

SUPERIOR COURT OF JUSTICE - ONTARIO

RE: Grace Joubarne, Plaintiff

AND

The Corporation of the City of Belleville, Kevin Murphy, Ted Marecak, the Chief Building Official of the City of Belleville and Spencer Hutchinson, Defendants

BEFORE: Mr. Justice Stanley J. Kershman

COUNSEL: Arkadi Bouchelev, for the Plaintiff

Katherine Temple, for the Defendants

HEARD: December 11, 2020 by Zoom at Belleville

TRIAL MANAGEMENT CONFERENCE ENDORSEMENT

[1] This is a bifurcated trial. The first portion of the trial is set for five days commencing January 11, 2021.

[2] The parties agreed that their statement of facts and joint document brief will be determined by December 18, 2020.

[3] The parties will exchange their Requests to Admit and signify on them which items they are agreeing to admit by December 18, 2020.

[4] The expert report of Mr. Onuah will be accepted notwithstanding the fact that it was obtained and served after the deadline previously ordered by the Court.

[5] The Defendant will obtain an expert report to reply to the Onuah expert report which will be conducted by Allison Orr. Her inspection of the property will take place on December 16, 2020 at 11:00 a.m. and will last approximately a 1/2 day. The Plaintiff will ensure that the premises are available for inspection at that time. The only people allowed on the premises at that time are Ms.

Orr and Katherine Temple. They will be allowed to bring two battery-operated construction lights with them.

[6] As there is no insurance for the property, both Ms. Orr and Ms. Temple will sign a waiver, which is to be provided by Plaintiffs counsel to Defendants counsel by December 14, 2020 to ensure that the Defendants are satisfied with the wording. In the event that there is an issue about the wording, the matter can be spoken to before Kershman J. by Zoom. The Court expects counsel to cooperate with each other in relation to the wording.

[7] The witnesses for the Plaintiff will be Ms. Joubarne, Bob Clark (Expert Witness Planner), Mr. Onuah (Expert Witness Professional Engineer), and Angel Hannah (an Employee at MPAC).

[8] The witnesses for the Defendant for this portion of the trial will be Lindsay Reed (Heritage Architect), Doug McMullen (Fire Prevention Officer), Rick Preisinger (Real Estate Agent who acted for the bank on the sale of the property to the Plaintiff), Rob McCullough (the Appraiser of the property for the power sale purposes), potentially Angel Hannah, if not called by the Plaintiff, and potentially Allison Orr.

[9] Order accordingly.



Mr. Justice Stanley J. Kershman

Date: December 17, 2020

COURT FILE NO.: CV-13-0161

DATE: 2020/12/17

ONTARIO

SUPERIOR COURT OF JUSTICE

RE: Grace Joubarne, Plaintiff

AND

The Corporation of the City of Belleville,
Kevin Murphy, Ted Marecak, the Chief
Building Official of the City of Belleville
and Spencer Hutchinson, Defendants

BEFORE: Mr. Justice Stanley J. Kershman

COUNSEL: Arkadi Bouchelev, for the Plaintiff

Katherine Temple, for the Defendants

**TRIAL MANAGEMENT CONFERENCE
ENDORSEMENT**

Kershman J.

Released: December 17, 2020