

December 17, 2009

Le 17 décembre 2009

Coram: LeBel, Deschamps and Cromwell JJ.

Coram : Les juges LeBel, Deschamps et Cromwell

BETWEEN:

Emma Abarquez, Terry Abarquez, Jerome Abarquez, Bernard Abarquez, Lester, Abarquez, Alison Abarquez, Geraldine Arellaro, Nita Barut, Charlito Barut, Charlene Joy Barut, Janis Bell, Mary Bevins, Bernie Bevins, Melissa Bevins, Terri Bond, Margaret Boynton, James Boynton, Kim Campbell, Ronald Phillip Campbell, Kyle Campbell, Shannon Campbell, by her litigation guardian Kim Campbell, Connor Campbell, by his litigation guardian Kim Campbell, Irene Cancino, Money Choi, Kenny Choi, Eugene Choi, Ada Chung, Iain MacKenzie-Gray, Rosabel Corpuz, George Santiangco, Jordan Santiangco, by his litigation guardian, Rosabel Corpuz, Avelina Darang, Catherine Cosico, Linda Deeks, Tim D'Eon, Paisley Marshall D'Eon, Emily D'Eon, by her litigation guardian Tim D'Eon, Hamish D'Eon, by his litigation guardian Tim D'Eon, Adriene Dey, Ritchell Docil, Dale Docil, Velma Dyer, Laura Dyer, Elaine Notice, Danae McKenzie, Clinton Dyer, Mark Dyer, Carlton Dyer, Connold McKenzie, Sarah Jane Findlay, Rosalie Francis, Yvette Fray, Sylvia Gordon, Robert Gordon, Kimberly Gordon, Geraldine Hubble, Gordon Hubble, Christopher Hubble, by his litigation guardian Geraldine Hubble, James Hubble, by his litigation guardian Geraldine Hubble, Carolyn Jamieson, Kenneth Jamieson, Margaret Joseph-St.Clair, Onisha Edwards, Yasmin

ENTRE :

Emma Abarquez, Terry Abarquez, Jerome Abarquez, Bernard Abarquez, Lester, Abarquez, Alison Abarquez, Geraldine Arellaro, Nita Barut, Charlito Barut, Charlene Joy Barut, Janis Bell, Mary Bevins, Bernie Bevins, Melissa Bevins, Terri Bond, Margaret Boynton, James Boynton, Kim Campbell, Ronald Phillip Campbell, Kyle Campbell, Shannon Campbell, by her litigation guardian Kim Campbell, Connor Campbell, by his litigation guardian Kim Campbell, Irene Cancino, Money Choi, Kenny Choi, Eugene Choi, Ada Chung, Iain MacKenzie-Gray, Rosabel Corpuz, George Santiangco, Jordan Santiangco, by his litigation guardian, Rosabel Corpuz, Avelina Darang, Catherine Cosico, Linda Deeks, Tim D'Eon, Paisley Marshall D'Eon, Emily D'Eon, by her litigation guardian Tim D'Eon, Hamish D'Eon, by his litigation guardian Tim D'Eon, Adriene Dey, Ritchell Docil, Dale Docil, Velma Dyer, Laura Dyer, Elaine Notice, Danae McKenzie, Clinton Dyer, Mark Dyer, Carlton Dyer, Connold McKenzie, Sarah Jane Findlay, Rosalie Francis, Yvette Fray, Sylvia Gordon, Robert Gordon, Kimberly Gordon, Geraldine Hubble, Gordon Hubble, Christopher Hubble, by his litigation guardian Geraldine Hubble, James Hubble, by his litigation guardian Geraldine Hubble, Carolyn Jamieson, Kenneth Jamieson, Margaret Joseph-St.Clair, Onisha Edwards, Yasmin

Khan, Azad Khan, Sacha Khan, Krystal Khan, Caila Khan, by her litigation guardian Yasmin Khan, Deborah Kinsella, Okryong Kwak, Lucia Lagman, Ruben Ordinario, Ramir Bugarin, by his litigation guardian Lucia Lagman, Raisa Bugarin, by her litigation guardian Lucia Lagman, Evelyn Quiazon, Lau Boon Lam, Ching Wah Lam, Carolina Lam, George Leid, Connie Leroux, Paul Leroux, Megan Leroux, by her litigation guardian Connie Leroux, Matthew Leroux, by his litigation guardian Connie Leroux, Chelsea Leroux, by her litigation guardian Connie Leroux, Xia Luo, Thelma Maderal, Darlina Veloso, Edarlina Maderal, Christine Martin, Juji Menez, Jovito Jr. Menez, Christopher Menez, by his litigation guardian Juji Menez, Mark Anthony Menez, by his litigation guardian Juji Menez, Naomi Stevens, Rosemarie Mines, Agnes Mines-Litigio, Shelda Patoir, Monica Patoir, Nancy Petrov, Paul Petrov, Christopher Petrov, Tania Petrov, Tommy Petrov, Elaine Rivera, Sharon Rivera, Emerson Rivera, Esther Rosete, Lester Rosete, Leonardo Rosete, Jhoan Salvanera, Romelia Salvanera, Silverio Salvanera, Romsel Salvanera, Carmina Salvanera, Viorica Serbanescu, Sorin Serbanescu, Hannah Serbanescu, Iris Serbanescu, by her litigation guardian Viorica Serbanescu, Felipe Somera, Janice Sora, Jason Sora, by his litigation guardian Janice Sora, Kristen Sora, by her litigation guardian Janice Sora, Jonathan Sora, Susan Sorrenti, Anne-Marie St.Louis, Guy St.Louis, Nicole St.Louis, Hali St.Louis, Lesley Takhar, Patricia Tamlin, Nataliya Tarutina, Vitaliy Tarutina, Ganna Tarutina, by her litigation guardian

Khan, Azad Khan, Sacha Khan, Krystal Khan, Caila Khan, by her litigation guardian Yasmin Khan, Deborah Kinsella, Okryong Kwak, Lucia Lagman, Ruben Ordinario, Ramir Bugarin, by his litigation guardian Lucia Lagman, Raisa Bugarin, by her litigation guardian Lucia Lagman, Evelyn Quiazon, Lau Boon Lam, Ching Wah Lam, Carolina Lam, George Leid, Connie Leroux, Paul Leroux, Megan Leroux, by her litigation guardian Connie Leroux, Matthew Leroux, by his litigation guardian Connie Leroux, Chelsea Leroux, by her litigation guardian Connie Leroux, Xia Luo, Thelma Maderal, Darlina Veloso, Edarlina Maderal, Christine Martin, Juji Menez, Jovito Jr. Menez, Christopher Menez, by his litigation guardian Juji Menez, Mark Anthony Menez, by his litigation guardian Juji Menez, Naomi Stevens, Rosemarie Mines, Agnes Mines-Litigio, Shelda Patoir, Monica Patoir, Nancy Petrov, Paul Petrov, Christopher Petrov, Tania Petrov, Tommy Petrov, Elaine Rivera, Sharon Rivera, Emerson Rivera, Esther Rosete, Lester Rosete, Leonardo Rosete, Jhoan Salvanera, Romelia Salvanera, Silverio Salvanera, Romsel Salvanera, Carmina Salvanera, Viorica Serbanescu, Sorin Serbanescu, Hannah Serbanescu, Iris Serbanescu, by her litigation guardian Viorica Serbanescu, Felipe Somera, Janice Sora, Jason Sora, by his litigation guardian Janice Sora, Kristen Sora, by her litigation guardian Janice Sora, Jonathan Sora, Susan Sorrenti, Anne-Marie St.Louis, Guy St.Louis, Nicole St.Louis, Hali St.Louis, Lesley Takhar, Patricia Tamlin, Nataliya Tarutina, Vitaliy Tarutina, Ganna Tarutina, by her litigation guardian

No. 33263

Nataliya Tarutina, Ilona Tarutina, by her litigation guardian Nataliya Tarutina, Eila Trovato, Joseph Trovato, Melissa Trovato, Alyse Trovato, Katri Koivunurmi, Lorena Tuarez, Donna Wojciechowicz, Henry Wojciechowicz, Michael Tang in his own capacity and as executor of the estate of Tecla Lin, Wilson Tang, Minglong Zhang, Howard Luo, by his litigation guardian Xia Luo and Zihe Zhang, by his litigation guardian Xia Luo

Applicants

- and -

Her Majesty the Queen in Right of Ontario

Respondent

JUDGMENT

The Respondent's motion to strike the affidavits of Lesley Bell and Debbie Mintz is dismissed, in its entirety, with costs to the applicants. The application for leave to appeal from the judgment of the Court of Appeal for Ontario, Number C48011, 2009 ONCA 374, dated May 7, 2009, is dismissed with costs.

Nataliya Tarutina, Ilona Tarutina, by her litigation guardian Nataliya Tarutina, Eila Trovato, Joseph Trovato, Melissa Trovato, Alyse Trovato, Katri Koivunurmi, Lorena Tuarez, Donna Wojciechowicz, Henry Wojciechowicz, Michael Tang in his own capacity and as executor of the estate of Tecla Lin, Wilson Tang, Minglong Zhang, Howard Luo, by his litigation guardian Xia Luo et Zihe Zhang, by his litigation guardian Xia Luo

Demandeurs

- et -

Sa Majesté la Reine du chef de l'Ontario

Intimée

JUGEMENT

La requête de l'intimée en radiation des affidavits de Lesley Bell et de Debbie Mintz est rejetée, en totalité, avec dépens en faveur des demandeurs. La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de l'Ontario, numéro C48011, 2009 ONCA 374, daté du 7 mai 2009, est rejetée avec dépens.

J.S.C.C.
J.C.S.C.