Lazi Ventures Inc.v. Burlock et al b # CV-21-00000149-00A1

Endorsement Memo

January 18, 2022

Justice R J Harper

There are multiple motions before that include:

1. Request by Martin Lazi for leave to represent Lazi Ventures Inc. a company solely owned and operated by him in the within action;
2. Request by the Defendants and the Third Party to have a common case managing Justice Appointed;
3. Request by the Defendants and Third party to order the plaintiff to post security for costs;
4. Order prohibiting the Plaintiff from in any manner proceeding with any further Construction Lien Act applications or registrations without leave of the court.

After reviewing the evidence hearing submissions on behalf of the parties, and for oral reasons given, I

dismissed Mr. Lazi's request for leave to represent the Plaintiff Corporation in this action.

As a result of the dismissal, the Corporate Plaintiff needs to retain a lawyer and an adjournment on terms is necessary.

In addition, Mr. Lazi, in any event was seeking an adjournment in order to provide certain up dated financial information.

A significant part of the relief requested by the moving parties is for an Order to appoint a Common Case Managing Justice in order to properly manage, at least, this action and 22 other actions that involve very similar fact bases and legal issues that have been brought across the Province of Ontario that were brought by Mr. Lazi or a corporation owned and controlled by him.

I informed counsel for the moving parties that relief requested would require the input of the Regional Senior Justice and possibly the Chief Justice as such an order would have a substantial impact on Judicial scheduling.

With respect to the adjournment length, I ruled that Mr. Lazi has had ample time to retain a lawyer. He has, at numerous times represented to either counsel or the

Court that he was going to retain a lawyer. In September, 2021, he was advised by counsel for the Defendants that he would be required to seek leave of the court to act for the Plaintiff in this action. At that point he told counsel that he would retain a lawyer.

At times during the litigation, he has retained a lawyer for “bundled services”.

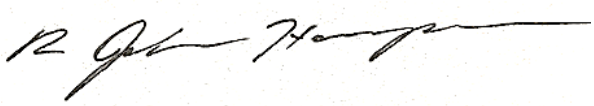
In my view given need to have this matter move forward in a fair, effective but expeditious manner the motions before the court shall be adjourned to the trial coordinator in order to reschedule the motions no later than 45 days from today.

The issue of costs of today is reserved to the judge hearing he motion.

The adjournment is on the following terms:

1. Mr. Gatensby is to contact RSJ Sweeny in order to get his input on the availability of a Justice to perform this role and or the RSJ potentially contacting the Chief Justice for his input on such a request.

2. There shall be a without prejudice Order that pending the return of this matter an order shall go pursuant to the moving parties requested relief at paragraphs 1, d, e, f and g.



R John Harper

Court File No. CV-21-00000149-00A1

ONTARIO
SUPERIOR COURT OF JUSTICE

JUDGE R. JOHN HARPER | TUESDAY, THE 18th DAY OF JANUARY, 2022

B E T W E E N:

LAZI VENTURES INC.

Plaintiff

- and -

KATHERINE BURLOCK and ADAM BURLOCK

Defendants

- and –

LA COMPAGNIE D'ASSURANCE BELAIR INC./BELAIR INSURANCE COMPANY INC. and INTACT INSURANCE COMPANY/INTACT COMPAGNIE D'ASSURANCE

Third Parties

Proceeding under the *Construction Act,* R.S.O. 1990, c. C. 30, as amended

ORDER

THE MOTION made by the third parties, La Compagnie D'Assurance Belair Inc./Belair Insurance Company Inc. (hereinafter referred to as "**Belair**") and Intact Insurance Company/Intact Compagnie D'Assurance (hereinafter referred to as "**Intact"**) (collectively, the **"Insurers"**), seeking common case management of various proceedings, among other relief, was heard this day, remotely, at the courthouse located at 70 Wellington Street, Brantford, Ontario, N3T 2L9.

ON READING the motion record of the Insurers, including the affidavits of Ryan Miehm, Katherine Burlock, Shasta Carr-Harris, Paul Carter, Colin Bired, Lichi Shi, Corey Henderson, Adam Goul, Michael Ball, Edward White, Heba Noureldin, Vanessa Guha, Ivan Sidorivich, and Eric Levin; the supplementary

motion record of the Insurers, including the affidavits of Amir Nazim and Aimee Eppel, as well as the supplementary affidavit of Amir Nazim, all together with the Insurers' factum and book of authorities;

ON HEARING the submissions of counsel for the Insurers and the plaintiff;

1. **THIS COURT DIRECTS THAT** counsel for the Insurers is to contact His Honour, Regional Senior Justice Sweeny, for the purposes of determining the availability of a Judge within the Central South Region to perform the role of common case management judge or, if none are available, to request that Regional Senior Justice Sweeny contact Chief Justice Strathy for His Honour's input on the same;

2. **THIS COURT MAKES THE FOLLOWING INTERIM ORDERS** pending the return of this matter:

   a. the deemed undertaking set out in subrule 30.1.01(3) of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194 does not apply as between the Participating Proceedings, being those proceedings as set out at Appendix "A";

   b. the plaintiff and its principal, Martin Lazi, and any other company or business entity controlled by them, must seek leave of a judge of the Superior Court of Justice in order to register any construction lien at any Land Registry Office within the Province of Ontario;

   c. the date of the filing for motion for leave, as stipulated in sub-paragraph 2(b) of this Order above, is deemed the date that such lien was preserved pursuant to section 31(2) of the *Construction Act*, R.S.O. 1990, c. C.30 along with a reasonable extension in order to register and perfect the lien;

   d. the plaintiff and its principal, Martin Lazi, and any other company or entity controlled by either of them not commence any construction lien claim in the Ontario Small Claims Court pursuant to section 50(1) of the *Construction Act*;

3. **THIS COURT FURTHER ORDERS** that the plaintiff, being a corporation, is to retain a lawyer in accordance with Rule 15.01(2) of the *Rules of Civil Procedure* prior to the return of this motion;

4. **THIS COURT FURTHER ORDERS** that the balance of the motion be adjourned to the trial coordinator in order to reschedule this motion no later than 45 days from January 18, 2022, being Friday, March 4, 2022;

5. **THIS COURT FURTHER ORDERS** that costs of the January 18, 2022 appearance is reserved to the judge hearing this motion.

Entered at Brantford, Ontario
on January 24, 2022
MLD - Registrar

APPENDIX A

"PARTICIPATING PROCEEDINGS"

Participating Proceedings **Ontario Superior Court of Justice**				
No.	**Court File No.**	**Location**	**Case Title**	**Defendant's Counsel**
1.	CV21000024230000	Newmarket	Lazi Ventures Inc. v. White et al	Amir Tehrani Donnell Law Group
2.	CV21000024980000	Newmarket	Lazi Ventures Inc. v. Basin et al	Amir Tehrani Donnell Law Group
3.	CV21000602650000	St. Catharines	Lazi Ventures Inc. v. Noureldin et al	Eric Nadler Nadler Law
4.	CV21000602640000	St. Catharines	Lazi Ventures Inc. v. Bird	Eric Turkienicz McCague Borlack LLP
5.	CV21006658440000	Toronto	Lazi Ventures Inc. v. Carter et al	Eric Turkienicz McCague Borlack LLP
6.	CV21006644800000	Toronto	Lazi Ventures Inc. v. Wu et al	Alida A. Brydon and Kelli Preston Devry Smith Frank LLP
7.	CV21000002110000	Guelph	Lazi Ventures Inc. v. Ball et al	David Bernstein Nelson Watson PC
8.	CV21000764600000	Hamilton	Lazi Ventures Inc. v. Henderson et al	Raz Toor Falcon Law PC
9.	CV21000002290000	Guelph	Lazi Ventures Inc. v. Carr-Harris et al	Brandon Cook Reain Lui Stock LLP
10.	CV21000001490000	Brantford	Lazi Ventures Inc. v. Burlock et al	Michael Paiva Rodrigues Paiva LLP
11.	CV21000019310000	Oshawa	Lazi Ventures Inc. v Bastiampillai et al	Derek Vihvelin TD Insurance In-House
12.	CV21000775830000	Hamilton	Lazi Ventures Inc. v Marczak et al	Derek Vihvelin TD Insurance In-House
13.	CV21000775820000	Hamilton	Lazi Ventures v. Eppel	Darren Frank Cambridge LLP

Participating Proceedings **Ontario Small Claims Court**				
No.	**Court File No.**	**Location**	**Case Title**	**Defendant's Counsel**
1.	SC21000064190000	Toronto	Lazi Ventures Inc. v. Sidorovich et al.	Eric Turkienicz McCague Borlack LLP
2.	SC20000030420000	Brampton	Lazi Ventures Inc. v. Heeney, Marth Dawn	Derek Vihvelin TD Insurance In-House
3.	SC21000001430000	Brampton	Lazi Ventures Inc. v. Sultan, Mijgan v. TD General Insurance	Derek Vihvelin TD Insurance In-House
4.	SC20000045950000	Brampton	Lazi Ventures Inc. v. Mathew, Neil & Shane, Sama v. TD Insurance	Derek Vihvelin TD Insurance In-House
5.	SC21000343980000	Hamilton	Lazi Ventures Inc. v. Hawkins and Timmings	Derek Vihvelin TD Insurance In-House
6.	SC21000002720000	Newmarket	Lazi Ventures Inc. v. Tran et al.	Brandon Cook Reain Lui Stock LLP
7.	SC21000001090000	Guelph	Lazi Ventures Inc. v. Burney	Brandon Cook Reain Lui Stock LLP
8.	SC21000010680000	Toronto	Lazi Ventures Inc. v. Grey	Brandon Cook Reain Lui Stock LLP
9.	SC20000003680000	Brantford	Lazi Ventures Inc. v. Dobson v. Aviva General Insurance Co.	Brandon Cook Reain Lui Stock LLP

Court File No. CV-21-00000149-00A1

LAZI VENTURES INC.	and	**BURLOCK et al**	and	**LA COMPAGNIE D'ASSURANCE BELAIR INC./ BELAIR INSURANCE COMPANY INC. et al**
Plaintiff		Defendants		Third Parties

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding commenced at Brantford

ORDER

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