

KIA KORDESTANI HAIDAR OMARALI

-and- JUST ENERGY GROUP INC. et al.

Plaintiff

Defendants

Court File No. CV-15-527493-00CP

May 11, 2016

- Mr. Martin and Ms. Young for D / Motion, Reply.
- Mr. Kowalewicz and Mr. Brown for P / Reply to Motion.

Refused motion re 7 categories of Q's refused by  
 Messrs Omarali, Kowalewicz, Filipovic and Ansel.  
 Certification motion is scheduled for June / 16.

① The D's motion is dismissed in its entirety. ~~and~~ If the legal test is "subjective", then D can argue a Certification that the individual issues will overwhelm any common issues, and he can do so w/o having evidence for common issues, record keeping, prior work experience etc. These Q's in Categories ② ③ and ⑤ were properly refused as irrelevant to the issues in the upcoming Certification Hearing.

② Q's in categories ① ④ ⑥ and ⑦ are <sup>are</sup> ~~are~~ clearly and obviously irrelevant to any issue at Certification.

③ Please agree that D can refer to Mr. Kowalewicz's affidavit & X-Exam (other than the Q's refused) at the Certification Hearing.

re) Fee: \$7500 - payable forthwith by D & P.

ONTARIO  
 SUPERIOR COURT OF JUSTICE

Proceeding commenced at  
 Toronto

MOTION RECORD  
 (MOTION TO COMPEL ANSWERS TO  
 UNDERTAKINGS AND REFUSALS)

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\* D's CERTAIN ATTACHED.

Edo Poluha J.

## PART III – LAW AND ARGUMENT

9. The refusals at issue in this motion arising from Mr. Omarali, Mr. Nazerally, Ms. Filipovic, and Mr. Awal's respective cross-examinations can be grouped into the following issues or topics:

	Omarali (Q. #)	Nazerally (Q. #)	Filipovic (Q. #)	Awal (Q. #)
① Affiant's preparation for cross-examination	13-18, 299	118	12, 13	
② Affiant's recordkeeping with respect to Just Energy documents	25, 26, 27		9, 11, 14, 15, 16	9, 10
③ Affiant's work history	46, 53, 54, 55	58-64, 65-67, 68, 69-70, 278	66, 67, 68, 69, 70, 71, 72, 199	51, 52-54, 56, 57, 58-59, 144
④ How the affiant became involved in the litigation and their involvement with other affiants	68, 69, 72	121-122, 123, 124, 125, 126, 144	17, 18, 22, 23, 25-26, 27, 32-34, 35, 36-37, 38, 39, 46, 47, 200	11, 12, 14, 16, 18, 23, 28, 29, 30, 31, 126
⑤ Affiant's tax returns and tax deductions as an independent contractor at Just Energy	294, 296, 300, 303, 306, 307-309, 312, 313, 314	117, 119, 120, 255	114-115	112, 113, 147, 157
⑥ Individual issues relating to the proposed class and alleged misrepresentation	617-618, 630, 633, 640			
⑦ Affiant's termination from Just Energy for fraud		360-363, 364-366, 367, 368, 372-373, 379, 386, 394, 395, 398-399		