Court File No.: CV-20-00649404-000

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N:

ANN TOUSSAINT, APPOINTED REPRESENTATIVE OF THE ESTATE OF NELL TOUSSAINT, DECEASED, FOR THE PURPOSES OF THIS PROCEEDING

Plaintiff

and

ATTORNEY GENERAL OF CANADA

Defendant

CASE CONFERENCE BRIEF OF THE PLAINTIFF
Date of Case Conference: 13 May 2026
Before Case Management Judge: The Honourable Justice Papageorgiou

Andrew C. Dekany (LSO #18383F)
Barrister & Solicitor
5 Edenvale Crescent
Toronto, ON M9A 4A5
Tel: (416) 888-8877
Email: andrewcdekany@gmail.com

Barbara Jackman (LSO #17463T)
Jackman & Associates
1-598 St. Clair Avenue West
Toronto, ON M6C 1A6
Tel: (416) 653-9964 ext. 225
Email: barb@bjackman.com

James Yap (LSO #61126H)
310-25 Cecil Street
Toronto, ON M5T 1N1
Tel: (647) 874-4849
Email: mail@jamesyap.ca

Lawyers for the Plaintiff

TO: DEPARTMENT OF JUSTICE
Ontario Regional Office
120 Adelaide Street West, Suite 400
Toronto, ON M5H 1T1
Fax: 416-952-4518
Marina Stefanovic (LSO # 32472W)
Tel: (416) 500-8716
Email: Marina.Stefanovic@justice.gc.ca
Daniel Engel (LSO #55514S)
(647) 244-3649
Daniel.Engel@justice.gc.ca
Asha Gafar (LSO #44981W)
(647) 256-0720
Asha.Gafar@justice.gc.ca
Giancarlo Volpe (LSO # 75748B)
(416) 819-6499
Giancarlo.Volpe@justice.gc.ca

Lawyers for the Defendant

AND TO: Martha Jackman
Professor Emerita
Faculty of Law, University of Ottawa
57 Louis Pasteur, Ottawa, ON K1N 6N5
Email: Martha.Jackman@uOttawa.ca
and
Y.Y. Chen
Faculty of Law, University of Ottawa
57 Louis Pasteur, Ottawa, ON K1N 6N5
Email: yy.chen@uottawa.ca

Lawyers for the CCPI Coalition

AND TO: TORYS LLP

79 Wellington St. W., 30th Floor Box 279, TD South Tower
Toronto, ON M5K 1N2
Fax: (416) 865-7380
Rachael Saab Tel.: (416) 865-8172
Email: rsaab@torys.com
Alex Bogach Tel.: (416) 865-7379
Email: abogach@torys.com

Lawyers for the Interveners, Amnesty International Canada and
International Network for Economic, Social and Cultural Rights

AND TO: Weir Foulds LLP
4100 – 66 Wellington St. W.
PO Box 35, TD Bank Tower
Toronto, ON Canada
M5K 1B7
Megan Mah
Email: MMAH@weirfoulds.com>

Lawyers for the Colour of Poverty Coalition;

AND TO: Taneeta Doma
Staff Lawyer
Migrant Farmworkers Legal Clinic
Faculty of Law, University of Windsor
Email: Taneeta.Doma@uwindsor.ca
and
Vasanthi Venkatesh
Migrant Farmworkers Legal Clinic
Faculty of Law, University of Windsor
Ron W. Ianni Law Building
401 Sunset Avenue
Windsor, Ontario N9B 3P4
519-253-3000 ext 2949
Email:vasanthi.venkatesh@gmail.com
and
Maryth Yachnin
IAVGO Community Legal Clinic
55 University Avenue, Suite 1500
Toronto, ON M5J 2H7
Tel: (416) 924-6477
Email: maryth.yachnin@iavgo.clcj.ca

Lawyers for the Migrant Worker Coalition

AND TO: Blake, Cassels & Graydon LLP
199 Bay Street, Suite 4000,
Toronto ON M5L 1A9
Tel: 416-863-2400
Iris Fischer,
Email: iris.fischer@blakes.com
Brittany Town
Email: brittany.town@blakes.com>

Lawyers for the Canadian Civil Liberties Association

Court File No.: CV-20-00649404-000

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N:

ANN TOUSSAINT, APPOINTED REPRESENTATIVE OF THE ESTATE OF NELL TOUSSAINT, DECEASED, FOR THE PURPOSES OF THIS PROCEEDING

Plaintiff

and

ATTORNEY GENERAL OF CANADA

Defendant

CASE CONFERENCE BRIEF OF THE PLAINTIFF
Date of Case Conference: 13 May 2026
Before Case Management Judge: The Honourable Justice Papageorgiou

TABLE OF CONTENTS

Court File No.: CV-20-00649404-000

ONTARIO

SUPERIOR COURT OF JUSTICE

B E T W E E N:

ANN TOUSSAINT, APPOINTED REPRESENTATIVE OF THE ESTATE OF NELL TOUSSAINT, DECEASED, FOR THE PURPOSES OF THIS PROCEEDING

Plaintiff

and

ATTORNEY GENERAL OF CANADA

Defendant

CASE CONFERENCE MEMORANDUM OF THE PLAINTIFF

RELIEF SOUGHT

1. The plaintiff is in agreement with the submissions of the CCPI Coalition and with their request that this action be bifurcated pursuant to rule 6.1.01, after discovery of Canada's representative is completed.

2. The plaintiff asks for:

   a) an order confirming or timetabling for 9 June 2026 the examination for discovery of a representative of the defendant, Canada and that Canada disclose to the court and the parties by 15 May 2026 the identity of the person it wishes to have examined for discovery if other than Prime Minister Mark Carney, failing which Prime Minister Mark Carney shall be examined on behalf of Canada; and

   b) an order that Canada identify and produce for inspection by 15 May, if it has not already done so, those documents in Schedule B to its list of documents for which it no longer claims

privilege as well as documents in the categories of documents described in the plaintiff's 1 April 2026 notice of examination (copy attached) which the plaintiff has required be brought to the examination for discovery.

CANADA'S MOTION FOR PARTIAL SUMMARY JUDGEMENT

3. Canada's request to bring a partial summary judgment motion in advance of discovery is premature. Canada has been threatening and alluding to a partial summary judgment motion since at least last October 2025. It is now May 2026. There is not even a notice of motion. There is no basis to delay examinations for discovery of Canada—which are ready to proceed—on the basis of a motion that does not exist. Indeed, until we received Canada's case conference brief on May 6, we were not even informed of the basis as set out in para. 13 of their memorandum upon which they were seeking partial summary judgment. The court cannot reasonably determine the proper sequencing without a motion before it.

4. It is unknown when Canada intends to file its motion record for partial summary judgment. It is unknown whether, based on that record, it will be appropriate to hear that partial summary judgment motion before discovery. In contrast, the plaintiff is ready to examine Canada's representative as early as June. This Court should direct the parties back to the discovery phase. If and when Canada serves a motion record, this Court can decide whether parrtial summary judgment is appropriate and, if so, the correct sequencing of the steps. In the meantime, Canada's position is nothing more than a delay tactic.

5. There are potential pitfalls in entertaining a motion for partial summary judgment as summarized in *Volmar* v. *Van Schnydel et al.*, 2026 ONSC 251 (paras. 12 to 50), where the court dismissed a request to proceed to a partial summary judgment motion, without prejudice to making the request again after the trial record was filed. Among others, the court cited *Butera* v. *Chown, Cairns LLP*, 2017 ONCA 783, at para. 34 where the Court of Appeal warned that "A motion for partial summary judgment should be considered to be a rare procedure that is reserved for an issue or issues that may be readily bifurcated from those in the main action and that may be dealt with expeditiously and in a cost-effective manner."

DOCUMENTARY PRODUCTION AND APPROPRIATENESS OF PLAINTIFF'S AFFIDAVIT OF DOCUMENTS

6. The plaintiff served her sworn/affirmed affidavit of documents on 29 January 2026, within the time required by Her Honour's 27 November 2025 case conference endorsement. The plaintiff updated her affidavit of documents as required by the Rules of Civil Procedure with supplementary affidavits of documents sworn/affirmed on 14 and 24 February 2026. The documents run to 4 bankers' boxes. Additionally some are in electronic format, for which links have been provided to Canada's counsel.

7. On 9 January 2026 authorizations were provided to Canada's counsel allowing them to obtain medical records from 7 hospitals and on 29 January 2026 a further authorization was provided to obtain medical records from a community health clinic. Canada had requested such authorizations in paragraph 19 of its draft discovery plan filed for the 22 May 2024 case

conference in this action (referred to in paragraph 32 of its memorandum filed for that case conference) in the following terms:

> The Plaintiff shall provide to the Defendant a consent to the release of any personal and medical/health information relating to the provision of health care services to Nell Toussaint.

8. In the case of one hospital, Bridgepoint, Nell Toussaint's medical records run to some 48,500 pages and would cost at least $12,105 to produce, as appears from the attached 28 November 2025 letter from Bridgepoint's Health Records Department. The plaintiff estate is impecunious and has not obtained those records. However, one of the authorizations provided to Canada allows it to obtain medical records from Bridgepoint. As well, the plaintiff did have in her possession two envelopes with copies of Bridgepoint Hospital records from 2013 and 2014 and those were listed in her affidavit of documents. She also listed documents in her possession from St. Michael's Hospital (555 printed pages and 252 pages), York Community Services (328 printed pages and 197 printed pages), and Humber River Regional Hospital (330 printed pages). The authorizations provided to Canada include authorizations to obtain records from these hospitals. The plaintiff has also provided a complete set of Ministry of Health and Long-Term Care OHIP summaries showing all health services provided to Nell Toussaint which were covered by OHIP.

9. On 6 February 2026 plaintiff's counsel wrote to Canada's counsel regarding the completion of production of medical records as follows:

> Regarding the production of medical records, Schedule A of the plaintiff's affidavit of documents lists all those documents that are in her possession, control or power within the meaning of rule 30.03(1) of the Rules of Civil Procedure. As you know, rule 30.01(2) (*sic)* deems a document to be in a party's power if the party is entitled to obtain the original

> document or a copy of it and the party seeking it is not so entitled. Canada is entitled to obtain copies of the medical records referred to in the authorizations that you are in receipt of.

10. Rule 30.02(1) provides that:

> Every document relevant to any matter in issue in an action that is or has been in the possession, control or power of a party to the action shall be disclosed as provided in rules 30.03 to 30.10, whether or not privilege is claimed in respect of the document.

11. Rule 30.01(1)(b) defines the term "power" by providing:

> a document shall be deemed to be in a party's power if that party is entitled to obtain the original document or a copy of it *and the party seeking it is not so entitled*. (emphasis added)

12. With respect, Canada misconstrues the plaintiff's position when it asserts in paragraph 5 of its memorandum that the plaintiff's position is that because of the authorizations provided to Canada the medical records are within Canada's power pursuant to Rule 30.01(1)(b). Rather, those medical records are NOT within the plaintiff's power because Canada IS entitled to obtain them given that it has been provided with the medical authorizations. In addition, the plaintiff is not entitled to obtain the medical records without paying significant fees which it cannot afford.

13. *Demiroglu* v. *Kwarteng* in Canada's case conference brief is distinguishable. There had been a finding (para. 12) that the medical records in question were within the plaintiff's "power", which is not the case here. From the reasons of Cullity, J. in *Ho* v. *O'Young-Lui*, 2002 CanLII 6346, at para. 5 (cited by Canada at footnote 1 of its memorandum) it appears that *Demiroglu* was appealed to the Divisional Court and that court held "that this is not the proper case in which a general pronouncement can reasonably be made on the issue of who pays for the

production of documents relating to the plaintiff's injuries but in the possession of others." More, *Demiroglu* involved production arising out of an examination for discovery, not an affidavit of documents. So too, *Ho* v. *O'Young-Lui* involved production following an examination for discovery where defence counsel had undertaken to pay for medical records and then subsequently sought to resile from the undertaking. *Gorin* v. *Ho,* in Canada's case conference brief, was decided under the former rules and also involved production following an examination for discovery. The other cases cited in footnote 1 of Canada's memorandum are also distinguishable. *Saunders* v. *John Doe*, 2016 ONSC 2060 was a motion asking the court to exercise discretion to make an interim award of costs to help fund the plaintiff obtaining certain medical records. In *Hollo* v. *Toronto Transit Commission and Doe*, 2010 ONSC 1656 a) there was a finding in para. 6 that the documents in question were within the "power" of the party, b) the defendant had not been provided with authorizations (see para. 7), and c) the defendant had agreed to pay for the documents and the case concerned who was responsible for requesting the documents (see para. 10). In *Trumble* v. *Soomal*, 2020 ONSC 8097 there was no discussion as to whether the documents were in the "power" of the plaintiff, and the records requested were not onerous or expensive (see para 19). The court added *in obiter* at para. 25 "Although it was not before me, I would leave open the right of the plaintiff to question who should pay for expensive productions requested by the defendant, if the issue reaches the point of it being an "access to justice" issue."

14. There is also an issue of proportionality, both generally under rule 1.04(1.1) and under rule 29.2 dealing with proportionality in discovery. Even if the plaintiff were obliged to list in her affidavit of documents the voluminous medical records of Bridgepoint and other hospitals and

institutions (beyond those already listed) she should not be obliged to obtain and produce them given the considerations in rule 29.2.03, which provides:

> (1) In making a determination as to whether a party or other person must answer a question or produce a document, the court shall consider whether,
>
> (a) the time required for the party or other person to answer the question or produce the document would be unreasonable;
>
> (b) the expense associated with answering the question or producing the document would be unjustified;
>
> (c) requiring the party or other person to answer the question or produce the document would cause him or her undue prejudice;
>
> (d) requiring the party or other person to answer the question or produce the document would unduly interfere with the orderly progress of the action; and
>
> (e) the information or the document is readily available to the party requesting it from another source.
>
> *Overall Volume of Documents*
>
> (2) In addition to the considerations listed in subrule (1), in determining whether to order a party or other person to produce one or more documents, the court shall consider whether such an order would result in an excessive volume of documents required to be produced by the party or other person.

CANADA'S LIST OF DOCUMENTS AND PRODUCTIONS

15. Canada in turn served Schedules A (not privileged documents) and B (privileged documents) of its list of documents on 30 January 2026 but no Schedule C (documents formerly in its possession, power or control), and a supplementary Schedule A with additional documents on 11 March 2026, including a letter dated 9 April 2019 (copy attached) from then Prime Minister Justin Trudeau to the then executive director of Amnesty International Canada, Mr. Alex Neve, about Canada's position regarding the decision of the United Nations Human Rights Committee which is the subject of this action.

16. Canada has indicated that it recently reviewed its Schedule B and identified 5 documents that are not in fact privileged but to date has not identified or produced those documents.

17. Canada did not include in its list of documents a number of documents that the plaintiff has requested relating to:

A) the government of Canada's consideration or implementation of the recommendation made by the United Nations Human Rights Committee (UNHRC) in 2015 (CCPR/C/CAN/CO/6) that Canada "establish mechanisms and appropriate procedures to give full effect to the Committee's Views so as to guarantee an effective remedy when there has been a violation of the Covenant",
B) the commitment made at the Federal-Provincial-Territorial Meeting of Ministers Responsible for Human Rights on December 11, 2017 – December12, 2017 to develop a protocol for following up on the recommendations that Canada receives from international human rights bodies and a stakeholder engagement strategy,
C) the government of Canada's (i) Protocol for Follow-up to Recommendations from International Human Rights Bodies, (ii) Engagement Strategy on Canada's International Human Rights Reporting Process, and any other protocols, policies and procedures for consideration, follow up and implementation of Views of the UNHRC and their implementation and application in the complaint brought by Ms Toussaint, including internally within the government of Canada and with provincial and territorial bodies and with civil society organizations, individuals and groups,
D) the steps taken in furtherance of any of the protocols, policies or procedures referred to above as they relate to Ms Toussaint's complaint to the UNHRC, including documents relating to Canada's consideration of implementing the requirement that Canada take all steps necessary to prevent similar violations in the future,
E) any consideration or discussion by anyone within the government of Canada with respect to Canada's response to the UNHRC on measures taken to give effect to the Views, including but not limited to backgrounders, briefing material, correspondence, minutes of meetings, and any analysis of and possibilities for the implementation of the Views,
F) any consultations with provincial, territorial, or other bodies, such as backgrounders, briefing material, correspondence, minutes of meetings, and any analysis of and possibilities for the implementation of the Views, the timelines set out by the UNHRC in the Views, and actions to be prioritized for discussions relating to the Views,
G) information and considerations that were before Canadian government officials involved in making a decision on how to respond to the UNHRC's Views in Toussaint v. Canada, and to follow-up requests by the UNHRC including Canada's response to paragraph 1 of the 24 August

2021 list of issues provided to Canada by the UNHRC prior to the submission of Canada's 7 periodic report to the UNHRC, and
H) engagement with civil society organizations, individuals or groups to share their expertise on issues regarding the Views of the UNHRC.

EXAMINATION FOR DISCOVERY OF A REPRESENTATIVE OF CANADA

18. On February 24, 2026 plaintiff's counsel wrote to Canada's counsel requesting to be advised "who Canada considers to be the most appropriate person to be examined for discovery by the plaintiff." Canada's counsel replied they were currently still considering whether to bring a summary judgment motion (they had raised that prospect some 4 months earlier at the previous case conference held on 17 October 2025) and would advise of their position once they had received instructions and that in the interim, they "will confer with [their] client to identify potential witnesses who may be produced for examination for discovery."

19. A month passed and on March 23, 2026 plaintiff's counsel again wrote to Canada's counsel about who Canada would produce for examination for discovery as follows:

> As you know, section 7 of the Crown Liability and Proceedings (Provincial Court) Regulations obliges the Deputy Attorney General of Canada to designate an officer or servant of the Crown for the purpose of being examined for discovery on behalf of Canada. A month is more than a reasonable time to do so and I ask that the Deputy Attorney make her designation by 25 March 2026.

20. On March 25, 2026 Canada's counsel replied to plaintiff's counsel advising that they were seeking instructions to bring a motion for summary judgment and adding "we remain engaged with our client and will identify Canada's witness for examination for discovery in due course."

21. On March 26, 2026 plaintiff's counsel again wrote to Canada's counsel about the discovery of a representative of Canada asking that the Deputy Attorney General of Canada designate an officer or servant of the Crown for that purpose forthwith rather than "in due course" and to provide several available dates. Plaintiff's counsel followed up on 30 March 2026 alerting Canada's counsel that if no one was designated to be examined for discovery on behalf of Canada by the end of 31 March 2026 the plaintiff would feel free to serve a notice of examination for discovery and that if the appointed date and time were not convenient for Canada and its counsel plaintiff's counsel would endeavour to accommodate them.

22. No one was designated by 31 March (and still has not been designated) and on 1 April 2026 plaintiff's counsel served a notice of examination for discovery of Prime Minister Mark Carney, a copy of which is attached. In the covering letter to Canada's counsel serving the notice, plaintiff's counsel wrote:

> Pursuant to rule 34.04 of the Rules of Civil Procedure attached is a notice of examination for discovery of the Right Honourable Mark Carney on behalf of the defendant Canada at 9:00 am on Tuesday, 9 June 2026 by video conference. If Prime Minister Carney feels that the specified time is unsuitable for the proper conduct of the examination we will endeavour to accommodate him. In lieu of Prime Minister Carney, if you can name a senior official who is on top of both Canada's treaty obligations under the International Covenant on Civil and Political Rights and the immigration and healthcare issues, we would be prepared to consider a substitute.
>
> In the event that Canada seeks to bring a summary judgment motion and the Court orders the summary judgment motion to be heard before the examination for discovery, we can adjourn the examination in accordance with the Court's direction.

23. Under the case management rule 77.04(1) this court has the power to make orders or give directions as necessary to carry out the purpose of the rule and to establish a timetable, and similarly under the case conference rule 50.13 (5) and (6) the court can establish a timetable,

make a procedural order, and give directions. The issue before the court is how it can use these powers where the Deputy Attorney General fails to designate a person to be examined for discovery on behalf of Canada.

24. Section 27 of the *Crown Liability and Proceedings Act*, RSC 1985, c C-50 is headed "Rules of court" and provides:

> Except as otherwise provided by this Act or the regulations, the rules of practice and procedure of the court in which proceedings are taken apply in those proceedings.

25. Section 7 of the Crown Liability and Proceedings (Provincial Court) Regulations, SOR/91-604 made under the *Crown Liability and Proceedings Act* is headed "Examination for Discovery" and provides:

> Subject to sections 37 to 39 of the *Canada Evidence Act*, where, under the provincial rules, there is provision under which, if an action were an action between a corporation (other than an agency of the Crown) and another person, an officer or servant of the corporation could be examined for discovery, such officer or servant of the Crown or an agency of the Crown, as the case may be, as may be designated for the purpose by the Deputy Attorney General or after such designation by order of the court, may be examined for discovery during an action subject to the same conditions and with the same effect as would apply to the examination for discovery of the officer or servant of a corporation.

26. In Bryson v. Canada, 1997 CanLII 26121 (NS SC) the Supreme Court of Nova Scotia analysed the interplay between the above section 27 of the *Crown Liability and Proceedings Act*, section 7 of its regulation made under that act, and Nova Scotia's Civil Procedure Rules pertaining to examinations for discovery. At paragraph 17 the court stated:

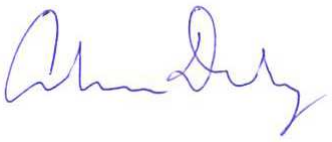
> Although this case has been outstanding for more than a year, the Deputy Attorney General has not yet designated a witness or witnesses for discovery. Where there has been undue delay, I would assert jurisdiction to order the Deputy Attorney General to make a designation by a set date, but s. 7 does not permit this court to make a designation until the Deputy Attorney General has done so or has failed to do so after having been ordered.

27. The court went on at paragraph 19 indicating it was prepared to convene a conference and that:

> At that conference, I will be prepared to exercise my authority under rule 26.01(e) including the possibility of setting a deadline for the Deputy Attorney General to make a designation, setting dates for an application to designate further witnesses, and setting dates for the discovery examinations.

28. Here Canada has had notice since 1 April 2026 of the 9 June 2026 examination for discovery date. Counsel for the plaintiff and the interveners Charter Committee on Poverty Issues Coalition, and Amnesty International Canada and ESCR-Net are available on those dates. The plaintiff served her notice of examination after she served her affidavit of documents as contemplated by rule 31.04(2) and is *prima facie* entitled to proceed with her examination. It would not be in accordance with the scheme of the Rules if Canada could stymie the plaintiff's examination by failing to designate a person to be examined for discovery.

All of which is respectfully submitted by



Andrew C. Dekany, of counsel for the plaintiff
who certifies that he is satisfied as to the authenticity
of every authority cited in the memorandum

Court File No.: CV-20-00649404-000

ONTARIO

SUPERIOR COURT OF JUSTICE

B E T W E E N:

ANN TOUSSAINT, APPOINTED REPRESENTATIVE OF THE
ESTATE OF NELL TOUSSAINT, DECEASED, FOR THE PURPOSES OF THIS PROCEEDING

Plaintiff

and

ATTORNEY GENERAL OF CANADA

Defendant

NOTICE OF EXAMINATION

TO The Right Honourable Mark Carney, Prime Minister of Canada

YOU ARE REQUIRED TO ATTEND by video conference at the following location

https://veritext.zoom.us/j/83775171784?pwd=0Z5YQ2Vld9x9pXK1JKAfekLXOUZ4Qo.1 in accordance with the attached instructions,

on Tuesday, the 9th day of June 2026, at 9:00 o'clock in the forenoon, for examination for discovery on behalf of the defendant Canada.

If you object to the method of attendance, you must notify the other parties or their lawyers. If you and the other parties cannot come to an agreement on the method of attendance, one of the parties must request a case conference for the court to make an order under Rule 1.08(8).

YOU ARE REQUIRED TO PRODUCE at the examination the documents mentioned in subrule 30.04 (4) of the Rules of Civil Procedure, and the following documents and things relating to:

A) the government of Canada's consideration or implementation of the recommendation made by the United Nations Human Rights Committee (UNHRC) in 2015 (CCPR/C/CAN/CO/6) that Canada "establish mechanisms and appropriate procedures to give full effect to the Committee's Views so as to guarantee an effective remedy when there has been a violation of the Covenant",
B) the commitment made at the Federal-Provincial-Territorial Meeting of Ministers Responsible for Human Rights on December 11, 2017 – December12, 2017 to develop a protocol for following up on the recommendations that Canada receives from international human rights bodies and a stakeholder engagement strategy,
C) the government of Canada's (i) Protocol for Follow-up to Recommendations from International Human Rights Bodies, (ii) Engagement Strategy on Canada's International Human Rights Reporting Process, and any other protocols, policies and procedures for consideration, follow up and implementation of Views of the UNHRC and their implementation and application in the complaint

brought by Ms Toussaint, including internally within the government of Canada and with provincial and territorial bodies and with civil society organizations, individuals and groups,
D) the steps taken in furtherance of any of the protocols, policies or procedures referred to above as they relate to Ms Toussaint's complaint to the UNHRC, including documents relating to Canada's consideration of implementing the requirement that Canada take all steps necessary to prevent similar violations in the future,
E) any consideration or discussion by anyone within the government of Canada with respect to Canada's response to the UNHRC on measures taken to give effect to the Views, including but not limited to backgrounders, briefing material, correspondence, minutes of meetings, and any analysis of and possibilities for the implementation of the Views,
F) any consultations with provincial, territorial, or other bodies, such as backgrounders, briefing material, correspondence, minutes of meetings, and any analysis of and possibilities for the implementation of the Views, the timelines set out by the UNHRC in the Views, and actions to be prioritized for discussions relating to the Views,
G) information and considerations that were before Canadian government officials involved in making a decision on how to respond to the UNHRC's Views in *Toussaint* v. *Canada*, and to follow-up requests by the UNHRC including Canada's response to paragraph 1 of the 24 August 2021 list of issues provided to Canada by the UNHRC prior to the submission of Canada's 7th periodic report to the UNHRC, and
H) engagement with civil society organizations, individuals or groups to share their expertise on issues regarding the Views of the UNHRC.

1 April 2026

Andrew Csont Dekany
LSO #18383F
5 Edenvale Crescent
Toronto, Ontario M9A 4A5
Telephone: 416.888.8877
e-mail: andrewcdekany@gmail.com

lawyer for the plaintiff

TO:
Attorney General of Canada
Department of Justice
Ontario Regional Office
120 Adelaide Street West
Suite 400
Toronto, Ontario
M5H 1T1
Fax: (416) 954-8982

Attention: Daniel Engel
Tel: (647) 244-3649
Email: daniel.engel@justice.gc.ca

lawyers for the defendant

Hennick Bridgepoint Hospital
Sinai Health

November 28, 2025

Mr. Andrew Csont Dekany
5 Edenvale Crescent
Toronto, ON M9A 4A5

Dear Mr. Dekany,

RE: Toussaint, Nell, DOB: July 14, 1969

This is in response to your request for health records.

Your request for the health record of the above named patient is in process of being completed.

In accordance with Sinai Health System policy pertaining to the Release of Information to requestors, we require payment for our correspondence and photocopying fees prior to processing your request. The basic fee is $30.00 plus $0.25 for each page beyond the first 20 pages.

As per your request, please see overview below of sections included in the complete chart:

Chart Section	Pages
Physician Orders	400
Physician Notes (Hennick Bridgepoint Health, other facilities)	2,300
Nurses & Allied Professional Notes (electronic part of the record)	20,000
Medications	22,000
Lab Reports	3,000
Other portions of the paper records	700

Please note that this an approximate estimate of the number of pages.

The total approximate estimate cost of your request is **$12105** (48500 pages). This total does not include the courier fee which will be calculated once the number of pages has been finalized.

Yours,

Svetlana Sitkovits, CHIM
Health Records Department
Hennick Bridgepoint Hospital
Tel 416.461.8252 **x2040**/ Fax 416.470.6739

Hennick Bridgepoint Hospital
Sinai Health

Svetlana.Sitkovits@sinaihealth.ca

CANADA

PRIME MINISTER · PREMIER MINISTRE

AVR APR - 9 2019

Dear Mr. Neve:

Thank you for your correspondence, dated February 6, 2019, requesting information on how Canada intends to address the views of the United Nations Human Rights Committee in the complaint brought by Ms. Nell Toussaint.

Canada responded to the UNHRC's views within the timeframe established by the Committee, and it is my understanding that the UNHRC's practice is to provide a copy of Canada's response to the author of the complaint. Canada takes very seriously its international human rights treaty obligations, and fully supports the Committee's important mandate to receive and consider individual communications under the relevant treaty provisions. Canada does its utmost to cooperate with the Committee's processes and always gives serious, good faith consideration to its views.

Canada's justice system respects due process, ensures procedural fairness, and provides various levels of recourse, all of which Ms. Toussaint has fully exhausted. In addition, Canada, like other like-minded countries, does not always agree with the Committee's non-legally binding views, either in its interpretation of the scope of a country's human rights obligations, or with the Committee's application of human rights obligations to specific complaints.

I am providing a copy of our exchange to: Ahmed D. Hussen, Minister of Immigration, Refugees and Citizenship; Chrystia Freeland, Minister of Foreign Affairs; Ginette C. Petitpas Taylor, Minister of Health; and, Pablo Rodriguez, Minister of Canadian Heritage and Multiculturalism.

Sincerely,

Mr. Alex Neve
Secretary General
Amnesty International
312 Laurier Avenue East
Ottawa, Ontario
K1N 1H9

Court File No.: CV-20-00649404-0000

TOUSSAINT (ESTATE OF)
Plaintiff

-and-

ATTORNEY GENERAL OF CANADA
Defendant

ONTARIO
SUPERIOR COURT OF JUSTIICE

Proceeding commenced at Toronto

CASE CONFERENCE BRIEF OF THE PLAINTIFF
Date of Case Conference: 13 May 2026
before Justice Papageorgiou

Andrew C. Dekany (LSO #18383F)
Barrister & Solicitor
5 Edenvale Crescent
Toronto, ON M9A 4A5
Tel: (416) 888-8877
Email: andrewcdekany@gmail.com
Barbara Jackman (LSO #17463T)
Jackman & Associates
1-598 St. Clair Avenue West
Toronto, ON M6C 1A6
Tel: (416) 653-9964 ext. 225
Email: barb@bjackman.com
James Yap (LSO #61126H)
310-25 Cecil Street
Toronto, ON M5T 1N1
Tel: (647) 874-4849
Email: mail@jamesyap.ca

Lawyers for the Plaintiff