax: 705-721-4867  
Email: oppa@oppa.ca

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

c/o Jim Christie  
President, Ontario Provincial Police Association  
119 Ferris Lane  
Barrie, ON L4M 2Y1

Ph: 705728-6161  
Fax: 705-721-4867  
Email: oppa@oppa.ca

## Addressing the Concern of Double Jeopardy

1. The Plaintiff's ignorance of the law and vulnerability after his termination left him relying completely on the knowledge of a law firm that professed to be a reputable one. As mentioned earlier in this claim the Plaintiff was not in the right state of mind even when his counsel filed it in December of 2009 for he left the remedy being sought in her hands. Later after she vacated herself he spent several months trying to find another lawyer to take on a pro-bono (for the reputation that could be gleaned from holding the OPP accountable) basis or a contingency basis. However, he had no success.
2. Hence, he was left helpless and was left with no alternative other than to continue through with a process already initiated by a learned counsel. He and his representative genuinely believed that they had to follow through with the process initiated and then launch a civil action. On November the 1<sup>st</sup>, 2012, when the Plaintiff learned that the civil action should have been initiated at which time the Tribunal process would be frozen, he had his representative start drafting this claim.
3. This claim is literally all the Plaintiff has to live for and coupled with his strong desire to expose the truth about the OPP and how its minority employees who speak with a thick accent are treated, he is extremely concerned of prematurely



filing a withdrawal of his application before the Tribunal in the event that his claim is barred from proceeding for whatever reason. The barring reason that is of primary concern to the Plaintiff is that of over-coming a perceived breach of the Limitations Act.

4. For that reason he is prepared to put forth a motion before the Tribunal requesting that his proceedings before the presiding Vice Chair be frozen on the grounds that this claim has been filed and that a motion for withdrawal will be forthcoming should the claim be allowed to proceed