

CITATION:

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

BEFORE	Judge/Associate Justice Myers J	Court File Number: CV-21-00666776
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Title of Proceeding:

KEVIN BAUMANN Plaintiff(s)

-v-

GABRIEL DE ALBA, DAVID REESE, CRAIG BOYER, DANIEL GAGNIER, SCOTT SINCLAIR (aka MATTHEW SCOTT SINCLAIR), TORONTO POLICE SERVICE, CITY OF TORONTO, DETECTIVE GAIL REGAN, DETECTIVE DIANE KELLY, ROY AL CANADIAN MOUNTED POLICE, SERGEANT STEVEN FRAZER, CONSTABLE JONATHAN YU, PUBLIC SAFETY CANADA, NORTON ROSE FULBRIGHT CANADA LLP as part of (NORTON ROSE FULBRIGHT VEREIN), ORESTES P ASP ARAKIS, JOSEPH BRICKER, ADITYA BADAMI, ROB RAKOCHEY, JOHN DOES 1-20 AND JANE DOES 1-20 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	Kevin Baumann on his own behalf	pekiskokb@gmail.com		N
2) Defendant Gabriel De Alba and Daniel Gagnier	David C. Moore	david@moorebarristers.ca		Y
3)				

Date Heard: (Rule 59.02(2)(c)(iii)) **October 20, 2021**

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:

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

Review the statement of claim under Rule 2.1.

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

I decline to direct the registrar to issue a notice under Rule 2.1.

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

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

This matter was referred to me as co-Team Lead of the Civil Team by the registrar pursuant to a request from counsel for two defendants. I reviewed only the statement of claim and paid no heed to the other communication forwarded by counsel.

I make no comment on the strength or likely outcome of the plaintiff's claims. Regardless, in my view, the claim is not among the narrow class of cases to which Rule 2.1 applies. Claims based on alleged conspiracies often sound fanciful and excessive. Yet, a tort exists because conspiracies do too. If one exists, to an actionable extent, how else can it made the subject of a claim?

The statement of claim does not contain signs of a querulent or vexatious litigant. I see no reason why any pleading issues cannot be dealt with the in the ordinary course without resort to an attenuated procedure that is meant to prevent abuse in the motion hearing process itself. *Scaduto v. The Law Society of Upper Canada*, 2015 ONCA 733 (CanLII) at para. 8.

Additional pages attached: Yes No

October 20 , 20 **21**

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

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