

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N :

DANIEL CARCILLO and GARRETT TAYLOR

Plaintiffs

- and -

ONTARIO MAJOR JUNIOR HOCKEY LEAGUE, CANADIAN HOCKEY LEAGUE, WESTERN HOCKEY LEAGUE, QUEBEC MAJOR JUNIOR HOCKEY LEAGUE, BARRIE COLTS JUNIOR HOCKEY LTD., GUELPH STORM LTD., HAMILTON BULLDOGS FOUNDATION INC., KINGSTON FRONTENACS HOCKEY LTD., KITCHENER RANGERS JR. A. HOCKEY CLUB, LONDON KNIGHTS HOCKEY INC., MISSISSAUGA STEELHEADS HOCKEY CLUB INC., 2325224 ONTARIO INC. o/a MISSISSAUGA STEELHEADS, NIAGARA ICEDOGS HOCKEY CLUB INC., NORTHBAY BATTALION HOCKEY CLUB LTD., OSHAWA GENERALS HOCKEY ACADEMY LTD., OTTAWA 67'S LIMITED PARTNERSHIP c.o.b. OTTAWA 67's HOCKEY CLUB, THE OWEN SOUND ATTACK INC., PETERBOROUGH PETES LIMITED, 649643 ONTARIO INC. o/a 211 SSHC CANADA ULC o/a SARNIA STING HOCKEY CLUB, SOO GREYHOUNDS INC., SUDBURY WOLVES HOCKEY CLUB LTD., WINDSOR SPITFIRES INC., MCCRIMMON HOLDINGS, LTD., 32155 MANITOBA LTD., A PARTNERSHIP c.o.b. as BRANDON WHEAT KINGS, BRANDON WHEAT KINGS LIMITED PARTNERSHIP, CALGARY FLAMES LIMITED PARTNERSHIP, CALGARY SPORTS AND ENTERTAINMENT CORPORATION, EDMONTON MAJOR JUNIOR HOCKEY CORPORATION, KAMLOOPS BLAZERS HOCKEY CLUB, INC. KAMLOOPS BLAZERS HOLDINGS LTD., KELOWNA ROCKETS HOCKEY ENTERPRISES LTD., PRINCE ALBERT RAIDERS HOCKEY CLUB INC., EDGEPRO SPORTS & ENTERTAINMENT LTD., QUEEN CITY SPORTS & ENTERTAINMENT GROUP LTD., BRAKEN HOLDINGS LTD., REBELS SPORTS LTD., SASKATOON BLADES HOCKEY CLUB LTD., VANCOUVER JUNIOR HOCKEY LIMITED PARTNERSHIP and VANCOUVER JUNIOR HOCKEY PARTNERSHIP, LTD c.o.b. VANCOUVER GIANTS, WEST COAST HOCKEY LLP, WEST COAST HOCKEY ENTERPRISES LTD., o/a VICTORIA ROYALS, MEDICINE HAT TIGERS HOCKEY CLUB LTD., 1091956 ALTA LTD. o/a THE MEDICINE HAT TIGERS, SWIFT CURRENT TIER 1 FRANCHISE INC. and SWIFT CURRENT BRONCOS HOCKEY CLUB INC. o/a THE SWIFT CURRENT, ICE SPORTS & ENTERTAINMENT INC. o/a WINNIPEG ICE, MOOSE JAW TIER 1 HOCKEY INC. D.B.A. MOOSE JAW and MOOSE JAW WARRIORS TIER 1 HOCKEY, INC. WARRIORS o/a MOOSE JAW WARRIORS, LETHBRIDGE HURRICANES HOCKEY CLUB, 649643 ONTARIO INC. c.o.b. as SARNIA STING, KITCHENER RANGER JR A HOCKEY CLUB and KITCHENER RANGERS JR "A" HOCKEY CLUB, LE TITAN ACADIE BATHURST (2013) INC., CLUB DE HOCKEY JUNIOR MAJEUR DE BAIE-COMEAU INC. o/a DRAKKAR BAIE-COMEAU, CLUB DE HOCKEY DRUMMOND INC. o/a VOLTIGEURS DRUMMONDVILLE, CAPE BRETON MAJOR JUNIOR HOCKEY CLUB LIMITED o/a SCREAMING EAGLES CAPE BRETON, LES

OLYMPIQUES DE GATINEAU INC., HALIFAX MOOSEHEADS HOCKEY CLUB INC., CLUB HOCKEY LES REMPARTS DE QUÉBEC INC., LE CLUB DE HOCKEY JUNIOR ARMADA INC., MONCTON WILDCATS HOCKEY CLUB LIMITED, LE CLUB DE HOCKEY L'OCÉANIC DE RIMOUSKI INC., LES HUSKIES DE ROUYN-NORANDA INC., 8515182 CANADA INC. c.o.b. as CHARLOTTETOWN ISLANDERS, LES TIGRES DE VICTORIAVILLE (1991) INC., SAINT JOHN MAJOR JUNIOR HOCKEY CLUB LIMITED, CLUB DE HOCKEY SHAWINIGAN INC. o/a CATARACTES SHAWNIGAN, CLUB DE HOCKEY JUNIOR MAJEUR VAL D'OR INC. o/a VAL D'OR FOREURS, 7759983 CANADA INC. c.o.b. as CLUB DE HOCKEY LE PHOENIX, 9264-8849 QUÉBEC INC. c.o.b. as GROUPE SAGS 7-96 AND LES SAGUENÉENS, JAW HOCKEY ENTERPRISES LP c.o.b. ERIE OTTERS, IMS HOCKEY c.o.b. FLINT FIREBIRDS, SAGINAW HOCKEY CLUB, L.L.C., EHT, INC., JOHN DOE CORP. A o/a EVERETT SILVERTIPS HOCKEY CLUB, WINTERHAWKS JUNIOR HOCKEY LLC, PORTLAND WINTER HAWKS INC., THUNDERBIRDS HOCKEY ENTERPRISES, L.L.C., JOHN DOE CORP. B o/a SEATTLE THUNDERBIRDS, BRETT SPORTS & ENTERTAINMENT, INC., HAT TRICK, INC., JOHN DOE CORP. C o/a SPOKANE CHIEFS, TRI-CITY AMERICANS HOCKEY LLC, TOP SHELF ENTERTAINMENT, INC. and JOHN DOE CORP. D o/a TRI-CITY AMERICANS

Defendants

Proceeding under the *Class Proceedings Act, 1992*

**SUPPLEMENTARY MOTION RECORD
(CERTIFICATION)**

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Court File No.: CV-20-00642705-00CP

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AFFIDAVIT OF STEPHEN QUIRK

I, Stephen Quirk, of the City of Sydney, in the Province of Nova Scotia, MAKE OATH AND SAY

1. I am a former hockey player. I was born on January 22, 1978. I am employed as a manager in the Nova Scotia correctional system.
2. I played in the Quebec Major Junior Hockey League between 1995 and 1998. I played for the Moncton Alpines/Wildcats and the Halifax Mooseheads.
3. I suffered abuse during this time. It has severely impacted me for my entire life.

4. I have kept this abuse to myself since I was 17 years old. The experiences I suffered traumatized me and changed who I was. It is only recently that I have begun to come to terms with what happened to me and how much it damaged me.

5. The other rookies and I were hazed badly that first year in Moncton. I left home in Cape Breton with plans to play in the National Hockey League. I was always the best player at every level, and my family and friends back home had high expectations. I was determined not to let them down.

6. I wasn't a first round pick. I felt I had to do everything I could to stay in the coaches' and the older players' favour. I felt the things I suffered were part and parcel of what I had signed up for. I wasn't about to risk my chances of making it to the next level. I never complained and I took the abuse as best I could. When I arrived in Moncton, hockey was my entire life. It was everything to me and it occupied all of my thoughts for the future. I would have done anything I was told to do by the older players and team staff if I thought it would further my career in hockey.

7. A few events really stand out to me. I still grapple with these events on a daily basis.

8. On rookie initiation night, the whole team headed down to the arena where we played, the Moncton Coliseum. One by one, the rookies were blindfolded and led into a room. I was stripped naked. I had to down two beers as fast as I could. I was laid down on a table and all of my pubic hair was shaved. The older players put Rub A535 everywhere they had shaved. They took Rub A535 and put it inside of my anus by penetrating me with their fingers. I don't know exactly how many players took part, because I was blindfolded, but there were a bunch of older players in the room. It was shocking, painful, and extremely humiliating.

9. Each rookie separately went into the same room. I believe they got the same treatment, partially because I could hear them screaming before and after it was my turn.

10. After I was shaved and penetrated, I was put into a diaper and all of the rookies were too. We had to walk around the ice surface wearing only the diaper.

11. After this, we were forced to drink more beer. I do not know exactly how many beers I drank, but I think it was more than ten. I fell in the shower while holding a beer bottle and cut my hand badly. Somebody made a phone call and an assistant coach arrived, who drove me to the hospital to get stitches. When the assistant coach arrived, the rink was a mess and all the boys were drunk. I think the assistant coach knew exactly what was going on, given the messy scene at the rink. The assistant coach told me to tell the doctors at the hospital I only had two beers, which I did. The coach actually drove me back to the rink after I got the stitches so I could keep partying in the bar at the arena. I think other team representatives must have let us into the rink and also known what was going on. Rookie initiation night happened every year.

12. On long bus rides, all of the rookies were forced to strip naked and head into the tiny bus bathroom. There were 6 or 7 of us in there. This happened at least 5 times, but most likely more. I remember being left in there for hours. It was very difficult, but you had to take it to be part of the team. Nobody dared complain or even show emotion. It was a horribly demeaning and claustrophobic feeling. The adults were at the front of the bus and I think they knew this was happening.

13. I remember another time in my rookie year, the older players made me tell them sexual stories on long bus rides. I had to tell them details about girls I had sex with or had fooled around with. The older players masturbated while I told these stories. At the time, I found this to be disturbing, but I thought I had to do it to fit in. The coaches and adults would have been at the front of the bus at the time.

14. I did not take part in the hazing after my rookie year, but it definitely went on. I didn't attend the rookie party in my second or third year, but I remember getting in trouble for not attending. My teammates and the team staff gave me a hard time for not taking part. I remember hearing a story about the rookie party in my third year that I found troubling. An older player had masturbated onto a chair and a rookie was made to lick the semen up. I found this disturbing and even though I got into trouble, I was glad I didn't go to the parties.

15. Aside from these specific examples, I felt there was a generally oppressive environment on both of the teams I played for. Some players would be harassed, called all sorts of names, would be put down, and would be subjected to mind games. It was not a healthy environment to grow up in. I felt like the adults would let the more senior players get away with doing whatever they wanted. The adults took part too. I do not believe other junior teams were any different.

16. I compartmentalized this abuse until I grew up. I convinced myself that these were funny stories. I also wanted to tell myself that I was ok with it. I didn't want people to think that I'm a "pussy", so I kept it to myself. I battle alcoholism, which started in my first year in Moncton; I have bulimia, which started in my first year in Moncton; I suffered through a bad divorce. I can't blame everything bad in my life on hockey, but I know that my time in Junior left me a damaged person. I lost my dreams for the future. I have lived my adult life with no self-worth or confidence. I feel the effects of what took place in junior hockey daily, and it has been devastating. I dream of being the person I was before my time in junior hockey.

17. As soon as I made the team at 17 and began suffering through the abusive hazing, I lost my lifelong love for hockey. I think I just mentally checked out. I became a fighter, which hadn't been part of my game before that time. I remember feeling like I was going through the motions, and I certainly felt no joy for the game.

18. Today, I can't even think about hockey without feeling anxiety. I might play once every three years. I can't even take my 7 year old daughter to the rink without being overcome with negative feelings and anxiety as soon as I think about it. When I'm in the stands with the other parents, sometimes they suggest that I coach because of my background. Even the idea of coaching 'you should coach' fills me with dread and anxiety.

19. I have been diagnosed by my psychologist with depression, anxiety and Post Traumatic Stress Disorder. These diseases were all caused by my time in junior hockey.

20. I told my spouse about what happened to me a few months ago. She was upset by what I told her. A few days later, she told me about this class action. She must have read about it in the news and she sent me a link to a news story. Reading about the case brought everything that happened to me back to the forefront of my mind. For the past several decades, I have tried to keep these feelings repressed. I tried to convince myself that what I went through was normal or was just 'boys being boys'. It's only recently that I have realized that I was sexually assaulted and lived in a toxic environment and that it severely damaged me.

21. If I hadn't read about this class proceeding, I do not think I would have retained a lawyer to sue the Defendants. Even by taking part over the past few weeks, it has already had a positive impact on the healing process. I think acting as a plaintiff will continue to help the healing process. By telling my story, I feel as if I'm taking the power back from my abusers. I am also highly motivated to make sure that this type of thing will never happen to kids ever again.

ACTING AS A REPRESENTATIVE PLAINTIFF

22. I am prepared to act as a representative plaintiff in this class action. I understand that as a representative plaintiff I would be obligated to direct this litigation and to act in the best interests of class members. For example, I understand that any settlement discussions with the defendant cannot relate only to my personal claim, but must relate to the claims of the class members as a whole.

23. I seek to represent the following persons as class members in this class action:

"All former and current players who play or played in any of the Ontario Hockey League, the Western Hockey League and the Quebec Major Junior Hockey League"

24. My counsel in this litigation is Koskie Minsky LLP and the lawyers that I have been instructing include James Sayce and others at his firm.

25. James Sayce of Koskie Minsky LLP has explained to me the major steps in a class action. I understand these major steps include:

- (a) issuing a statement of claim to commence the action, which was done in June 2020;
- (b) a motion for certification, which I understand involves the court's consideration of whether this action is appropriate to proceed as a class action;
- (c) if the action is certified, there would be notice to the class of the certification and the right to opt-out (i.e. a chance for class members not to participate in the class action);
- (d) the disclosure and exchange of relevant documents;
- (e) examinations for discovery, where lawyers for the Defendants can ask me questions about my case and my lawyers can ask the Defendants' representatives questions;
- (f) a pre-trial conference where a judge can help the parties towards a settlement of the case;
- (g) a trial of the common issues (i.e. a trial that only deals with the certified common issues as opposed to the issues that are individual to me and other class members);
- (h) notice to the class if individual hearings or participation is required;
- (i) the determination of individual issues, if required;
- (j) the distribution of proceeds (if any) of a money award by judgment or settlement;
- (k) appeals, which might include appeals from the certification motion, other motions or the trial of the common issues; and,

- (l) settlement discussions, which could happen at any time.

26. I understand that as a representative plaintiff, I would have, among others, the following responsibilities:

- (a) review and keep myself informed of all steps in this litigation;
- (b) familiarize myself with the issues to be decided at the common issues stage and other issues in the action;
- (c) review amendments to the statement of claim and the other pleadings in the action;
- (d) help prepare the affidavits and other materials in support of certification, other motions and the materials that would be used at a common issues trial;
- (e) attend any cross-examination on my affidavits or otherwise;
- (f) attend the examinations for discovery and answer questions from the Defendants' lawyers;
- (g) assist in preparing and executing an affidavit of documents, which will list all the documents that I have or could get that relate to this case;
- (h) attend at the common issues trial, provide any direction or help to the lawyers and give evidence regarding the case;
- (i) express my views and direct my lawyers about strategy and how the litigation should proceed; and,
- (j) assist in preparing materials in support of a court approving any settlement and providing assistance with the implementation of any settlement and claims process.

27. I appreciate the importance of my participation in this litigation.

28. I expect to play an active role in this litigation, including the review of court materials and instructing my lawyers. I also expect to assist with communication with class members, including receiving their input about this litigation.

29. I believe that I can fairly and adequately represent the interests of class members and I am committed to fulfilling my obligations as their representative.

Litigation Plan

30. I have reviewed the draft litigation plan, which I understand will be attached to a separate affidavit of one of my lawyers. I understand that the litigation plan provides for notice to the class members if the action is certified. I do not have the expertise to evaluate the legal aspects of the plan, but my lawyers have formulated this plan and I understand from them that it is designed to provide a workable method of determining the issues in this action. I understand from my lawyers and believe that the court has approved similar litigation plans in systemic/institutional negligence cases, such as the Huronia Regional Centre or the solitary confinement class actions in Ontario.

Common Issues

31. I have reviewed the proposed common issues for this certification motion. I am not aware of a conflict of interest between me and the proposed class members with respect to these common issues or any other issues in this case.

Costs of This Action

32. My lawyers have told me and I believe that they will fund all disbursements necessary to prosecute this class action to its conclusion.

33. I have been advised that my lawyers have obtained an indemnity for me and the other representative plaintiffs against adverse costs awards from the Law Foundation of Ontario.

34. I swear this affidavit in support of the certification of this matter as a class proceeding and for no other or improper purpose.

SWORN AFFIRMED by Stephen Quirk in the City of Sydney, in the Province of Nova Scotia, via video-link before me at the City of Toronto, in the Province of Ontario, this 17th day of March, 2021, in accordance with O. Reg. 431/20, Administering Oath or Decelaration Remotely.

DocuSigned by:
Stephen Quirk
65807F9499C0400
Stephen Quirk

DocuSigned by:
Nathalie Gondek

A Commissioner for taking Affidavits (or as may be)
NATHALIE GONDEK LSO #: 77660H

Daniel Carcillo et al
Plaintiff and

Ontario Major Junior Hockey League et al
Defendant

Court File No.: CV-20-00642705-00CP

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Toronto

**AFFIDAVIT OF STEPHEN QUIRK
(Sworn March 17, 2021)**

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**Daniel Carcillo et al.
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and

**Canada Hockey League et al.
Defendants**

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Proceeding Commenced in TORONTO

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