

REGISTRATION CONFORMÉMENT À
 LA RÈGLE 29.02 ()
 THE ORDER OF Justice Perelli
 L'ORDONNANCE DU
 DATED / FAIT LE Sept 16/16
 REGISTRAR / GREFFIER
 SUPERIOR COURT OF JUSTICE COUR SUPÉRIEURE DE JUSTICE

Court File No.: CV-16-543895A1CP

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

J.K.

Plaintiff

- and -

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF ONTARIO

Defendant

- and -

**BANYAN COMMUNITY SERVICES INC., CRAIGWOOD YOUTH SERVICES,
 PWI-DI-GOO-ZING-NE-YAA-ZHING ADVISORY SERVICES, CAS OF
 NIPISSING AND PARRY SOUND, WILLIAM W. CREIGHTON YOUTH
 SERVICES, RAY OF HOPE INC., NORTHERN YOUTH SERVICES INC.,
 YOUTH SERVICES BUREAU OF OTTAWA, ANAGO (NON) RESIDENTIAL
 RESOURCES INC., , KENNEDY HOUSE YOUTH SERVICE INC., NORTH
 EASTERN ONTARIO FAMILY AND CHILDREN'S SERVICES / SERVICES A
 LA FAMILLE ET A L'ENFANCE DU NORD-EST DE L'ONTARIO, ST.
 LAWRENCE YOUTH ASSOCIATION, KINARK CHILD AND FAMILY SRVC
 CORP. (MARKHAM), CASATTA LTD., YORK DETENTION CENTRE LTD.**

Third Parties

Proceedings under the *Class Proceedings Act, 1992*

FRESH AMENDED THIRD PARTY CLAIM

TO THE THIRD PARTY

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by way of a Third Party Claim in an action in this court.

The action was commenced by the Plaintiff against the Defendant for the relief claimed in the Statement of Claim. The Defendant has defended the action on the

grounds set out in the Statement of Defence served with this Third Party Claim. The Defendant's claim against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS THIRD PARTY CLAIM, you or an Ontario lawyer acting for you must prepare a Third Party Defence in Form 29B prescribed by the *Rules of Civil Procedure*, serve it on the lawyers for the other parties or, where a party does not have a lawyer, serve it on the party, and file it, with proof of service, **WITHIN TWENTY DAYS** after this Third Party Claim is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your Third Party Defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

Instead of serving and filing a Third Party Defence, you may serve and file a Notice of Intent to Defend in Form 18B prescribed by the *Rules of Civil Procedure*. This will entitle you to ten more days within which to serve and file your Third Party Defence.

YOU MAY ALSO DEFEND the action by the Plaintiff against the Defendant by serving and filing a Statement of Defence within the time for serving and filing your Third Party Defence.

IF YOU FAIL TO DEFEND THIS THIRD PARTY CLAIM, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

(Where the third party claim is for money only, include the following:)

IF YOU PAY THE AMOUNT OF THE THIRD PARTY CLAIM AGAINST YOU, and \$.....
for costs, within the time for serving and filing your third party defence, you may move to have the third party claim dismissed by the court. If you believe the amount claimed for costs is excessive, you may pay the amount of the third party claim and \$400 for costs and have the costs assessed by the court.

Date May 6/16

Issued by "W-Cornacho"
Local registrar

393 University Ave.
10th Floor
Toronto, ON M5G 1E6

FRESH AMENDED THIRD PARTY CLAIM

1. The Defendant, Her Majesty the Queen in right of Ontario (“HMQ”) claims as against the Third Parties:
 - a. Contribution and indemnity for any amounts found to be owing to the plaintiffs in respect of any youth justice facility operated by the Third Parties; and
 - b. Costs on a full indemnity basis of the main action and this Third Party Claim.
2. HMQ repeats and relies on the statements made in its Fresh as Amended Statement of Defence. Terms not defined in this Third Party Claim have the meaning ascribed to them in the Fresh as Amended Statement of Defence.
3. The Third Parties each operated one or more youth justice facilities pursuant to service contracts between each Third Party and HMQ. Pursuant to the service contracts, each Third Party is required to indemnify and save harmless HMQ from any claims arising out of the Third Party’s operation of the youth justice facility.
4. The Third Parties were and are required to follow all statutory and regulatory requirements with respect to the use of secure isolation at any youth justice facility.
5. If any compensable harm was suffered by any of the plaintiffs at a youth justice facility operated by any of the Third Parties, which is not admitted by HMQ but expressly denied, then any damages flowing from such harm are the responsibility of the Third Party operating the facility and not HMQ.
6. HMQ requests that this Third Party Claim be tried at the same time as the main action, if the main action is certified as a class action.
7. Service of this Third Party Claim outside Ontario, without leave, is permitted pursuant to Ontario Rules of Civil Procedure:

- a. R. 17.02(f) in respect of a service contract, made in Ontario between HMQ and York Detention Centre Ltd. and/or Casatta Ltd.:
- b. R. 17.02(g) in respect of alleged tort(s) committed in Ontario since the Third Party Facility, York Detention Centre, was, at all material times, operated at 354 George Street, Toronto, Ontario; and
- c. R. 17.02(q) regarding Third Party Claims for contribution and indemnity.

September 16, 2016

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Lawyers for the Third Parties,
Banyan Community Services Inc., Craigwood Youth Services, Pwi-Di-Goo-Zing-
Ne-Yaa- Zhing Advisory Services, Cas of Nipissing and Parry Sound, William W.
Creighton Youth Services, Ray of Hope Inc., Northern Youth Services Inc.,
Youth Services Bureau of Ottawa, Anago (Non) Residential Resources Inc.,
Kennedy House Youth Service Inc., North Eastern Ontario Family and Children's
Services/Services A La Famille Et A L'enfance Du Nord-Est De L'Ontario, St.
Lawrence Youth Association, Kinark Child and Famil Srvc Corp. (Markham),
York Detention Centre Ltd.

AND TO: CASATTA LTD.
3 Lockwood Drive
Pittsford, NY 14534-3744

AND TO: KOSKIE MINSKY LLP
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Attention: Kirk Baert and James Sayce

AND TO: SUTTS STOSBERG LLP
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Attention: Jay Strosberg and Patricia Speight

