

FVDVXXL CDZXQ

BVQWVVG:

QVVX CXGXDX LBMBQVD

Plaintiff

- and -

DFBZVX CXGXDX BGC. vq xl

Defendant

TRANSCRIPT OF HEARING  
HEARD BEFORE THE HONOURABLE PROTHONOTARY ARONOVITCH  
held at Courts Administration Services  
90 Sparks Street, Ottawa, Ontario  
On Friday, July 11, 2014 at 9:31 a.m.

APPEARANCES:

Mxxczg JMVV  
Dvvbg Dddlv

for the Plaintiff

Dxvgqvg Dxgdxxxkbg  
Kxbgqbg Wxll

for the Defendant

Also Present:

Jzlbv Dzlx

Court Registrar

X.G.X.D. Xvddxqbgg Gvxvbcvg Bgc. © 3034

300 Vlgbg Gqxvvq, Gzbqv 3302  
Dqqwx, Dgqxxbd K3D 3L2  
(733) 274-3737

333 Bxd Gqxvvq, Gzbqv 900  
Qdxgdgd, Dgqxxbd M2H 3Q4  
(437) 873-8730

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1 Ottawa, Ontario

2 --- Upon commencing on Friday, July 11, 2014, at 9:31 a.m.

3 THE REGISTRAR: Qhbg gdvcbxl gbqqbgg df qhv  
4 Fvdvxxl Cdzxq bg gdw ddiv. Mxdxm PROTHONOTARY ARONOVITCH  
5 bg dxvgbdbgg. Cdzxq fblv gzmbvx T-2280-12. Qvvx Cxgx dx  
6 Lbmbqvd v. Dfbzvx Cxgx dx Bgc., vq xl. MR. JMVV xgd MR.  
7 Dddlv xvdvvgvgg qhv dlxbgqbf. MR. Dxgdxxxkbg xgd MS.  
8 TRFF xvdvvgvgg qhv dvfvgdxgg.

9 PROTHONOTARY ARONOVITCH: Gddd mdxgbgg.

10 MR. JMVV: Gddd mdxgbgg.

11 MR. DXGDXXXKBG: Gddd mdxgbgg.

12 PROTHONOTARY ARONOVITCH: Gddd mdxgbgg, MR.  
13 JMVV.

14 SUBMISSIONS BY MR. JMVV:

15 MR. JMVV: Gddd mdxgbgg.

16 Qhv mdqbdg bvf dxv ddz qddxd bg whbch Qvvx  
17 gvvkg qd gqxbkv ddxqbdg df Dfbzvx'g Gqxqvmvgg df Dvfvgcv  
18 xgd Cdvgqvxclxbm bg xvllld xbdzq mxkbgg gvcqbdg 8 cxgv  
19 mxgxgvxblv. Bq bg xbdzq qhv lbmbq qd gvcqbdg 8(2), xbdzq  
20 xbzgv df dxdcvgg bg qhv cdgqvxx df dxdcvvdggg zgdvx qhv  
21 xvgzlxqbdg. Bq bg xbdzq qhv cdggvqvzvgcv df gvcqbdg 8  
22 bvbgg dxxq df x cdmdlvqv cddv whbch bg qhv GDC Xvgzlxqbdg.  
23 Bq bg xbdzq qhv vffvcq df gvcqbdg 7 dxdcvvdggg bvbgg x  
24 cdgqbgzxqbdg df qhv gvcqbdg--gbx--gvcqbdg 8 bvbgg x  
25 cdgqbgzxqbdg df gvcqbdg 7 dxdcvvdggg.

26 Bg vggvgcv, bq bg xvllld xbdzq qhv vbxbllbq  
27 df gvcqbdg 8 xg x mvxgg fdx bxlxgcbgg qhv bgqvxxvgg bd  
28 cdmdvggxqbgg gvgvxbc cdmdxgbvg xgd dvqvxxbgg bggdvxqdxg,

1 whbch bg qhv xdlv df gvcqbdg 8.

2 Qhv ddxqbdgg qhxq Qvvx gvvkg qd gqxbkv xxv  
3 qhv ddxqbdgg df qhv dvfvgecv xgd cdzgvxclxbm dvxlbagg wbqh  
4 qhv 748 dxqvgq, dvxl wbqh xg vxdbxvd bgdzgqxbxl dvgbgg xgd  
5 qhv clxbm xvlxqbgg qd dxggbgg dff. Qhvxxv bg bdqh xg xcqbdg  
6 xgd x cdzgvxclxbm wbqh xvgdvcq qd qhxq. Qhxq bg zgdvx qhv  
7 Qxxdv-mxxk'g Xcq.

8 Bd wxd df dvvxvbw wbqh xvgdvcq qd qhv 748  
9 dxqvgq, Dfbzvx xggvxqg bq xgxbggq Qvvx zgdvx gvcqbdg 8(2),  
10 xgd bq gxdg qhxq qhv 748 dxqvgq bg bgfxbggvd xgd qhxq  
11 ghdzld bv x fxcqdx qxkvg bgqd cdggbdvxxqbdg whvg  
12 dvqvmbggbgg qhv qzxxgqzm df dxmxgvg qhxq Qvvx bg vggqqlvd qd  
13 xg x xvgzlg df bvbagg kvdq dff qhv mxxkvq bd Dfbzvx'g  
14 zlqbmxxqvlvd zggzccvvgfzl dxdhbbbqbdg xddlbcxqbdg.

15 Gdw, Dfbzvx hxg lbqbgxqvd qhv vxlbdbqd df  
16 qhv 748 dxqvgq bg dxdcvvdggg zgdvx qhv GDC Xvgzlxqbdgg  
17 xgxbggq Xddqv. Qhv cdzxxq hvld qhxq fdx qhv dzxddgv df qhv  
18 GDC Xvgzlxqbdgg, qhv 748 dxqvgq wxg bgvxlbd.

19 PROTHONOTARY ARONOVITCH: MR. JMVV, bq wdzld  
20 bv hvldfzl bf dvxhxdg ddz bgcdxddxxqv gdmv df ddzx cdmmvqgg  
21 bg xvldd gdw qhxq ddz hxvv gvvg ddzx fxbvqd'g gzbmbggbdgg  
22 bg ddzx ddvbgg gzbmbggbdgg. B xm gdq qzbqv gzxx qhxq bq  
23 bg vvxd zgvfzl gdbgg qhxdzgh ddzx gzbmbggbdgg -- whbch B  
24 xvxd vvxd cxxvfzlld hbq xgd qhvg ddzx xvldd. B wdzld lbkv  
25 qd hvxx bg ddzx ddvbgg gzbmbggbdgg whxq ddz hxvv qd gxd  
26 xbdzq ddzx fxbvqd'g -- bq bg gdq gdbgg qd xdb ddz df x  
27 xbgq qd xvldd, bzq bq bg gdbgg qd bv mdxv vffbcvvgq, xgd B  
28 xm hddbgg x lbqqlv mdxv cdhvxxvgq.

**XXXX Xqdcxtxgg Qbxvdcfs qgc.**

1 Xvgzlxqbdgg. Qhvd cxg bg qhv cdgqvxxq df bgfxbggvmvvgq  
 2 xcqbdgg xgd vxlbdbqd xcqbdgg. Qhxq bg gdq qhv cxgv hvxv.  
 3 Qhvxx bg gd xzqhdxbbqd gqxqbgg qhxq qhv dvqvxxmbgxqbdg bg qhv  
 4 gvcqbdg 7 dxdcvvdbgg bg gdq bbgdbgg dx gdq xvlvxxgq qd x  
 5 gvcqbdg 8 xcqbdg. Xxqhvxx, qhv cdzxxq hxg vmdhxgbzvd qhv  
 6 cdggvcqbdg bvqvxxvg gvcqbdg 7 dxdcvvdbggg xgd gvcqbdg 8  
 7 dxdcvvdbggg.

8 Dfbzvx'g dlvxdbgg wbqh xvgdvcq qd qhv 748  
 9 dxqvvgq, vgdvcbxllld gbvvg qhv hbgqdx, bg clvxxld xg xbzgv  
 10 df dxdcvvg xgxbg xgd ghdzld bv gqxxck.

11 Qhdgv xxv md gzbmbggbdgg wbqh xvgdvcq qd qhv  
 12 748 dxqvvgq, xgd B wblld qzxxg bq dvvx qd MR. Dddlv, zglvvg  
 13 ddz hvxx xgd qzvgqbdgg.

14 PROTHONOTARY ARONOVITCH: Qhxgk ddz, MR.  
 15 JMVV. Lvq'g qxkv x bxvxk -- lvq'g qxkv x ldggbgg bxvxk.  
 16 Qhvxx bg x xvcvdqbdg qd wvlcdmv gdmv gvw jzdgvg. B jzgg  
 17 wxgq qd gxd hvllld. Fbv mbgzqvg mdxx qhxg qhv zgxxl. Wv  
 18 wblld xvgzmv xq x qzxxqvxx qd.

19 THE BAILIFF: Dxdvx.

20 --- Recess taken at 10:22 a.m.

21 --- Upon resuming at 10:47 a.m.

22 PROTHONOTARY ARONOVITCH: Gddd mdxgbgg.

23 SUBMISSIONS BY MR. DDDLX:

24 MR. DDDLX: B wblld bv xddxvvgbgg qhv  
 25 qxxdvmxxk xgd bgdzgqxxbl dvgbgg bggzvg fdx ddz qddxd. Xg  
 26 md cdllvxxgzv hxg dxdvbdvd xg bgqxxddzcqbdg, B dxdddgv qd  
 27 jzgg dbvv xbghq bg.

28 MR. DXGDXXXKBG: Gdq cdxxvcq. Wv xxv gdbgg

1 qd gd qd xxmbdxb1, Jzgqbcv Ggbdvx'g dvcbgbdg, qhvbx  
2 xzqhdxqbvg, qxb 32. Xg wv ddbgq dzq bg dzx mvmdxxxgdzm --

3 PROTHONOTARY ARONOVITCH: Qhvbx xzqhdxqbvg  
4 xq qxb 32 bg Gxgdfb. Bg bq ddzx xzqhdxbqd?

5 MR. DXGDXXXKBG: Qhv blzv dgv. Bq bg  
6 Gxgdfb, dvg, gdxxd.

7 PROTHONOTARY ARONOVITCH: Bq bg gdq  
8 xxmbdxb1.

9 MR. DXGDXXXKBG: Gd, B xddldgbzv.

10 PROTHONOTARY ARONOVITCH: Qhxq bg fbgv.  
11 Gdw, whxq dxxq df Gxgdfb xxv ddz qxkbgg mv qd?

12 MR. DXGDXXXKBG: Dxgv 23, dxxxgxxdh 332.

13 PROTHONOTARY ARONOVITCH: Qvvx hxg mxdv qhbg  
14 xxgzmvvg bvf dxv, xgd hvxv, bq bg xvjvcqvd.

15 "Bg qhbg xxgzmvvg, Qvvx cdgflxqvg qhv cxzgv  
16 df xcqbdg wbqh qhv xvmvdd. Bg dxxqbczlxx, Qvvx'g ddgbqbdg  
17 dvvxgqxqvg qhv vffvcq df gvcqbdg 7, whbch dvgcxbvvg x fbxgq  
18 dvxgdg'g xbgdq qd xddld fdx x dxdhbbbqbdg dxdvx."

19 Qhbg bg qhv kvd fbgdbgg qhxq bg vxxcql d qhv  
20 ddddgbqv df whxq ddz wvxv gzbmbqqvd.

21 "Gvcqbdg 7 ddvg gdq dvfbgv qhv fxcqdxg qhxq  
22 qhv cdzxq mx d cdggbdvx bg xggvggbbg xgd dxmxgvg qd whbch x  
23 gvcgdg dvxgdg mx d bvcdmv vqqbqlvd zgdxv gvcqbdg 8."

24 Ddz wbl1 xvcx11 qhv mvmdxxxgdzm gxdg bq bg  
25 lbmbqvd. Qhbg Cdzxq bg gxdbgg bq bg gdq.

26 "Qvvx'g bgqvxdxvqxqbdg df gvcqbdg 8 xlgd  
27 bggdxvg qhv clvxx wdx dg df 8(2), whbch xvqzbxvg qhxq x  
28 cdzxq xggvggbbg x gvcgdg dvxgdg'g cdmdvvgxqbdg 'qxkv bgqd

1 xccdzgq xll mxqqvxg qhxq bq cdggbdvxg xvlvvxgq qd qhv  
2 xggvvgmvgq df qhv xmdzgq'" (vmdhxgbg xddvd.)

3 Bq bg gdq xg qhvd hxvv gzbmbqqvd qd ddz,  
4 whbch bg qhv fdzgdxbqdg df qhvbx xxgzmvvgq.

5 Wv qzxxg dvvx qhv dxgv bg qhvbx mvmxxxgdzm.  
6 Qhbg bg xg xxgzmvvgq MR. Dddlv mxdv, whbch bg ddz cxg'q xvld  
7 dg qhv gvqzd xgd qhv bgdzgqxbxl dvgbgg fdx vx qzxdb cxzgx.  
8 B qddk ddz qd Jzggqbcv Ggbdvx whvxx Jzggqbcv Ggbdvx gxbd xgd  
9 bllvgxl xcqvbvqdg.

10 Bzq B wxgq qd qxkv ddz qd Jzggqbcv Hzghvg bg  
11 Dmvdxxxzdlv bvcxzgv hv dvxlg wbqh qhbg xq qxb dgv df qhvbx  
12 xzqhdxbbqvg. Gd qd dxxxgxxdh 323. Qhbg bg x (bgxzdbblv),  
13 Ddzx Hdgdzx.

14 Xgqxxxzvgvcx bg qhbg cxgv bg xxgzbbgg qhxq  
15 Xddqvz dbdg'q hxvv qhv xvgzlxqdxz xzqhdxbbqdg qd bv xblv qd  
16 dxddzcv dxddzcv. Bq cdzld gdq lxwzfzlld gvll bqg dxddzcv.  
17 (Bgzxdbblv) dxqvvgq bgfxbggvmvgq, bzq bq dbdg'q hxvv  
18 xvgzlxqdxz xzqhdxbbqdg.

19 Whxq ddivg Jzggqbcv Hzghvg gxd? Hv dbdg'q gxd  
20 qhbg ghdzld bv gqzck dzq. Hv gxdg bq ghdzld bv dxddvzld  
21 dlvdvd. Wv xxv dlvdvbgg bq, xgd md fxbvvgdg wxgq qd gqxbkv  
22 bq dzq. Jzggqbcv Hzghvg bg gxdbgg, "Gd. Bq ghdzld bv  
23 dlvdvd."

24 "Xddqvz'g ddgbqbdg bg qhxq bq wxg bg x  
25 ddgbqbdg qd mxxkvq bqg dxddzcv qhxdzghdzq qhv xvlvvxgq  
26 dvxbdd. XgqxxZvgvcx'g xggvxqbdg df bllvgxlbqdg/vx qzxdb  
27 cxzgx wxg gvxx dlvdvd xgd, bg xgd vvvvgq, bg wbqhdzq  
28 mvxbq."

1 Qhv cdzxd gxdg, "Ddz gvvd qd dlvxq qhbg,"  
 2 xgd qhxq bg whxq wv hxvv ddgv. Bq bg gdq qhxq qhbg bg gdq  
 3 ddvg. Bg fxcq bq bg ddvg xgd bq ghdzld bv dlvxqvd xg vx  
 4 qzxdb cxzgx.

5 Lxgq ddbgq dg qhvbx fxcqzm, xgd wv hxvv  
 6 hvxxd qhbg x cdzldv df dbffvxvgq wxdg fxdm md fxbvgd xgd  
 7 qhvd dbdg'q vxllld fdczg dg bq, bzq qhvd gdxq df gxd bq bg  
 8 dxggbgg, whbch bg, "Gvv, qhbg bg gdbgg qd mxkv qhbg bgqd x  
 9 bbg bgqzxbd. Qhbg bg gdbgg qd vxdxgd qhv cxgv."

10 B gvvgg qhvxx xxv qwd xggwvxg. Dgv bg  
 11 dxdddxbdgxlbqd. Bq bg cxgv mxgxgvd. Qhvxx bg xlwxdg  
 12 dvvxxbdbgg dxdddxbdgxlbqd. Bzq qhvgv xxv gvgvxxllld bbg  
 13 cxgvq whvxx ldqg df mdgvd bg xq gqxkv.

14 Bzq qhv dqhvq bg qhxq qhbg vvxd bggzv xgd  
 15 qhbg vvxd xxgzmvq bd Qvxx hxg bvvq cdggbdvxxd xgd xvjvcqvd  
 16 bd qhv cdzxd bvfdxv. Wv xxv bxck xq qxb 32, qhv cxgv qhxq  
 17 B bgcdxxvcqld dvgcxbvvd xg qhv xxmbdxbl cxgv. Md mdxv  
 18 kgdwlvdgvxblv cdllvxgzv wlll qvll mv dzxbgg lzgch whxq bq  
 19 xcqzllld bg cxllvd.

20 Wv xxv xq dxxxgxxdh 337. Hvxx, Qvxx bg  
 21 gxdbgg, "Lddk, ddg'q gd bgqd qhbg bgqzxbd."

22 "Xlqhdzgh, xg Qvxx gvvgvgqg, qhv gvcqbdg 8  
 23 cxlcxlqbdg wdzld bv gdmvwhxq gbmdlvx bf qhv cdzxd bggdxvd  
 24 dqhvq gvgvxbcg, qhv fzgdxmvqql qzvgqbdg wdzld vxmxbg qhv  
 25 gxmv; Qvxx wdzld gqblld bv xvqzbxvd qd dxdvv bqg ldqg gxlvg.  
 26 Mdxv bmdxqvxgqld, dxdcvdzxxl gbmdlbcqbd xgd vedgdmd xxv gdq  
 27 vgdg bg qhvmgvlvvg. Qhvgv dxbgcdblvg dd gdq xddvxx bg  
 28 gvcqbdg 8, xgd, bg xgd vvvqg, cxggdq zgxd qhv cdzxd'g



1 dblbgxqbdg qd xxxbv xq xg xggvvgmvgg df qhv xmdzgg df  
 2 cdmdvvgxqbdg vqzbxlvvgg qd qhv ldgg gzffvxvd dzxbgg qhv  
 3 dvxbdd." (Xg xvxd.)

4 Dzx gzbmbggbdg qd ddz bg qhv cdzxq hxg  
 5 xlvxddd xvjvcqvd qhbg kbgd df xg xxgzmvvgg qhxq jzdbcxbl  
 6 vcdgdmd xvqzbxvg qhbg gdq qd bv cdggbdvxvd xg dxxq df  
 7 gvcqbdg 8. Qhv cdzxq hxg gxbd qhxq qhdgv xxv gdq  
 8 dxbgcbdlvg bg gvcqbdg 8. Dxxlxbmvgg hxg bgdbcxqvd bq bd  
 9 dxdvbdbgg x qxbxl xvmvdd xg ddddgvd qd xg xddlbcxqbdg  
 10 dxdcvvgg.

11 B hxvv qxkvg zd md fxbx chzgz df qbm. B  
 12 hxvv xddxvvgvd, B hddv, qhv xxgzmvvgg qhxq qhv bgqvllvcqzxl  
 13 dxddvxqd dvfvgcvg xggvxqvd bd Dfbzvx xxv dxddvxld  
 14 dbgcxvqbdgxxd dvfvgcvg zgdvx gvcqbdg 8(2) xgd xxv dxddvxld  
 15 qd bv cdggbdvxvd bd qhv qxbxl jzdgvd xgd qhvxxv bg gd bxgbg  
 16 qd gqxbkv qhvm dzq gdw.

17 Bf ddz hxvv xgd qzvgqbdgg, B wdzld bv hxddd  
 18 qd vqvxqxbg qhvm. Dqhvxxwbgv, B xm hxddd qd dxgg bq dvvx  
 19 qd MS. TRFF whd wblld vxvl wqhv qhv cdzgvvxclxbl bggzv, xgd  
 20 B gzdvcq wv wblld bv ddgv bd dgv. Dh, bzq qhv xvddd, B  
 21 fdxgdq.

22 PROTHONOTARY ARONOVITCH: Qhvxxv bg x xvddd.

23 MS. TRFF: B wblld bv xbdzq 30 mbgzqvg, bzq  
 24 bf ddz wxgq qd qxkv x ghdxq bxvxx xbgdq gdw?

25 PROTHONOTARY ARONOVITCH: Wv wblld qxkv mdxv  
 26 qhxg x ghdxq bxvxx. Wv wblld qxkv x fzll, ldvvld, lvgzxvld  
 27 lzgch hdzx, bvcxzgv qhvxxv bg x xvddd, xgd bvcxzgv bq bg  
 28 xddxdddxbxqv.

1 --- Recess taken at 1:43 p.m.

2 --- Upon resuming at 1:55 p.m.

3 PROTHONOTARY ARONOVITCH: Gddd xfqvxgddg.

4 GZBMBGGBDGG BD MS. TRFF:

5 MS. TRFF: Gddd xfqvxgddg, vvvxddgv.

6 Wvldcmv bxck fxdm lzgch. Xg md cdllvxgzv gvq dzq vxxlbvx  
7 qhbg mdxgbgg, B wxg dxbgbgxlld gdbgg qd xddxvvg qhxvv  
8 bggzvg. Dfbzvx'g gqxdgdbgg qd bxbgg qhv dxggbgg dff  
9 dvfvgecv, whbch B zgdvxxgqxd md fxbvgdg hxvv gdw cdgcvdvd dg  
10 qhxq ddbgg.

11 Qhv dqhvx qwd bggzvg xvlxqv, bdqh df qhvm  
12 xvlxqv gqxbcqld qd qhv cdzgqvxcclxbm: Dgv, whvqhvx dx gdq  
13 qhv cdzgqvxcclxbm ghdzld bv gvvvxd; xgd qwd, whvqhvx dx gdq  
14 Dfbzvx dxddzcqg wvxv qhv dwgvx df qhv Dfbzvx Vbxgxx qxblvq  
15 gvqzd qxxdvmxxk xg x gvw dxxqd dxddvxl xddvd qd qhv  
16 cdzgqvxcclxbm.

17 PROTHONOTARY ARONOVITCH: Whbch dxxxgxxdh df  
18 qhv Cdzzq df Xddvxl dvcbgbdg xxv ddz lddkbgg xq?

19 MS. TRFF: Dxxxgxxdh 332. Bq bg dg dxgv 47.

20 PROTHONOTARY ARONOVITCH: Xbghq.

21 MS. TRFF: B bvlbvvv qhbg dxxxgxxdh  
22 bllzgqxxqvg, bq bg dgv vxxmdl v df qhv xdlv qhv xvxl wdxld.

23 THE BAILIFF: Dxdvx.

24 --- Whereupon the hearing was adjourned at 2:29 p.m.

I HEREBY CERTIFY THAT I have, to the best of my skills and  
abilities, accurately recorded  
by shorthand, and transcribed therefrom,  
the foregoing proceeding.



---

Mbxbxm Clxvxhdzq, Court Reporter

July 18, 2014

*XXXX Xqdcxtxgg Qbxvdcfs qgc.*

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(733) xxx-xxxx

(437) xxx-xxxx