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Court File No:

FEDERAL COURT

BETWEEN

DR. WILLIAM IMONA-RUSSEL

F I L E D	FEDERAL COURT COUR FÉDÉRALE	D É P O S É
23-DEC-2022		
<small>P Karambelas</small>		
TOR	-1-	

Plaintiff

-and-

KOSKIE MINSKY LLP

Defendant

STATEMENT OF CLAIM (SIMPLIFIED ACTION)

TO THE DEFENDANT:

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 a solicitor acting for you are required to prepare a statement of defence in Form 171B prescribed by the Federal Courts Rules, serve it on the plaintiff's solicitor or, if the plaintiff does not have a solicitor, serve it on the plaintiff, and file it, with proof of service, at a local office of this Court

WITHIN 30 DAYS after the day on which this statement of claim is served on you, if you are served in Canada or the United States; or

WITHIN 30 DAYS after the day on which this statement of claim is served on you, if you are served outside Canada and the United States.

TEN ADDITIONAL DAYS are provided for the filing and service of the statement of defence if you or a solicitor acting for you serves and files a notice of intention to respond in FORM 204.1 prescribed by the FEDERAL Courts Rules.

Copies of the Federal Courts Rules, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Toronto (telephone 416-973-3356) or at any local office.

IF YOU FAIL TO DEFEND THIS PROCEEDING, judgment may be given against you in your absence and without further notice to

Date:

Issued by _____

Registry Officer
180 Queen Street West
Suite 200
Toronto, Ontario M5V 3L6

TO: The Court Clerk
180 Queen Street West, Suite 200
Toronto, Ontario M5V 3L6

TO: Natalie Gondek
Koskie Minsky LLP
20 Queens Street West, Suite 900
Toronto, Ontario M5H 3H3

TO: Gerry Antman
Koskie Minsky LLP
20 Queens Street West, Suite 900
Toronto, Ontario M5H 3R3

Court File No:

The Plaintiff Claims (Simplified Action):

1. General Damages in the amount of \$45,000.00 for fraud, conflict of interest and privacy violation
2. Damages for negligence in the amount of \$15,000.00
3. Damages in the amount of \$20,000.00 for violating the plaintiff's rights under the Privacy Act sections 7, 8, 26, 27, 28; Criminal Code in sections 380, and sections 8 of the Canadian Charter of Rights and Freedoms.
4. Punitive damages in the amount of \$20,000.00
5. Pre-judgment and Post-judgment interest pursuant to the Courts of justice Act, R.S.O 1990, c. C. 43
6. Costs of this action in the amount of \$400.00

STATEMENT OF FACTS (SIMPLIFIED ACTION)

1. The plaintiff William Imona-Russel is serving a 25 year sentence for First Degree Murder and is currently housed at Warkworth Institution in Campbellford, Ontario.
2. The plaintiff applied to receive compensation through the Federal Segregation Class Action, and submitted a form to the Claims Administrator in September 2021.
3. It was found that the Canadian government violated the rights of inmates placed in Administrative Segregation in federal penitentiaries, as was found by the Ontario and Quebec courts in three separate class action lawsuits, Brazeau v. Canada, Reddock v. Canada, and Gallone v. Canada. The courts awarded approximately \$28 million to be divided amongst class members. Hence, the Claims Administrator assigned the plaintiff's file to Koskie Minsky LLP.
4. On March 30, 2022, a staff lawyer with Koskie Minsky LLP named Natalie Gondek wrote the plaintiff a letter indicating that they had received the Tier A disclosure documents of the plaintiff from CSC, something she falsely claimed, because it belonged to another inmate of Stony Mountain Institution named Brendon Dakota Sinclair. She also cited on page 2 of the letter that the plaintiff should sign and complete the retainer agreement that she included to begin the process of their selecting a track from which to receive compensation. A total of 10 forms was required to be signed including the retainer agreement itself that brings the total to 11.

5. Another lawyer of Koskie Minsky LLP named Gerry Antman had carriage of the Retainer Agreement and 10 other forms that was completed, signed and mailed on April 23, 2022 using the pre-paid envelope enclosed by him. It was addressed to Koskie Minsky LLP, 20 Queens Street West, Suite 900, Toronto, Ontario M5H 3R3. Included was a hand-written cover letter of the plaintiff dated April 21, 2022 that cited, "any trace of dishonesty or misappropriation of the files under my name will be a violation of the entire agreement and a miscarriage of justice that will warrant civil liability against Koskie Minsky LLP."
6. At the time of preparing this claim, Gerry Antman denies the cover letter. In the month of May 24, 2022, he began writing a letter to the plaintiff that says it normally takes up to 6 weeks for CSC institutions to mail them to no avail. He clearly indicated the plaintiff's request of such documents to be returned by June 1, 2022, since Antman alleged that Koskie Minsky LLP was no longer representing the plaintiff for baseless reasons that defies the protocol of class counsel in terms of representation, and under the federal segregation retainer agreement. No Tier B disclosure document was ever provided to the plaintiff.
7. Not only did Natalie Gondek unlawfully obtain the Tier A disclosure document belonging to another inmate to provide to the plaintiff in violation of both their security and privacy rights, but Gerry Antman lied repeatedly about not receiving the retainer agreement with the other forms that was mailed to him since April 23, 2022 by the plaintiff, or 7 months thereafter when it takes only 3-5 business days for mails to arrive their destination within the province of Ontario.
8. The complaint file number with the Law Society of Upper Canada against Gerry Antman and Natalie Gondek are 2022-267479 and 2022-267478 respectively, whereby the LSUC have found Koskie Minsky LLP to be in violation of such rights against the plaintiff and Brendon Dakota Sinclair. The plaintiff was informed during a telephone conference with the case manager. It is the decision of the investigations department to recommend a disciplinary action against both lawyers of Koskie Minsky LLP.
9. The plaintiff was provided more than 40 pages of the Tier A disclosure documents belonging to Brendon Dakota Sinclair comprising psychological/psychiatric reports that shows the period of his being segregated in federal prison, while on the other hand the plaintiff's Tier A and B disclosure documents were kept away from him.
10. The plaintiff who is suffering from a series of psychological and mental health problems for being segregated for a period of 386 days between Dec 2010 – June 2017 in various federal institutions, and another 2 and half years in various provincial jails between 2006-2010 is gravely damaged by the misconduct of Koskie Minsky LLP that had chosen to pick

track 3 for the plaintiff based on the psychological impact that Administrative Segregation had on him in the amount over \$50,000.00 with no limit. It was the decision of Natalie Gondek's letter dated March 30, 2022 that track 3 was being recommended with no limit of compensation.

THE PLAINTIFF SUFFERS (SIMPLIFIED ACTION)

11. (a) Manic depression
(b) Anxiety
(c) Panic attacks
(d) High-blood pressure
(e) Other
12. The plaintiff also suffers type 2 diabetes and H.I.V

THE DEFENDANT'S NEGLIGENCE (SIMPLIFIED ACTION)

13. The action of both lawyers Natalie Gondek and Gerry Antman of Koskie Minsky LLP was wilful, because they both knew who the plaintiff was, but chose to send somebody else's institutional report that would gravely damage the security and privacy of the plaintiff and Brendon Dakota Sinclair. Both individuals who are neither related are residing in separate federal institutions within and outside the province of Ontario.
14. The action of both lawyers is the perfect definition of negligence, because by denying that they received the plaintiff's signatures on the retainer agreement, and on 10 other documents, they were unlawfully seizing those mailing documents for fraudulent purposes in violation of the plaintiff's rights in sections 8 of the charter, and also engaged in a fraudulent scheme to either obtain or utilize the plaintiff's signatures to cash in on the compensation awarded by the courts.
15. The action of both lawyers after realizing that the plaintiff was weary about their receiving the retainer agreement, and 10 other documents with his signatures was cruel, whereby rather than resolve the problem with CSC if in fact they believed it was in their possession chose to transfer the plaintiff's file that was assigned to them by the Claims Administrator to McCarthy LLP – who are not the representatives of the plaintiff, and thus signaling a conflict of interest by Gerry Antman who facilitated such undertaking. It was immediately after the plaintiff signed and mailed the retainer agreement with the 10 other documents containing his signatures that his file was transferred to McCarthy LLP. Antman notified the plaintiff during a telephone call dated May 19, 2022 at 1:30pm that the file was transferred to a lawyer named Jessica Quinn who when the plaintiff called was told no longer works there.

DAMAGES (SIMPLIFIED ACTION)

16. The plaintiff who is traumatized by the experience after suffering a series of psychological and mental health problems – for CSC's act of indiscriminately segregating him for 386/387 days in federal prison, and 2 and half years in various provincial jails suffers:
- (a) Emotional, physical and psychological harm
 - (b) Impairment to his mental well-being
 - (c) A re-visitation of his P.T.S.D
 - (d) Anxieties, panic attacks etc.,
 - (e) Other
17. The plaintiff asks for costs in filing this claim

THIS CLAIM IS SUPPORTED BY THE FOLLOWING (SIMPLIFIED ACTION)

- 1. This statement of claim
- 2. Letters from Natalie Gondek
- 3. Letters from Gerry Antman
- 4. Letters from the plaintiff
- 5. The psychological/segregation report of Brendon Dakota Sinclair numbering over 40 pages
- 6. Notice of complaint from the Law Society of Upper Canada with file number 2022-267479, 2022-267478
- 7. A copy of the federal segregation class action info
- 8. Affidavit
- 9. Other as deemed appropriate by the court

The plaintiff proposes that this action be tried in Toronto

Dated: Oct 26, 2022



DR. WILLIAM IMONA-RUSSEL
Warkworth Institution
15847 County Road 29
P.O. Box 760
Campbellford, Ontario K0L 1L0
(Self-represented)