

**ONTARIO
SUPERIOR COURT OF JUSTICE**

**THE HONOURABLE
JUSTICE PERELL**

)
)
)

FRIDAY, THE 3RD

DAY OF FEBRUARY, 2023



DANIEL CARCILLO, GARRETT TAYLOR, and STEPHEN QUIRK

Plaintiffs

- and -

ONTARIO MAJOR JUNIOR HOCKEY LEAGUE, CANADIAN HOCKEY LEAGUE, WESTERN HOCKEY LEAGUE, QUÉBEC 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 67S 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 ROCKETTS 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 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'OCEANIC DE RIMOUSKI INC., LES HUSKIES DE ROUYN-NORANDA INC., 8515182 CANADA INC. c.o.b. 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 SAGUENEENS, JAW HOCKEY ENTERPRISES LP c.o.b. ERIE OTTERS, IMS HOCKEY c.o.b. FLINT FIREBIRDS, SAGINAW HOCKEY CLUB, L.L.C., EHT, INC., WINTERHAWKS JUNIOR HOCKEY LLC, PORTLAND WINTER HAWKS INC., THUNDERBIRDS HOCKEY ENTERPRISES, L.L.C., BRETT SPORTS & ENTERTAINMENT, INC., HAT TRICK, INC., TRI-CITY AMERICANS HOCKEY LLC, and TOP SHELF ENTERTAINMENT, INC.

Defendants

Proceeding under the *Class Proceedings Act, 1992*

ORDER

THESE MOTIONS, made by the plaintiffs for an order certifying this action as a class proceeding (the "**Certification Motion**") and by the defendants for (a) an order permanently

staying this action as against the Western Hockey League (the “**WHL**”), the Québec Major Junior Hockey League (the “**QMJHL**”), and the defendants associated with the 40 teams playing in the WHL and the QMJHL, as identified in **Schedule “A”**, on the ground that the Court lacks jurisdiction *simpliciter* (the “**Jurisdiction Motion**”) and (b) an order dismissing the action as against the “**Ragoonanan Defendants**”, as identified in **Schedule “B”**, being all of the defendants except the defendants 649643 Ontario Inc. c.o.b. as Sarnia Sting 211 SSHC Canada ULC o/a Sarnia Sting Hockey Club, Lethbridge Hurricanes Hockey Club, Prince Albert Raiders Hockey Club Inc., Halifax Mooseheads Hockey Club Inc., the Canadian Hockey League, the Ontario Major Junior Hockey League (the “**OHL**”), the WHL, and the QMJHL, under the *Ragoonanan* principle (the “**Ragoonanan Motion**”), were heard by videoconference in Toronto, Ontario between November 14 and 17, 2022.

ON READING the pleadings, motion records, transcripts brief, factums, and books of authorities filed by the parties, and on hearing the submissions of the lawyers for the parties:

1. **THIS COURT ORDERS** that the Certification Motion is dismissed.
2. **THIS COURT ORDERS** that the Jurisdiction Motion is dismissed.
3. **THIS COURT ORDERS** that the *Ragoonanan* Motion is granted and that this action is dismissed as against the *Ragoonanan* Defendants.
4. **THIS COURT ORDERS** that the plaintiffs shall have 120 days, if so advised, (a) to prepare a protocol for transitioning this proposed class action into up to 60 individual (discrete/separate) joinder-actions against the defendants pursuant to Section 7 of the *Class*

Proceedings Act, 1992 (the “**Section 7 Plan**”) and (b) to bring a motion for approval of the Section 7 Plan, failing which the plaintiffs’ proposed class action shall be dismissed.

5. **THIS COURT ORDERS** that the plaintiffs shall have 120 days, if so advised, (a) to prepare a Notice to the class members of the Section 7 Plan and a Distribution Plan for the dissemination of the Notice at the expense of the defendants and (b) to bring a motion for approval of the Notice and of the Distribution Plan, failing which the plaintiffs’ proposed class action shall be dismissed.

6. **THIS COURT ORDERS** that the orders dismissing the Certification Motion and dismissing the action as against the *Ragoonanan* Defendants are suspended pending the determination of a motion for approval of a Section 7 Plan, if the plaintiffs bring one, and may be further suspended by order of this Court.

7. **THIS COURT ORDERS** that costs of the Certification, Jurisdiction, and *Ragoonanan* Motions shall be in the cause of the motion for approval of a Section 7 Plan.



(Signature of judge, officer or registrar)

ENTERED Nov. 3/2023

SCHEDULE "A"

JURISDICTION DEFENDANTS

Western Hockey League Teams

1. 1091956 Alta Ltd. o/a The Medicine Hat Tigers
2. Medicine Hat Tigers Hockey Club Ltd.
3. 32155 Manitoba Ltd.
4. McCrimmon Holdings, Ltd., a Partnership c.o.b. as Brandon Wheat Kings
5. Brandon Wheat Kings Limited Partnership
6. Braken Holdings Ltd.
7. Queen City Sports & Entertainment Group Ltd.
8. Brett Sports & Entertainment, Inc.
9. Hat Trick, Inc.
10. Calgary Flames Limited Partnership
11. Calgary Sports and Entertainment Corporation
12. Edgepro Sports & Entertainment Ltd.
13. Edmonton Major Junior Hockey Corporation
14. EHT, Inc.
15. Ice Sports & Entertainment Inc. o/a Winnipeg Ice
16. Kamloops Blazers Hockey Club, Inc.
17. Kamloops Blazers Holdings Ltd.
18. Kelowna Rockets Hockey Enterprises Ltd.
19. Lethbridge Hurricanes Hockey Club
20. Moose Jaw Tier 1 Hockey Inc. d.b.a. Moose Jaw
21. Moose Jaw Warriors Tier 1 Hockey, Inc. o/a Moose Jaw Warriors
22. Prince Albert Raiders Hockey Club Inc.

23. Rebels Sports Ltd.
24. Saskatoon Blades Hockey Club Ltd.
25. Swift Current Tier 1 Franchise Inc.
26. Swift Current Broncos Hockey Club Inc. o/a Swift Current
27. Thunderbirds Hockey Enterprises, LLC
28. Tri-City Americans Hockey LLC
29. Top Shelf Entertainment, Inc.
30. Vancouver Junior Hockey Limited Partnership
31. Vancouver Junior Hockey Partnership, Ltd c.o.b. Vancouver Giants
32. West Coast Hockey LLP
33. West Coast Hockey Enterprises Ltd. o/a Victoria Royals
34. Winterhawks Junior Hockey LLC
35. Portland Winter Hands Inc.

Québec Major Junior Hockey League Teams

36. 7759983 Canada Inc. c.o.b. as Club De Hockey le Phoenix
37. 8515182 Canada Inc. c.o.b. Charlottetown Islanders
38. 9264-8849 Quebec Inc. c.o.b. as Groupe Sags 7-96 and Les Saguenéens
39. Crap Breton Major Junior Hockey Club Limited o/a Screaming Eagles Cape Breton
40. Club de Hockey Drummond Inc. o/a Voltigeurs Drummondville
41. Club de Hockey Junior Majeur de Baie-Comeau Inc. o/a Drakkar Baie-Comeau
42. Club de Hockey Junior Majeur Val D'or Inc. o/a Val D'Or Foreurs
43. Club de Hockey Shawinigan Inc. o/a Cataractes Shawinigan
44. Club Hockey les Remparts de Québec Inc.
45. Halifax Mooseheads Hockey Club Inc.
46. Le Club de Hockey Junior Armada Inc.

47. Le Club de Hockey L'Oceanic de Rimouski Inc.
48. Le Titan Acadie Bathurst (2013) Inc.
49. Les Huskies de Rouyn-Noranda Inc.
50. Les Olympiques de Gatineau Inc.
51. Les Tigres de Victoriaville (1991) Inc.
52. Moncton Wildcats Hockey Club Limited
53. Saint-John Major Junior Hockey Club Limited

SCHEDULE "B"

RAGOONANAN DEFENDANTS

Ontario Hockey League Teams

1. 2325224 Ontario Inc. o/a Mississauga Steelheads
2. Mississauga Steelheads Hockey Club Inc.
3. Barrie Colts Junior Hockey Ltd.
4. Guelph Storm Ltd.
5. Hamilton Bulldogs Foundation Inc.
6. Ims Hockey c.o.b. Flint Firebirds
7. JAW Hockey Enterprises LP c.o.b. Erie Otters
8. Kingston Frontenacs Hockey Ltd.
9. Kitchener Rangers Jr "A" Hockey Club
10. London Knights Hockey Inc.
11. Niagara IceDogs Hockey Club Inc.
12. NorthBay Battalion Hockey Club Ltd.
13. Oshawa Generals Hockey Academy Ltd.
14. Ottawa 67's Limited Partnership c.o.b. Ottawa 67's Hockey Club
15. Peterborough Petes Limited
16. Saginaw Hockey Club, L.L.C.
17. Soo Greyhounds Inc.
18. Sudbury Wolves Hockey Club Ltd.
19. The Owen Sound Attack Inc.
20. Windsor Spitfires Inc.

Western Hockey League Teams

21. 1091956 Alta Ltd. o/a The Medicine Hat Tigers
22. Medicine Hat Tigers Hockey Club Ltd.
23. 32155 Manitoba Ltd.
24. McCrimmon Holdings, Ltd., a Partnership c.o.b. as Brandon Wheat Kings
25. Brandon Wheat Kings Limited Partnership
26. Braken Holdings Ltd.
27. Queen City Sports & Entertainment Group Ltd.
28. Brett Sports & Entertainment, Inc.
29. Hat Trick, Inc.
30. Calgary Flames Limited Partnership
31. Calgary Sports and Entertainment Corporation
32. Edgepro Sports & Entertainment Ltd.
33. Edmonton Major Junior Hockey Corporation
34. EHT, Inc.
35. Ice Sports & Entertainment Inc. o/a Winnipeg Ice
36. Kamloops Blazers Hockey Club, Inc.
37. Kamloops Blazers Holdings Ltd.
38. Kelowna Rockets Hockey Enterprises Ltd.
39. Moose Jaw Tier 1 Hockey Inc. d.b.a. Moose Jaw
40. Moose Jaw Warriors Tier 1 Hockey, Inc. o/a Moose Jaw Warriors
41. Rebels Sports Ltd.
42. Saskatoon Blades Hockey Club Ltd.
43. Swift Current Tier 1 Franchise Inc.
44. Swift Current Broncos Hockey Club Inc. o/a Swift Current

45. Thunderbirds Hockey Enterprises, LLC
46. Tri-City Americans Hockey LLC
47. Top Shelf Entertainment, Inc.
48. Vancouver Junior Hockey Limited Partnership
49. Vancouver Junior Hockey Partnership, Ltd c.o.b. Vancouver Giants
50. West Coast Hockey LLP
51. West Coast Hockey Enterprises Ltd. o/a Victoria Royals
52. Winterhawks Junior Hockey LLC
53. Portland Winter Hands Inc.

Québec Major Junior Hockey League Teams

54. 7759983 Canada Inc. c.o.b. as Club De Hockey le Phoenix
55. 8515182 Canada Inc. c.o.b. Charlottetown Islanders
56. 9264-8849 Quebec Inc. c.o.b. as Groupe Sags 7-96 and Les Saguenéens
57. Crap Breton Major Junior Hockey Club Limited o/a Screaming Eagles Cape Breton
58. Club de Hockey Drummond Inc. o/a Voltigeurs Drummondville
59. Club de Hockey Junior Majeur de Baie-Comeau Inc. o/a Drakkar Baie-Comeau
60. Club de Hockey Junior Majeur Val D'or Inc. o/a Val D'Or Foreurs
61. Club de Hockey Shawinigan Inc. o/a Cataractes Shawnigan
62. Club Hockey les Remparts de Québec Inc.
63. Le Club de Hockey Junior Armada Inc.
64. Le Club de Hockey L'Océanic de Rimouski Inc.
65. Le Titan Acadie Bathurst (2013) Inc.
66. Les Huskies de Rouyn-Noranda Inc.
67. Les Olympiques de Gatineau Inc.
68. Les Tigres de Victoriaville (1991) Inc.

69. Saint-John Major Junior Hockey Club Limited

DANIEL CARCILLO et al.
Plaintiffs

-and-

ONTARIO MAJOR JUNIOR HOCKEY LEAGUE et al.
Defendants

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

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Toronto

O R D E R

BENNETT JONES LLP
3400 One First Canadian Place
P.O. Box 130
Toronto, ON M5X 1A4

Michael Eizenga (#31470T)
Email: eizengam@bennettjones.com

Gannon Beaulne (#63948V)
Email: beaulneg@bennettjones.com

Ethan Schiff (#70448W)
Email: schiffe@bennettjones.com

Nina Butz (#75393I)
Email: butzn@bennettjones.com

Tel: 416.863.1200

Lawyers for the defendants

**LAX O'SULLIVAN LISUS
GOTTLIEB LLP**
2750 – 145 King Street West
Toronto, ON M5H 1J8

Crawford Smith (#42131S)
Email: csmith@lolg.ca

Nadia Campion (#52200O)
Email: ncampion@lolg.ca

Tel: 416.598.8648

- and -

**CASSELS BROCK & BLACKWELL
LLP**
2100 Scotia Plaza, 40 King Street West
Toronto, ON M5H 3C2

Timothy Pinos (#20027U)
Email: tpinos@cassels.com

Hardeep Dhaliwal (#81661N)
Email: hdhaliwal@cassels.com

Tel: 416.869.5784

Lawyers for the defendants 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 and John Doe Corp. D o/a Tri-City Americans