

From: Christa Ambrose christaa@filion.on.ca

Subject: Kelly Lynn Donovan V. Waterloo Regional Police Services Board and Bryan Larkin (Court File No. CV-18-1938)

Date: February 19, 2020 at 11:28 AM

To: Snaza.Velanoski@ontario.ca

Cc: Donald B. Jarvis DJarvis@filion.on.ca, Cassandra Ma cma@filion.on.ca, Kelly Donovan (kelly@fit4duty.ca) kelly@fit4duty.ca

CA

On Behalf of Donald B. Jarvis

Attached please find correspondence dated February 19, 2020, along with documents thereto with respect to the above-noted matter. Would you kindly provide this correspondence and documents to Justice Michael T. Doi. Thank you.

Christa Ambrose

Assistant to Donald B. Jarvis and Carol S. Nielsen



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February 19, 2020

SENT VIA E-MAIL & COURIER

Justice Michael T. Doi
Ontario Superior Court of Justice
A. Grenville & William Davis Court House
7755 Hurontario Street, Suite 100
Brampton, ON L6W 4T6

Dear Mr. Justice Doi:

**Re: Kelly Lynn Donovan v. Waterloo Regional Police Services Board and Bryan Larkin
(Court File No. CV-18-1938)**

The Plaintiff's appeal in this matter was heard by the Court of Appeal for Ontario on October 11, 2019. For your reference, the Court of Appeal's decision is attached hereto at **Tab A**.

We are writing to seek your direction on the appropriate next step in this proceeding. As you will recall, the Defendants' Rule 21 Motion raised, *inter alia*, the issue of whether the subject matter of the Plaintiff's Amended Statement of Claim was within the jurisdiction of the Ontario courts pursuant to Rule 21.01(3)(a). The parties made full submissions in respect of this jurisdiction issue when the Motion was heard by this Honourable Court on February 13, 2019. In your Reasons for Judgment issued on February 21, 2019 (see **Tab B**), you found that the Motion was fairly and fully disposed of under Rule 21.01(1)(b) without need for recourse to the Defendants' Motion under Rule 21.01(3)(a). Notably, the Court of Appeal did **not** address the jurisdiction issue during the hearing of the Plaintiff's appeal or in its decision. In short, the Defendants' jurisdiction motion remains undecided and the Defendants are entitled to a decision on this issue (see *Sun Oil Co. v. City of Hamilton and Veale*, [1961] O.R. 209 (C.A.) at p. 6 (see **Tab C**)).

Given the fact that you did not rule on the Defendants' jurisdiction motion in your Reasons for Judgment, are you still seized with this matter or should the Defendants' jurisdiction motion be reargued before another judge? If you advise that you remain seized of the Defendants' jurisdiction motion, we respectfully ask that you provide the parties with an approximate time frame for the release of your decision in respect of the Defendants' jurisdiction motion.

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Thank you for your immediate attention to this matter. We look forward to your earliest reply.

Yours truly,



Donald B. Jarvis
CM/

cc Ms. Kelly Donovan, Plaintiff (*via email*)
Ms. Virginia Torrance, Regional Municipality of Waterloo Police Services Board (*via email*)