

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

SAMUEL HORVATH

Plaintiff

- and -

THE ESTATE OF ERZSEBET JASZI

Defendant

Proceeding under the *Class Proceedings Act, 1992*, S.O. 1992, c. 6, as amended

AMENDED STATEMENT OF CLAIM

TO THE DEFENDANT(S):

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Plaintiff. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a Statement of Defence in Form 18A prescribed by the *Rules of Civil Procedure*, serve it on the Plaintiff's lawyer or, where the Plaintiff does not have a lawyer, serve it on the Plaintiff, and file it, with proof of service in this court office, **WITHIN TWENTY DAYS** after this statement of 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 statement of 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 Statement of 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 Statement of Defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, 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.

AMENDED THIS OCT 11 2017 PURSUANT TO
MODIFIÉ CE _____ CONFORMÉMENT À
 RULE/LA RÉGLE 26.02 (A)
 THE ORDER OF _____
L'ORDONNANCE DU _____
DATED / FAIT LE _____
REGISTRAR / CLERK OF COURT
SUPERIOR COURT OF JUSTICE / COUR SUPÉRIEURE DE JUSTICE

TAKE NOTICE: THIS ACTION WILL AUTOMATICALLY BE DISMISSED if it has not been set down for trial or terminated by any means within five years after the action was commenced unless otherwise ordered by the Court.

ISSUE Date: July²⁷ 27, 2017

Issued by "Melissa Ranganesh" Local registrar

Toronto Courthouse
393 University Avenue, 10th Floor
Toronto, ON M5G 1E6

TO: THE ESTATE OF ERZSEBET JASZI
1462 Hurontario Street
Mississauga, ON
L5G 3H4

CLAIM

1. The Plaintiff and the Class Members claim:
 - (a) An Order pursuant to the *Class Proceedings Act, 1992*, S.O. 1992, c.6, as amended, certifying this action as a Class Proceeding and appointing Samuel Horvath to act as Representative Plaintiff for the Class;
 - (b) Damages for professional negligence and breach of fiduciary duty resulting in the loss of opportunity to have Immigration and Refugee Board hearings determined on the merits, in the total amount of \$10,000,000;
 - (c) Such further and other damages as may be proven at trial;
 - (d) Pre-judgment and post-judgment interest pursuant to sections 128 and 129 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43 as amended;
 - (e) Costs of this action; and,
 - (f) Such further and other relief as counsel may advise and this Honorable Court permit.

THE REPRESENTATIVE PLAINTIFF

2. The Plaintiff and Class Members are refugee claimants from Hungary who were represented by the Defendant during the period of time from January 1, 2009 through December 31, 2013. The Plaintiff and Class Members lost the opportunity to have their refugee claims heard on the merits due to the Defendant's negligence and breach of fiduciary duty.
3. Ultimately, on July 29, 2015, the Law Society of Upper Canada Tribunal found the Defendant guilty professional misconduct due to her failure to provide proper representation to refugee claimants, including the representative Plaintiff and Class Members.
4. The Plaintiff Samuel Horvath came to Canada from Miskolc, Hungary, on or about November 17, 2009.

5. The Plaintiff and his family had been harassed and attacked by members of Far Right paramilitary organizations and had sought protection from the Hungarian state, but to no avail. Due to their Roma ethnicity, they faced discrimination with respect to housing, employment and access to social services.
6. After he and his family arrived in Toronto, the Plaintiff retained the Defendant to represent him at his Immigration and Refugee Board hearing.
7. The Defendant did not give the Plaintiff a Personal Information Form ("PIF") package. The Defendant completed the PIF package herself.
8. The Plaintiff discovered that the PIF package that the Defendant had completed had deficiencies when the Immigration and Refugee Board returned the PIF package.
9. The Defendant did not assist the Plaintiff in correcting the deficiencies in the PIF package.
10. At the first scheduled date for the Plaintiff's Immigration and Refugee Board Hearing, which was in or around the Summer of 2012, the Defendant did not attend, and the Board adjourned the Hearing.
11. At the second scheduled date for the Plaintiff's Immigration and Refugee Board Hearing, which occurred one month after the first scheduled date, the Defendant was completely incoherent and seemed to be intoxicated. Despite this, the Hearing proceeded.
12. The Plaintiff was concerned about the Defendant's competence, and went to the Parkdale Legal Aid Clinic in Toronto to find another lawyer. When the Defendant discovered that the Plaintiff was trying to find another lawyer, she actively discouraged him from switching lawyers.

13. Ultimately, the Plaintiff's Refugee claim and the Refugee claims of his family were rejected. The Plaintiff and his family were returned to Hungary on or about July 17, 2014.

CLASS MEMBERS

14. The Plaintiff and Class Members are people who came to Canada from Hungary seeking refugee status, who speak first languages other than English, and who, due to the Defendant's own failure to provide them with adequate information and due to other circumstances including deportation, could not reasonably have known that they had a cause of action against the Defendant until the Law Society Tribunal made its finding on July 29, 2015.
15. The Plaintiff and Class Members retained the Defendant to represent them at Immigration and Refugee Board Hearings. The Defendant was paid through Legal Aid Certificates. The Defendant had a duty to act with that degree of care reasonably to be expected of a lawyer of ordinary prudence given the circumstances. The Defendant owed a fiduciary duty to the Plaintiff and Class Members, as the Plaintiff and Class Members were vulnerable people, new to Canada, who spoke first languages other than English and who relied on the Defendant's knowledge and skill. The Defendant knew or ought reasonably to have known that the Plaintiff and Class Members were vulnerable members of a discriminated against group who might reasonably be expected to suffer significant harm if she failed to act with reasonable care, caution and diligence.
16. This action is brought on behalf of the Plaintiff in his own right, and pursuant to the *Class Proceedings Act, 1992*, S.O. 1992, c.6 on behalf of all persons resident in Canada or abroad who were refugee claimants from Hungary who were negligently represented by the Defendant and who thus lost the opportunity to have their refugee claims heard on the merits, due to the Defendant (i) inappropriately delegating professional responsibilities and abdicating her professional responsibilities; (ii) failing to complete and file Personal Information Forms ("PIFs") with supporting evidence; (iii) completing or filing manifestly inadequate and/or incorrect Personal Information Forms ("PIFs") without supporting evidence; (iv) failing to appear at Hearings; or (v) failing to arrange for translation services for meetings or hearings as needed.

17. The Plaintiff is a representative of a class of persons more particularly described as follows:

“All refugee claimants, their spouses and children, who came to Canada from Hungary and made refugee applications from January 1, 2009 through December 31, 2013, who were represented by the Defendant, and whose refugee claims failed due to the Defendant (i) inappropriately delegating professional responsibilities and abdicating her professional responsibilities; (ii) failing to complete and file Personal Information Forms (“PIFs”) with supporting evidence; (iii) completing or filing manifestly inadequate and/or incorrect Personal Information Forms (“PIFs”) without supporting evidence; (iv) failing to appear at Hearings; or (v) failing to arrange for translation services for meetings or Hearings as needed.”

18. The Ontario Legal Aid funding process for some of the relevant periods of time required a lawyer accepting a Legal Aid Certificate to provide Legal Aid with an opinion on the merits of the case before Legal Aid would fund preparation for and attendance by the Defendant at the Hearing. Comparing the opinions which the Defendant and her employees rendered for Legal Aid with the decisions of the Immigration and Review Board for each putative Class Member will allow this Honorable Court to determine exactly which of the Defendant’s clients are members of the Class.
19. Legal Aid knows the identity of each and every member of the Class.

THE DEFENDANT

20. The Defendant is the Estate of Erzsebet Jaszi. Ms. Jaszi died on February 22, 2017. Ms. Jaszi will be referred to herein as “the Defendant”.
21. The Defendant was a lawyer who resided in Toronto. She was first licensed to practice law in 1993. She operated as a sole practitioner practicing immigration and refugee law in Mississauga. She spoke Hungarian fluently. On July 29, 2015, a Tribunal of the Law Society of Upper Canada found that the Defendant had committed professional misconduct in her negligent representation of refugee claimants from Hungary over a period of time from 2009 through 2011.

OVERVIEW OF THE CLAIM

22. The Roma (sometimes called “gypsies”) are an ethnic group with their own language (Romani) and traditions. There is a large Roma community in Hungary. The Roma in Hungary are easily recognized because of their skin color, clothing and traditions.
23. The Roma are a discriminated against group in Hungary.
24. In Hungary, people refuse to hire Roma, doctors decline to treat Roma, people taunt Roma because of their ethnicity, and right-wing organizations (including an organization known as the “Hungarian Guard”) perpetrate violence on Roma people.
25. During the period of time from January 1, 2009 through December 31, 2013 many Roma people from Hungary made refugee claims in Canada.
26. By 2010 Hungary was one of the main sources of refugee claimants in Canada and many of these claimants were people of Roma ethnicity who alleged systematic discrimination of the sort from which the Plaintiff and Class Members have suffered.
27. A key issue in many refugee claims by Roma people from Hungary was the issue known in refugee law as “state protection”. Hungary was considered a democratic country and the Refugee Protection Division of the Immigration and Review Board presumed that the Hungarian state was capable of protecting people from non-state actors like the Hungarian Guard. It was important for refugee lawyers to lead evidence of incidents that amounted to persecution and to detail efforts to secure state protection.
28. A reasonably competent refugee lawyer would have understood the importance of detailing specific incidents of persecution and efforts to secure state protection.
29. During the period of time from January 1, 2009 through December 31, 2013 the Defendant had hundreds of Roma refugee clients who, together with their families, comprised of thousands of people. At times, there were numerous people waiting in the Defendant’s office.

30. The Defendant was overwhelmed by the demands of her refugee practice and, during the relevant period, made numerous mistakes and omissions. She engaged in unauthorized delegation to perform many of the essential services of a competent refugee lawyer.
31. The most important document which a lawyer prepares in a Refugee Claim is the Personal Information Form ("PIF").
32. The Defendant failed to meet the Class Members for a sufficient amount of time to elicit the facts that were necessary for a complete and accurate PIF. She spent little or no time with Class Members speaking with them about their stories and eliciting details that would support their claims.
33. The PIFs filed by the Defendant on behalf of her clients reflected her lack of time and attention to detail. The PIFs were not completed in the manner to be expected of a reasonably competent lawyer, and/or the PIFs were inadequate and should have been amended prior to filing. The PIFs were all missing significant details of persecution. Although state protection was a key issue for Roma claims, most PIFs were lacking evidence of any attempts to obtain state protection or explanations as to why it was not sought. The narratives were brief and general when they should have been complete and detailed.
34. The Defendant did not take appropriate steps to verify that the PIFs that were filed were accurate and complete. The Defendant did not ensure that all the PIFs were translated back to the Class Members prior to her submitting the forms.
35. The Defendant prepared and/or failed to amend clearly inadequate PIFs. The Defendant's failure to spend adequate time with Class Members to elicit details necessary for her to prepare complete and accurate PIFs fell below the standards of a competent lawyer.
36. The basic obligations of a reasonably competent refugee lawyer include the following:
 - (a) **Building Trust and Eliciting Facts** – many Class Members were suffering the emotional and psychological effects of persecution, most or all spoke a first

language other than English, practically none understood the refugee process or what was necessary to establish their claims for refugee status;

- (b) **Establishing Consistency and Reliability** – the Plaintiff and Class Members were interviewed without counsel upon arrival in Canada by an immigration officer and omissions, inaccuracies or apparent inconsistencies had to be addressed as early as possible by counsel to avoid adverse findings about the claimant’s credibility;
- (c) **Proper Preparation of a PIF** – The PIF was the most important document in the process and proper preparation of a PIF involves obtaining extensive personal data and narrative, setting out all alleged incidents of persecution and efforts to secure state protection, and providing supporting documentation; and
- (d) **Proper Preparation for and Attendance at the Hearing** – ensuring that the Plaintiff and Class Members were represented at the Hearing, were prepared to provide evidence, and were provided with translation services as needed.

37. The Defendant did not follow proper procedures in filing some of the PIFs, in prosecuting some of the claims, and in reporting the status of applications or in responding to clients.

38. The Defendant conducted a high volume practice and systematically failed to take responsibility for adequately representing her clients, including the Plaintiff and Class Members. The result was a systemic pattern of conduct, which resulted in many of the Defendant’s clients receiving inadequate and negligent service, such that they lost the opportunity to have their claims decided on their merits.

38.1 The Plaintiff pleads and relies on the findings in the decision of the Law Society Tribunal dated July 29, 2015, cited as *Law Society of Upper Canada v. Jaszi*, 2015 ONLSTH 132.

CAUSES OF ACTION

39. The Plaintiff pleads the following causes of action:

- (a) Negligence; and,
- (b) Breach of fiduciary duty.

PARTICULARS WITH RESPECT TO NEGLIGENCE

40. As a lawyer, the Defendant owed her clients a duty of care.

41. The Defendant failed to act with that degree of care reasonably to be expected of a refugee lawyer of ordinary competence given the circumstances. Particulars of the Defendant's failure to meet the standard of care include the following:
 - i. She failed to inform and advise the Plaintiff and Class Members, properly or at all;

 - ii. She prepared PIFs for Class Members which were manifestly inadequate and/or incorrect, such that it would have been obvious to a refugee lawyer of ordinary competence that the PIFs were inadequate, with the result that Class Members were deprived of the opportunity to have their claims determined on the merits;

 - iii. She prepared PIFs for multiple Class Members that were substantially similar in narrative and did not reflect the experience of the respective Class Members, such that it damaged the credibility of the respective Class Members;

 - iv. She inappropriately delegated her responsibilities as a lawyer to others, and abdicated her responsibilities as a lawyer;

 - v. She failed to supervise or train her employees adequately or at all;

 - vi. She failed to properly prepare her clients for Immigration and Refugee Board hearings;

 - vii. She failed to attend hearings;

 - viii. She failed to elicit crucial information, which any refugee lawyer of ordinary competence would have understood to be crucial to her clients' cases;

- ix. She had unqualified and unprepared persons attend at hearings on her behalf;
 - x. She failed to arrange for interpretation services as needed;
 - xi. After her failures and negligence had deprived the Plaintiff and Class Members of the opportunity to have their claims determined on the merits, the Defendant compounded her negligence by failing to advise the Plaintiff and Class Members about the remedies available, including rights of appeal and other avenues to seek citizenship; and
 - xii. After her failures and negligence had deprived the Plaintiff and Class Members of the opportunity to have their claims determined on the merits, the Defendant compounded her negligence by failing to advise the Plaintiff and Class Members about their right to bring a claim against the Defendant for professional negligence, such that neither the Plaintiff nor the Class Members knew or could reasonably have known that they had a cause of action against the Defendant until the Law Society Tribunal issued its decision on July 29, 2015.
42. The Defendant's systematic and repeated breaches of the standard of care were, in fact, the cause of the Plaintiff and the Class Members being deprived of the opportunity to have their cases determined on the merits.
43. The Plaintiff's and Class Members' loss of the opportunity to have their claims determined on the merits was the foreseeable result of the Defendant's breaches of the standard of care and, indeed, the outcome one would reasonably expect as a result of such negligence.

PARTICULARS WITH RESPECT TO BREACH OF FIDUCIARY DUTY

44. The lawyer and client relationship is a relationship in which the lawyer owes the client a fiduciary duty.

45. The Defendant had superior knowledge. She understood Canadian proceedings and the nature of the Immigration and Review Board process, while the Plaintiff and Class Members did not. She understood the documents that needed to be prepared and filed for a refugee claim to succeed while the Plaintiff and Class Members did not.
46. The Defendant knew that her clients were vulnerable because they were fleeing persecution.
47. The Defendant knew that her clients were vulnerable because they spoke first languages other than English.
48. The Defendant unlawfully breached her fiduciary duty to the Plaintiff and Class Members. Particulars of the Defendant's breach of fiduciary duty are as follows:
 - i. She failed to inform and advise the Plaintiff and Class Members, properly or at all;
 - ii. She prepared PIFs for Class Members which were manifestly inadequate and/or incorrect, such that it would have been obvious to a refugee lawyer of ordinary competence that the PIFs were inadequate, with the result that Class Members were deprived of the opportunity to have their claims determined on the merits;
 - iii. She prepared PIFs for multiple Class Members that were substantially similar in narrative and did not reflect the experience of the respective Class Members, such that it damaged the credibility of the respective Class Members;
 - iv. She inappropriately delegated her responsibilities as a lawyer to others, and abdicated her responsibilities as a lawyer;
 - v. She failed to supervise and train her employees adequately or at all;
 - vi. She failed to properly prepare her clients for Immigration and Refugee Board hearings;
 - vii. She failed to attend hearings;

- viii. She failed to elicit crucial information which any refugee lawyer of ordinary competence would have understood to be crucial to her clients' cases;
 - ix. She had unqualified and unprepared persons attend at hearings on her behalf;
 - x. She failed to arrange for interpretation services as needed;
 - xi. After her failures and breaches of fiduciary duty had deprived the Plaintiff and Class Members of the opportunity to have their claims determined on the merits, the Defendant compounded the breach of her duty to inform and advise the Plaintiff and Class Members again by failing to advise them about the remedies available, including rights of appeal and other avenues to seek citizenship; and
 - xii. After her failures and breaches of fiduciary duty had deprived the Plaintiff and Class Members of the opportunity to have their claims determined on the merits, the Defendant compounded her breach of fiduciary duty by failing to advise the Plaintiff and Class Members about their right to bring a claim against the Defendant for breaching a fiduciary duty, such that none of the Plaintiff or Class Members knew or could reasonably have known that they had a cause of action against the Defendant until the Law Society Tribunal issued its decision on July 29, 2015.
49. The Defendant's breach of her fiduciary duty caused the Plaintiff and Class Members to lose the opportunity to have their claims determined on the merits.

DAMAGES

50. An idea central to the rule of law and the administration of justice is this: if you make a claim, there is a value to having your claim decided on the merits.
51. Applications for judicial review, permission to reside in Canada on humanitarian and compassionate grounds and other avenues of recourse after the fact do not remedy the loss of a person who is deprived of the right to have his or her claim determined on the merits at first instance.

52. When a lawyer agrees to argue a case, it is his or her duty to take reasonable care to put the case before the decision-maker so that it can be decided fairly on its merits. It is the work and skill required to put a case before a decision-maker so that it can be decided on the merits at first instance that is the basis on which a litigation lawyer is entitled to charge a fee to represent clients before courts and administrative tribunals.
53. The Plaintiff and Class Members lost the opportunity to have their cases decided on the merits and the Plaintiff and Class Members claim for the value of that loss.
54. The Defendant knew, or ought reasonably to have known, that her negligence and/or breach of fiduciary duty may cause foreseeable mental injury beyond mere psychological upset, which is serious and prolonged and rises above the ordinary annoyances, anxieties and fears that come with living in a civil society.

COMMON ISSUES

55. There are questions of law and fact which are common to the Class Members, the determination of which will advance this litigation and the claims of the Plaintiff and Class Members. These common questions include, but are not limited to, the following:
 - (a) Did the Defendant owe a duty of care to the Plaintiff and Class Members?
 - (b) Did the Defendant breach her duty of care to the Plaintiff and Class Members?
 - (c) Did the Defendant owe a fiduciary duty to the Plaintiff and Class Members?
 - (d) Did the Defendant breach her fiduciary to the Plaintiff and Class Members?
 - (e) Did the Plaintiff and Class Members lose the opportunity to have their refugee claims determined on the merits as a result of the breach of fiduciary duty and/or negligence of the Defendant?
 - (f) What is the appropriate measure of damages when a Plaintiff has, as a result of a lawyer's negligence or breach of fiduciary duty, lost the opportunity to have his or her refugee claim decided on the merits?

PREFERABLE PROCEDURE

56. The Class is composed of people whose identities are known to the Defendant and whose identities are contained in the Defendant's own records. Moreover, all of the Plaintiff and Class Members paid for the services which the Defendant was supposed to render with legal aid certificates. Legal Aid has records, which would allow this Honorable Court to determine exactly which refugee claimants paid for the Defendant's services between January 1, 2009 and December 31, 2013.
57. During the period of time from January 1, 2009 through December 31, 2013 the Defendant had hundreds of Roma refugee clients who, together with their families, comprised of thousands of people. At times, there were numerous people waiting in the Defendant's office.
58. All of the Class Members have in common that they lost the opportunity to have their claims determined on the merits as a result of the Defendant's negligence and breach of fiduciary duty.
59. Members of the Class are so numerous that joinder of individual claims in a single action is not practical.
60. A class proceeding is preferable to other available methods for the fair and efficient adjudication of these issues.
61. The expense and burden of individual litigation would make it impossible for most of the Class Members to seek any remedy at all if they were forced to proceed otherwise than by a class proceeding.
62. A class proceeding is the most efficient and economical method of proceeding. Once legal aid has divulged a list of people who paid the Defendant with legal aid certificates during the relevant period of time, the Class Members can be notified of the commencement of this Class Proceeding, through social media or other electronic means, or by such other methods for providing notice as this Honorable Court may require. The Plaintiff and all the Class Members plead that it would be appropriate for the

Defendant to pay for the cost of notifying the Class Members of the commencement of this Class Proceeding.

63. This Class Proceeding is an appropriate method for the fair and efficient adjudication of the issues and for achieving fairness and justice without overburdening this Honorable Court with a multiplicity of individual claims.
64. The prosecution of separate actions would create the risk of conflicting decisions on the same facts and issues.

**REPRESENTATIVE PLAINTIFF AND
IDENTIFIABLE CLASS OF TWO OR MORE PERSONS**

65. The proposed Class includes the representative Plaintiff and is defined as "All persons, their spouses and children, who came to Canada from Hungary and made refugee applications from January 1, 2009 through December 31, 2013, who were represented by the Defendant, and whose refugee claims failed due to the Defendant (i) inappropriately delegating professional responsibilities and abdicating her professional responsibilities; (ii) failing to complete and file Personal Information Forms ("PIFs") with supporting evidence; (iii) completing or filing manifestly inadequate and/or incorrect Personal Information Forms ("PIFs") without supporting evidence; (iv) failing to appear at Hearings; or (v) failing to arrange for translation services for meetings or Hearings as needed."
66. During the period of time from January 1, 2009 through December 31, 2013 the Defendant had hundreds of Roma refugee clients who, together with their families, comprised of thousands of people. This is the Class. The identities of the Class Members will be most easily and practicably ascertained from the Defendant's own records and from the records in the possession of Legal Aid.
67. The Ontario Legal Aid funding process for some of the relevant periods of time required a lawyer accepting a Legal Aid Certificate to provide Legal Aid with an opinion on the merits of the case before Legal Aid would fund preparation for and attendance by the Defendant at the Hearing. Comparing the opinions which the Defendant and her employees rendered for Legal Aid with the decisions of the Immigration and Review

Board for each putative Class Member will allow this Honorable Court to determine exactly which of the Defendant's clients are members of the Class.

68. The proposed Representative Plaintiff is committed to prosecuting this Class Proceeding and have retained competent counsel experienced in Class Proceeding litigation. The Plaintiff's claims are typical of the claims of other Class Members and on common issues the Plaintiff has no interests in conflict with the interests of other Class Members.
69. The Plaintiff will fairly and adequately protect the interests of the other Class Members.

GENERAL

70. The Plaintiff pleads and relies upon the *Class Proceedings Act, 1992*, S.O. 1992, c.6, as amended.
71. There is a real and substantial connection between the subject matter of this proceeding and the Province of Ontario for the following reasons:
 - (a) The Defendant resided in Ontario;
 - (b) The Defendant was an Ontario lawyer; and,
 - (c) The torts of which the Plaintiff and Class Members complain were torts committed in Ontario.
72. This originating process may be served without court order outside Ontario if necessary because the claim is:
 - (a) In respect of torts committed in Ontario; and,
 - (b) Against a person who carried on business in Ontario during the relevant period of time.
73. If issue is taken with service of documents upon the Defendant, the Plaintiff and the Class Members seek leave to have service upon LawPro be accepted as service upon the Defendant.

PLACE OF TRIAL

74. The Plaintiff and the Class Members propose that the trial of this action take place in Toronto.

Date: July 27, 2017

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SAMUEL HORVATH

-and-

THE ESTATE OF ERZSEBET JASZI

Plaintiff

Defendant

Court File No: CV-17-579770-00CF

ONTARIO SUPERIOR COURT OF JUSTICE

Proceeding under the *Class Proceedings Act, 1992*, S.O.
1992, c. 6, as amended

Proceeding commenced at **TORONTO**

AMENDED STATEMENT OF CLAIM

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