Court File No.: CV-21-00086203-0000

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

DEIRDRE ANN MOORE

Plaintiff

- and -

KHALDOON HABIB-ALLAH, LAMAH EL-RAYES, DIEGO FERNANDEZ-STOLL, JONATHAN KISKA, OTTAWA POLICE SERVICE

Defendants

JOINT COSTS SUBMISSION OF THE DEFENDANTS (MOVING PARTIES) ON RULE 21 MOTION

September 30, 2022

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Plaintiff

Court File No.: CV-21-00086203-0000

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

DEIRDRE ANN MOORE

Plaintiff

- and -

KHALDOON HABIB-ALLAH, LAMAH EL-RAYES, DIEGO FERNANDEZ-STOLL, JONATHAN KISKA, OTTAWA POLICE SERVICE

Defendants

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Bill of Costs of the Defendant (Moving Party) John Kiska dated September 26, 2022 D

Costs Outline of the Ottawa Police Service dated September 28, 2022 E

1. The Plaintiff made serious allegations of, *inter alia*, fraud, conspiracy, assisting conspiracy, and other tortious activity against the Defendants in her Fresh as Amended Statement of Claim (the "Action"). The Defendants brought a motion seeking relief staying, striking (without leave to amend) and/or dismissing the Action under Rule 21 (the "Motion").

2. The Defendants were entirely successful in obtaining the relief sought on the Motion.

3. Costs follow the event[1]. The Defendants rely on these joint costs submissions in seeking their costs of the Motion and the Action, on a substantial indemnity basis, in accordance with each of their respective Bill of Costs, appended hereto.

Reprehensible, Scandalous or Outrageous Conduct justifying an award of Substantial Indemnity Costs

a) *Allegations of Fraud*

4. Unproven allegations of fraud justify an award of costs on a higher scale because they are rooted in assertions of dishonesty and deceit, going to the heart of a person's integrity. Where serious allegations of dishonest or illegal acts are made, but are so inadequately pleaded that they are not permitted to go forward, costs consequences should "likewise follow".[2]

5. Against all of the Defendants, the Plaintiff did explicitly allege fraud or the knowing assistance of fraud. The Court found that these allegations ought not be permitted to go forward, for being so inadequately plead as to warrant being struck without leave to amend. Nonetheless, these allegations "stood in the public record and

---

[1] *Cass v 1410088 Ontario Inc.*, 2018 ONSC 6959
[2] *Falsetto v Falsetto et al.*, 2022 ONSC 5089 at para 12

over the head of the Defendants" until and upon the dismissal of the Action over a year later.[3]

b) *Allegations of Illegality prejudicial to professional character or reputation*

6. Apart from fraud, other circumstances that may justify an award of substantial indemnity costs arise from unfounded allegations of improper conduct or illegality that impact a defendant's professional ethics and integrity in the public's view.[4]

7. A number of the Defendants were targeted by allegations of dishonesty, fraudulent conduct and other intentional, unethical, conduct in their professional capacities – as a landlord, real estate agent, paralegal and/or police board. These may be seen as a "serious ethical attack", as well as a "failed attack", on these defendant's integrity and honesty, impacting their professional reputations. These allegations formed part of the Plaintiff's manufactured campaign detailing what she viewed as all of the Defendants complicity in Ottawa's "organized crime" ring – which also advanced allegations impugning the administration of justice and impartiality of the judiciary. The Court is vigilant, and has been amenable, to an award of substantial indemnity costs where such baseless, and unfounded, allegations have been advanced.[5]

Rule 57.01 Factors

8. The following Rule 57 factors support the scale and quantum of costs claimed by the Defendants.

9. *Success of the parties / Apportionment of Liability* – The Plaintiff's Action was dismissed summarily, and after an opportunity for tenable amendments to her

---

[3] *Ibid*.
[4] *Millson v 1156653 Ontario Limited,* 2007 CanLII 48657 at paras 34-37
[5] *Millson, supra,* at paras 35.

Statement of Claim. Despite these efforts, the motions judge still found "no reasonable cause of action" plead in the Action. The Defendants were 100% successful.

10. *The Complexity of the Proceedings and the Importance to the Parties*: The proceedings were complex, largely due to the Plaintiff's broad, sweeping and often-indecipherable, allegations in her pleading. The Action raised complex legal issues of negligence, fraud and other intentional torts, involving various and distinct parties, timeframes and otherwise unrelated factual circumstances. The Action sought findings of serious misconduct, bordering on, if not being of, a criminal nature, as against the Defendants; as well as, significant monetary damages – over $500,000.00 from the Landlord, Real Estate Agent, Paralegal, and Mr. Kiska. In total, the damages claimed, and the potential liability these Defendants faced, was significant. They were entitled to take the Action seriously and respond, accordingly.

11. *The Plaintiff's Unreasonable and Vexatious Conduct that unnecessarily protracted the length, and incurred costs thrown away, in this proceeding*: The Defendants were required to prepare for argument twice for return of their Rule 21 Motion, and are entitled to their costs thrown away for the appearance on March 8, 2022, which original return date had been scheduled in consultation with the Plaintiff over five months prior, on November 5, 2021. The Defendants' Notice of Motion was served in November of 2021, and the remainder of the motion materials were served throughout the month of February in accordance with the timelines under the *Rules*. Attached is a copy of the Defendants' Confirmation of Motion and its enclosures that were filed in respect of the Plaintiff's request to adjourn the initial return date set for the hearing of the Motion.[6]

[6] **Appendix "A"** – Motion Confirmation of the Defendants dated March 2, 2022

12. In short, the Plaintiff had ample notice of the Motion, confirmed her availability for the initial hearing date on which it was scheduled to proceed, and sufficient time to prepare a response – which she failed to do, necessitating an adjournment on March 8 and the Defendants' costs thrown away for this appearance.

13. When the Motion returned a second time for hearing on June 7, 2022, the Plaintiff raised the issue of judicial bias and sought recusal of the judge scheduled to preside over the Motion, Justice Gomery, on the basis that Her Honour had ruled against her in the past. Counsel for the Defendants were required to respond to the baseless grounds of opposition to Justice Gomery hearing the Motion, raised at the eleventh hour. This necessitated a further waste of judicial resources and costs thrown away in preparation and delivery of argument refuting any legal basis for a recusal in the circumstances. That, fortuitously, Madam Justice Ryan Bell was available to hear the Motion does not excuse or justify the unfounded and baseless nature of the last-minute issues of judicial bias which were raised, the Defendants submit, in efforts to secure a second adjournment of the hearing.

The Rule 49 Offers Served

14. Several of the Defendants served Rule 49 Offers, also triggering the award of an elevated scale of costs on a substantial indemnity basis after the date of those Offers.[7] The Court may award costs on a substantial indemnity basis *from the date the offer to settle was made,* where a plaintiff is completely unsuccessful and did not recovery any damages or any other relief whatsoever.[8]

---

[7] **Appendix "B" -** Offer to Settle of the Paralegal (Fernandez-Stoll) dated June 29, 2021; **Appendix B** – Offer to Settle of the Landlord (Khaldoon Habib-Allah) dated June 28, 2021.
[8] *Falsetto, supra,* at para 37.

Summary

15. For the foregoing reasons, the Defendants seek their costs of the Motion and the Action, on a substantial indemnity basis, in accordance with their respective Bill of Costs, filed, as follows:

a) **$9,633.62, inclusive** – claimed by the Landlord (Khaldoon Habib-Allah);[9]

b) **$18,303.32, inclusive** – claimed by the Real Estate Agent (Lamah El-Rayes);[10]

c) **$13,285.72, inclusive** – claimed by the Paralegal (Diego Fernandez-Stoll);[11]

d) **$12,600.50, inclusive** – claimed by the Former Spouse (Jonathan Kiska);[12] and

e) **$4,651.75, inclusive** – claimed by the Ottawa Police Service.[13]

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 30th day of September, 2022.

_____

Per: **MICHAEL D. SWINDLEY**
Lawyers for the Defendant,
Lamah El-Rayes

[9] **Appendix "C":** Bill of Costs of the Defendant, Khaldoon Habib-Allah, dated September 20, 2022
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[13] **Appendix "C":** Costs Outline of the Ottawa Police Service dated September 28, 2022.

TAB 1

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ALL OF WHICH IS RESPECTFULLY SUBMITTED this 30th day of September, 2022.

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MICHAEL D. SWINDLEY
Lawyers for the Defendant,
Lamah El-Rayes

[9] **Appendix "C":** Bill of Costs of the Defendant, Khaldoon Habib-Allah, dated September 20, 2022
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[13] **Appendix "C":** Costs Outline of the Ottawa Police Service dated September 28, 2022.

TAB 2

Court File No. CV-21-00086203-0000

ONTARIO

SUPERIOR COURT OF JUSTICE

B E T W E E N:

DEIRDRE MOORE

Plaintiff
(Respondent)

and

KHALDOON HABIB-ALLAH, LAMAH EL-RAYES, DIEGO FERNANDEZ-STOLL, JONATHAN KISKA, OTTAWA POLICE SERVICE

Defendants
(Moving Parties)

CONFIRMATION OF MOTION

I, Kelli Day, lawyer for the Moving Party, Diego Fernandez-Stoll, confirm that the Moving Party has conferred or attempted to confer with the other Moving Parties and the Plaintiff and confirm that the motion to be heard on March 8, 2022 will proceed on the following basis:

[X] for a contested adjournment:

- *The Responding Party Plaintiff, Ms. Dierdre Moore, has advised the Defendants that she is seeking an adjournment of the hearing.*

- *The Ottawa Police Service takes no position with respect to Ms. Moore's adjournment request.*

- *The remaining Defendants oppose Ms. Moore's adjournment request.*

- *On March 1, 2022, Ms. Moore sent an email to ottawa.scj.courts@ontario.ca regarding her adjournment request. Attached hereto and marked as* ***Appendix 1*** *is a copy of this email correspondence.*

- *On March 2, 2022 Ms. Moore sent an email to ottawa.scj.courts@ontario.ca regarding her adjournment request. On March 2, 2022, I replied to Ms. Moore to confirm that the adjournment request would have to be addressed on the day of the hearing and that her adjournment request*

would be noted on the within Confirmation of Motion form. Attached hereto and marked as ***Appendix 2*** *is a copy of this email correspondence.*

[X] In the event the adjournment request is denied, for a hearing of the following issues:

- *Whether the Fresh as Amended Statement of Claim ought to be struck pursuant to Rule 21.01(3)(a);*
- *Whether the Fresh as Amended Statement of Claim ought to be struck pursuant to Rule 21.01(1)(b);*
- *Whether the Fresh as Amended Statement of Claim ought to be struck pursuant to Rule 21.01(3)(c);*
- *Whether the Fresh as Amended Statement of Claim ought to be struck pursuant to Rule 21.01(3)(d);*
- *In the alternative, whether the Plaintiff should be required to pay security for Costs pursuant to Rule 56.01(1)(b);*
- *In the alternative, whether the Plaintiff should be required to pay security for Costs pursuant to Rule 56.01(1)(e); and*
- *Whether the Defendants are entitled to the Costs of this Motion on a substantial indemnity basis.*

The presiding judge will be referred to the following materials:

1. *This Confirmation of Motion Form and the appendices hereto.*
2. *Factum of the Moving Party, Diego Fernandez-Stoll, dated February 25, 2022.*
3. *Factum of the Defendant, Lamah El-Rayes, dated February 28, 2022.*
4. *Factum of the Defendant, Jonathan Kiska, dated February 14, 2022.*
5. *Factum of the Defendant, Khaldoon Habib-Allah, dated February 28, 2022.*
6. *Motion Record of the Moving Party, Diego Fernandez-Stoll, dated February 25, 2022.*
7. *Motion Record of the Defendant, Lamah El-Rayes, dated February 4, 2022.*
8. *Motion Record of the Defendant, Jonathan Kiska, dated, February 15, 2022.*
9. *Motion Record of the Defendant, Khaldoon Habib-Allah, dated February 1, 2022.*
10. *Affidavit of Constable Andrew Reesor, sworn February 23, 2022.*

11. *Motion materials of the Responding Party Plaintiff (which have not yet been served or filed as of the time of the filing of this Form).*

The Defendants estimate that the time required for the motion, including costs submissions and Reply (if any), will be a total of 2 hours which we anticipate will be broken down as follows:

- *For the Moving Parties:*
    - *Lamah El-Rayes: 25 minutes*
    - *Khaldoon Habib-Allah: 5 minutes*
    - *Diego Fernandez-Stoll: 10 minutes*
    - *Jonathan Kiska: 10 mins*
    - *Ottawa Police Service: 10 minutes*
    - *Total: 1 hour*
- *For the Responding Party, Dierdre Moore: 1 hour*

March 2, 2022

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Diego Fernandez-Stoll

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dw.cceh@outlook.com
Self-Represented Plaintiff

AND TO: **CHRISTOPHER A. MOORE PROFESSIONAL CORPORATION**
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Christopher A. Moore (LSO No. 21303G)

chalmo@istar.ca
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AND TO: **TEMPLEMAN LLP**
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Lamah El-Rayes

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Charlotte Watson (LSO No. 71481O)
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Jonathan Kiska

AND TO: **BORDEN LADNER GERVAIS LLP**
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MDoody@blg.com
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Fax: 613-230-8842

Lawyers for the Defendant,
Ottawa Police Service

APPENDIX "1"

Kelli Day

From: Deirdre Moore <dw.cceh@outlook.com>
Sent: March 1, 2022 8:11 AM
To: Ottawa SCJ Courts (MAG)
Cc: Michael D. Swindley; Angela Biggs; Jennifer Ng; Chris Moore; Kelli Day; Charlotte Watson; Natalie Lemay; 'Doody, Michelle'; Whale, Jessy
Subject: RE: Duration of Motion, Length of Factum || FW: Request for scheduling motion on a regular motion day in Moore v Lamah El-Rayes, et al., Court File No. CV-21-86203

Importance: High

Good Morning,

As the Motion has gone from one rather simple Motion to four Motions where I must refute the use of eighteen rules across four co-defendants and address the liability of the absent fifth (as detailed here: https://pfc.rocks/mission-2/draining-the-swamp_002/the-ottawa-courthouse-and-accomplices/deirdre-moore-and-khaldoon-habib-allah-et-al/), I respectfully request that this Motion be adjourned and scheduled for a full-day. To refute Jonathan Kiska's arguments alone will require one hour of oral argument.

On Friday February 25th, I received the Motion materials from the paralegal who executed the 2019 Eviction and I now have the complete picture of how this crew intends to avoid liability. I would like to be in a position to demonstrate to the court how their efforts were fully co-ordinated.

Furthermore, to refute some of the allegations, I would like to bring a Third-Party Records Motion. For example, in Paralegal Fernandez-Stolls Notice of Motion at paragraph 25, he alleges that my Action is "frivolous, vexatious and/or otherwise an abuse of the process". Ex Kiska makes similar allegations in his Notice of Motion at paragraph 9. While I have some receipts and photographs of the furniture and personal belongings that were stolen, it would be useful to find out for how much my belongings were sold, by whom and when.

Please advise at your earliest convenience.

Thank you.

Deirdre Moore

PS. Kindly also confirm whether or not the court would like one Motion Record or five of them.

From: Ottawa SCJ Courts (MAG) <ottawa.scj.courts@ontario.ca>
Sent: February 28, 2022 9:03 AM
To: Deirdre Moore <dw.cceh@outlook.com>
Subject: RE: Duration of Motion, Length of Factum || FW: Request for scheduling motion on a regular motion day in Moore v Lamah El-Rayes, et al., Court File No. CV-21-86203

Good morning,

The motion is scheduled for 1 hour in front of a Judge.

There is a page limit on a factum, which indicates a factum is not to exceed 10 pages without leave of the court.

Thank you,

Jocelyn Ballantyne

From: Deirdre Moore <dw.cceh@outlook.com>
Sent: February 28, 2022 8:54 AM
To: Ottawa SCJ Courts (MAG) <ottawa.scj.courts@ontario.ca>
Subject: Duration of Motion, Length of Factum || FW: Request for scheduling motion on a regular motion day in Moore v Lamah El-Rayes, et al., Court File No. CV-21-86203
Importance: High

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Good morning,

Would you please confirm:

a. The Duration of the Motion scheduled for March 8th
b. Whether or not there is a page limit on the Factum that can be served/filed

Thank you.

Deirdre Moore

From: Angela Biggs <abiggs@tmlegal.ca>
Sent: Tuesday, November 9, 2021 1:00 PM
To: Jennifer Ng <jng@tmlegal.ca>; Deirdre Moore <dw.cceh@outlook.com>; Kelli Day <kelli@black-law.ca>; Charlotte Watson <CWatson@bellbaker.com>; Chris Moore <chalmo@istar.ca>; Natalie Lemay <nlemay@bellbaker.com>; Doody, Michelle <MDoody@blg.com>; Whale, Jessy <JWhale@blg.com>
Cc: Michael D. Swindley <mswindley@tmlegal.ca>
Subject: RE: Request for scheduling motion on a regular motion day in Moore v Lamah El-Rayes, et al., Court File No. CV-21-86203

Further to Ms Ng's email, below, attached please find our Notice of Motion, returnable March 8, 2022, served in accordance with the *Rules of Civil Procedure*.

Angela Biggs | Legal Clerk

TEMPLEMAN

abiggs@tmlegal.ca | www.tmlegal.ca

Templeman LLP
401-366 King Street, East
Kingston, Ontario K7K 6Y3
T: 613-542-1889 Ext. 2212 | F: 613-542-8202

To our valued clients – please note that we have implemented policies requiring clients and staff to wear non-medical face coverings in all public spaces in accordance with Public Health directives regarding Covid-19, and to sanitize their hands on entry with the hand sanitizer provided. Thank you for your co-operation.

This email transmission contains confidential information from Templeman. This information is intended solely for use by the individual entity named as the recipient hereof. This email transmission has been transmitted in an unencrypted format. Should you wish to discontinue communication in this manner please advise our office by return mail immediately. If you are not the intended recipient be aware that any disclosure, copying, distribution, or use of the contents of the transmission is prohibited. If you have received this transmission in error, please notify our office by return mail immediately and then delete the transmission from your system.

From: Jennifer Ng <jng@tmlegal.ca>
Sent: Tuesday, November 9, 2021 9:53 AM
To: Deirdre Moore <dw.cceh@outlook.com>; Kelli Day <kelli@black-law.ca>; Charlotte Watson <CWatson@bellbaker.com>; Chris Moore <chalmo@istar.ca>; Natalie Lemay <nlemay@bellbaker.com>; Doody, Michelle <MDoody@blg.com>; Whale, Jessy <JWhale@blg.com>
Cc: Michael D. Swindley <mswindley@tmlegal.ca>; Angela Biggs <abiggs@tmlegal.ca>
Subject: RE: Request for scheduling motion on a regular motion day in Moore v Lamah El-Rayes, et al., Court File No. CV-21-86203

Good morning
I have been able to confirm that this Motion has been scheduled for March 8, 2022 at 10:00am to be heard via Zoom. Our Notice of Motion will be delivered shortly in this regard.

Zoom Link will follow ahead of the hearing date. I am told the Court will be replying to confirm the below shortly.

Thank you

Jennifer

Jennifer Ng | Associate Lawyer

TEMPLEMAN

jng@tmlegal.ca | www.tmlegal.ca

Templeman LLP
401-366 King Street, East
Kingston, Ontario K7K 6Y3
T: 613-542-1889 ext. 2236 | F: 613-542-8202

To our valued clients – please note that we have implemented policies requiring clients and staff to wear non-medical face coverings in all public spaces in accordance with Public Health directives regarding Covid-19, and to sanitize their hands on entry with the hand sanitizer provided. Thank you for your co-operation.

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From: Jennifer Ng
Sent: Monday, November 8, 2021 9:14 AM
To: Ottawa SCJ Courts (MAG) <ottawa.scj.courts@ontario.ca>
Cc: Deirdre Moore <dw.cceh@outlook.com>; Kelli Day <kelli@black-law.ca>; Charlotte Watson <CWatson@bellbaker.com>; Chris Moore <chalmo@istar.ca>; Michael D. Swindley <mswindley@tmlegal.ca>; Angela Biggs <abiggs@tmlegal.ca>; Natalie Lemay <nlemay@bellbaker.com>; Doody, Michelle <MDoody@blg.com>; Whale,

Jessy <JWhale@blg.com>
Subject: RE: Request for scheduling motion on a regular motion day in Moore v Lamah El-Rayes, et al., Court File No. CV-21-86203

Good morning

The parties and counsel have conferred on availability and can select **March 8** to return this motion.

The parties are also available March 10 as a backup, in the event the March 8 date is no longer available.

Kindly confirm once this matter has been scheduled for one of these available dates.

Thank you

Jennifer Ng | Associate Lawyer

TEMPLEMAN

jng@tmlegal.ca | www.tmlegal.ca

Templeman LLP
401-366 King Street, East
Kingston, Ontario K7K 6Y3
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APPENDIX "2"

Kelli Day

From: Deirdre Moore <dw.cceh@outlook.com>
Sent: March 2, 2022 9:25 AM
To: Ottawa SCJ Courts (MAG)
Cc: Michael D. Swindley; Angela Biggs; Jennifer Ng; Chris Moore; Kelli Day; Charlotte Watson; Natalie Lemay; Doody, Michelle; Whale, Jessy
Subject: SECOND REQUEST || RE: Duration of Motion, Length of Factum || FW: Request for scheduling motion on a regular motion day in Moore v Lamah El-Rayes, et al., Court File No. CV-21-86203

Good Morning,

As the Motion has gone from one rather simple Motion to four Motions where I must refute the use of eighteen rules across four co-defendants and address the liability of the absent fifth (as detailed here: https://pfc.rocks/mission-2/draining-the-swamp_002/the-ottawa-courthouse-and-accomplices/deirdre-moore-and-khaldoon-habib-allah-et-al/), I respectfully request that this Motion be adjourned and scheduled for a full-day. To refute Jonathan Kiska's arguments alone will require one hour of oral argument.

On Friday February 25th, I received the Motion materials from the paralegal who executed the 2019 Eviction and I now have the complete picture of how this crew intends to avoid liability. I would like to be in a position to demonstrate to the court how their efforts were fully co-ordinated.

Furthermore, to refute some of the allegations, I would like to bring a Third-Party Records Motion. For example, in Paralegal Fernandez-Stolls Notice of Motion at paragraph 25, he alleges that my Action is "frivolous, vexatious and/or otherwise an abuse of the process". Ex Kiska makes similar allegations in his Notice of Motion at paragraph 9. While I have some receipts and photographs of the furniture and personal belongings that were stolen, it would be useful to find out for how much my belongings were sold, by whom and when.

Please advise at your earliest convenience.

Thank you.

Deirdre Moore

PS. Kindly also confirm whether or not the court would like one Motion Record or five of them.

From: Ottawa SCJ Courts (MAG) <ottawa.scj.courts@ontario.ca>
Sent: February 28, 2022 9:03 AM
To: Deirdre Moore <dw.cceh@outlook.com>
Subject: RE: Duration of Motion, Length of Factum || FW: Request for scheduling motion on a regular motion day in Moore v Lamah El-Rayes, et al., Court File No. CV-21-86203

Good morning,

The motion is scheduled for 1 hour in front of a Judge.

There is a page limit on a factum, which indicates a factum is not to exceed 10 pages without leave of the court.

Thank you,

Jocelyn Ballantyne

From: Deirdre Moore <dw.cceh@outlook.com>
Sent: February 28, 2022 8:54 AM
To: Ottawa SCJ Courts (MAG) <ottawa.scj.courts@ontario.ca>
Subject: Duration of Motion, Length of Factum || FW: Request for scheduling motion on a regular motion day in Moore v Lamah El-Rayes, et al., Court File No. CV-21-86203
Importance: High

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Good morning,

Would you please confirm:

a. The Duration of the Motion scheduled for March 8th
b. Whether or not there is a page limit on the Factum that can be served/filed

Thank you.

Deirdre Moore

From: Angela Biggs <abiggs@tmlegal.ca>
Sent: Tuesday, November 9, 2021 1:00 PM
To: Jennifer Ng <jng@tmlegal.ca>; Deirdre Moore <dw.cceh@outlook.com>; Kelli Day <kelli@black-law.ca>; Charlotte Watson <CWatson@bellbaker.com>; Chris Moore <chalmo@istar.ca>; Natalie Lemay <nlemay@bellbaker.com>; Doody, Michelle <MDoody@blg.com>; Whale, Jessy <JWhale@blg.com>
Cc: Michael D. Swindley <mswindley@tmlegal.ca>
Subject: RE: Request for scheduling motion on a regular motion day in Moore v Lamah El-Rayes, et al., Court File No. CV-21-86203

Further to Ms Ng's email, below, attached please find our Notice of Motion, returnable March 8, 2022, served in accordance with the *Rules of Civil Procedure*.

Angela Biggs | Legal Clerk

TEMPLEMAN

abiggs@tmlegal.ca | www.tmlegal.ca

Templeman LLP

401-366 King Street, East

Kingston, Ontario K7K 6Y3

T: 613-542-1889 Ext. 2212 | F: 613-542-8202

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To: Deirdre Moore <dw.cceh@outlook.com>; Kelli Day <kelli@black-law.ca>; Charlotte Watson <CWatson@bellbaker.com>; Chris Moore <chalmo@istar.ca>; Natalie Lemay <nlemay@bellbaker.com>; Doody, Michelle <MDoody@blg.com>; Whale, Jessy <JWhale@blg.com>
Cc: Michael D. Swindley <mswindley@tmlegal.ca>; Angela Biggs <abiggs@tmlegal.ca>
Subject: RE: Request for scheduling motion on a regular motion day in Moore v Lamah El-Rayes, et al., Court File No. CV-21-86203

Good morning

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Zoom Link will follow ahead of the hearing date. I am told the Court will be replying to confirm the below shortly.

Thank you

Jennifer

Jennifer Ng | Associate Lawyer

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Subject: RE: Request for scheduling motion on a regular motion day in Moore v Lamah El-Rayes, et al., Court File No. CV-21-86203

Good morning

The parties and counsel have conferred on availability and can select **March 8** to return this motion.

The parties are also available March 10 as a backup, in the event the March 8 date is no longer available.

Kindly confirm once this matter has been scheduled for one of these available dates.

Thank you

Jennifer Ng | Associate Lawyer

TEMPLEMAN

jng@tmlegal.ca | www.tmlegal.ca

Templeman LLP

401-366 King Street, East

Kingston, Ontario K7K 6Y3

T: 613-542-1889 ext. 2236 | F: 613-542-8202

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TAB 3

TAB A

Court File No. CV-21-86203

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N:

DEIRDRE MOORE

Plaintiff

- and -

KHALDOON HABIB-ALLAH, LAMAH EL-RAYES, DIEGO FERNANDEZ-STOLL, JONATHAN KISKA and OTTAWA POLICE SERVICE

Defendants

OFFER TO SETTLE

The Defendant, Diego Fernandez-Stoll ("Mr. Fernandez-Stoll), offers to settle the Plaintiff's Claim against him on the following basis:

1. Without any admission of liability whatsoever, Mr. Fernandez-Stoll shall pay to the Plaintiff the all-inclusive sum of $500.00 in satisfaction of all claims, damages, interest, costs, and taxes in exchange for: (a) the forthwith dismissal of the Plaintiff's claim against Mr. Fernandez-Stoll; and (b) a full and final release executed by the Plaintiff in favour of Mr. Fernandez-Stoll in the form attached hereto as Appendix A.

2. If the Plainitff communicates in writing her acceptance of this Offer to Settle within ten (10) days of this date, the Plaintiff and Mr. Fernandez-Stoll shall bear their own legal costs, subject only to the payment referred to in paragraph 1 herein.

3. If the Plainitff communicates in writing her acceptance of this Offer to Settle more than ten (10) days from this date, then the Plaintiff shall pay to the Mr. Fernandez-Stoll his costs on a partial indemnity basis to be agreed upon or assessed from the date of the within Offer to Settle until the date of acceptance.

4. This Offer shall remain open for acceptance by the Plaintiff until one minute after the commencement of the trial of this action, one minute after the commencement of any motion brought by or on behalf of Mr. Fernandez-Stoll for the dismissal of the claim, or until withdrawn in writing, whichever event comes first.

June 29, 2021

BLACK & ASSOCIATES
300 Gilmour Street, Suite 300
Ottawa, ON K2P 0R3

Kelli Day (LSO No. 74261K)
kelli@black-law.ca

Tel: 613-617-6699
Fax: 613-695-8580

Lawyers for the Defendant,
Diego Fernandez-Stoll

TO: **DEIRDRE MOORE**
215 Montreal Rd
Ottawa, ON K1L 5C2
DMOORE@PFI.ROCKS

Self-Represented Plaintiff

TO: **CHRISTOPHER A. MOORE PROFESSIONAL CORPORATION**
63 Robert Street
Ottawa, ON K2P 1G5

Christopher A. Moore (LSO No. 21303G)
chalmo@istar.ca

Tel: 613-230-9448
Fax: 613-230-3624

Lawyers for the Defendant,
Khaldoon Habib-Allah

TO: **BELL BAKER LLP**
700-116 Lisgar Street
Ottawa, ON K2P 0C2

Charlotte Watson (LSO No. 71481O)
cwatson@bellbaker.com

Tel: 613-237-3444
Fax: 613-237-1413

Lawyers for the Defendant,
Jonathan Kiska

TO: **TEMPLEMAN LLP**
401-366 King St. East
Kingston, ON K2P 0C2

Michael Swindley (LSO No. 58462Q)
mswindley@tmlegal.ca
Tel: 613-230-9448
Fax: 613-542-8202

Lawyers for the Defendant, Lamah El-Rayes

AND TO: **BORDEN LADNER GERVAIS LLP World Exchange Plaza**
100 Queen Street, Suite 1300 Ottawa, ON
KlP 1J9

Michelle Doody (LSO No. 66612L)
mdoody@blg.com
Tel: 613-787-3510
Fax: 613-230-8842

Lawyers for the Defendant, Ottawa Police Services

Appendix A

FULL AND FINAL RELEASE

IN CONSIDERATION of the resolution of all issues raised and/or which could have been raised by **Dierdre Moore** in relation to any matter arising out of or in connection with the Statement of Claim in Ontario Superior Court Action bearing Court File No. CV-21-00086203, and in consideration of the payment or the promise of payment to the undersigned of **$500** (the "Settlement Funds") by **Diego Fernandez-Stoll** and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and in accordance with the Offer to Settle, dated June 29, 2021 and accepted on _____**, Dierdre Moore (the "Releasor")** agrees as follows:

The Releasor hereby completely releases and forever discharges **Diego Fernandez-Stoll** and their subsidiaries, parents, affiliates, and their respective present and former employees, officers, directors, shareholders, agents, attorneys, insurers, reinsurers, predecessors, successors and assigns **(collectively the "Releasees")** without qualification or limitation whatsoever, from any and all actions, causes of action, claims or demands of whatsoever nature and howsoever arising, whether in contract, tort, equity, and/or arising as a result of a fiduciary duty or by virtue of any statute or upon or by reason of any damage, loss or injury in any way arising out of or in connection with the employment relationship between the Parties.

WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, the Releasor declares that the intent of this Full and Final Release is to conclude all issues arising from the matters referred to herein and it is understood and agreed that this Full and Final Release is intended to cover, and does cover, not only all known injuries, losses and damages, but also injuries, losses, and damages of any nature whatsoever not now known or anticipated but which may later develop or be discovered, including all the effects and consequences thereof.

AND FOR THE SAID CONSIDERATION, the Releasor further agrees not to make any claim or initiate any proceedings against any other person or corporation who might claim contribution or indemnity, including but not limited to contribution or indemnity under the provisions of the *Negligence Act* and the Amendments thereto, from the Releasees discharged by this Full and Final Release.

IT IS AGREED AND UNDERSTOOD that the Releasor shall not initiate or maintain any claim or claims or take any proceeding or proceedings, legal, administrative, or otherwise against the Releasees or

against any other individual, partnership, association, trust, unincorporated association, corporation, or other entity arising from, incidental to, or in connection with all matters or things which are referred to in this Full and Final Release, in which a claim, direct or indirect, could arise against any other party hereto for contribution, indemnity or other relief over.

IT IS AGREED AND UNDERSTOOD that if the Releasor commences or continues such an action or such proceeding and the Releasees, or any of them, are added to such proceeding in any manner whatsoever, or the Releasees, or any of them, remain parties to existing proceedings, the Party or Parties advancing such a proceeding and/or claims will immediately discontinue the proceedings and/or claims, and such Parties will be jointly and severally liable to the Releasees, or those affected, for all legal costs and disbursements incurred in any such proceeding, on a full indemnity basis. This Full and Final Release shall operate conclusively as an estoppel in the event of any claim, action, complaint, or proceeding which might be brought or continued in the future at any time with respect to the matters covered by this Full and Final Release. This Full and Final Release may be pleaded in the event any such claim, action, complaint, or proceeding is brought or continued, as a complete defence and reply, and may be relied upon in any such proceeding to dismiss the claim, action, complaint, or proceeding on a summary basis.

IT IS FURTHER AGREED AND UNDERSTOOD that the fact and terms of this Full and Final Release and the underlying settlement herein, are private, privileged, and confidential amongst the Parties, and the Parties agree to protect the privilege, privacy, and confidentiality of the terms and conditions of the Full and Final Release and the underlying settlement, and hereby each undertake and agree not to disclose the fact and terms of the Full and Final Release, accepted Offer to Settle, and the underlying settlement to any person other than to their respective legal or financial advisors (“Advisor”) or unless required by law or by order of a Court of competent jurisdiction. For greater certainty, the Releasor may only share confidential information related to this Full and Final Release and the underlying settlement herein to an Advisor provided that they agree to be bound by the same terms of confidentiality in advance of any such disclosure. If the Releasor makes any disclosure which does not comply with the terms of this Full and Final Release, it is agreed and understood that, without prejudice to any other rights and remedies otherwise available to the Releasees, the Releasees shall be immediately entitled to the return of the Settlement Funds.

AND THE RELEASOR HEREBY CONFIRMS that they have full authority and capacity to release their respective rights and interests as referred to herein.

AND FOR THE SAID CONSIDERATION the Releasor hereby irrevocably represents and warrants that they have not assigned to any person, firm, or corporation any of the actions, causes of action, claims, debts, suits, or demands of any nature or kind which they have released by this Full and Final Release.

IT IS FURTHER AGREED AND UNDERSTOOD that the Releasees do not by the consideration set out in this Full and Final Release, or otherwise, admit any liability or obligation of any kind whatsoever, and such liability or obligation is specifically denied.

AND IT IS HEREBY DECLARED that the terms of this Full and Final Release and the underlying settlement are fully understood, that the consideration and any payment accompanying this Full and Final Release is accepted voluntarily for the purpose of making a full and final compromise as settlement of the matters referred to and described herein.

AND IT IS HEREBY ACKNOWLEDGED that the Releasor has carefully read this Full and Final Release, has had an opportunity to seek independent legal advice as to the nature and effect of this Full and Final Release, understands all of the terms in this Full and Final Release, and has executed this Full and Final Release voluntarily and with full knowledge of the consequences thereof.

AND IT IS HEREBY ACKNOWLEDGED that this Full and Final Release and the accepted Offer to Settle contain the entire agreement between the Parties, that the terms of the accepted Offer to Settle and this Full and Final Release are contractual, are not a mere recitals, and that any breach may be enforced against any Party in breach, and may give rise to a claim in damages against any such Party, or any of them, enforceable by a proceeding in the Ontario Superior Court of Justice.

IT IS UNDERSTOOD AND AGREED this Full and Final Release and the underlying settlement will be governed by the Laws of the Province of Ontario and that any dispute arising from this Full and Final Release and/or the underlying settlement will be adjudicated by the Ontario Superior Court of Justice.

[INTENTIONALLY LEFT BLANK]

IT IS UNDERSTOOD AND AGREED that this Full and Final Release may be executed electronically and may be transmitted by email and that an electronically signed copy of this Full and Final Release shall be deemed to be, and utilized in all respects as an original document of full force and effect.

DATED AT , this day of , 2021

_____ _____

DIERDRE MOORE **Name of Witness:**

DEIRDRE MOORE Plaintiff	-and-	**KHALDOON HABIB-ALLAH, LAMAH EL-RAYES, DIEGO FERNANDEZ-STOLL, JONATHAN KISKA and OTTAWA POLICE SERVICE** Defendants	Court File No: CV-21-86203

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding commenced at Ottawa

OFFER TO SETTLE

BLACK & ASSOCIATES
300 Gilmour Street, Suite 300
Ottawa, ON K2P 0R3

Kelli Day (LSO No. 74261K)
kelli@black-law.ca

Tel: 613-617-6699
Fax: 613-695-8580

Lawyers for the Defendant,
Diego Fernandez-Stoll

TAB B

Court File No. 21-86203

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

DEIRDRE MOORE

Plaintiff

AND:

KHALDOON HABIB-ALLAH, LAMAH EL-RAYES, DIEGO FERNANDEZ-STOLL, JONATHAN KISKA and OTTAWA POLICE SERVICE

Defendants

OFFER TO SETTLE

The Defendant, Khaldoon Habib-Allah, offers to settle the Plaintiff's claim against him on the following basis:

1. Payment to the Plaintiff by Defendant Habib-Allah the sum of $500.00 inclusive of damages, interest and costs.

2. If the within Offer to Settle is accepted within ten days of this date, then the Plaintiff and the Defendant Habib-Allah shall bear their own costs.

3. If the within Offer to Settle is accepted more than ten days from the date of this offer, then the Plaintiff shall pay to the Defendant Habib-Allah his costs on a partial indemnity basis to be agreed upon or assessed from the date of the within Offer to Settle until date of acceptance.

4. This Offer shall remain open for acceptance until one minute after the commencement of the trial of this action or the commencement of any motion brought by the Defendant Habib-Allah for summary judgement to dismiss the claim.

DATED: June 28, 2021

CHRISTOPHER A. MOORE
PROFESSIONAL CORPORATION
Barrister, Solicitor
63 Robert Street
Ottawa, Ontario
K2P 1G5

LSUC No: 21305G
Tel: 613-230-9448
Fax: 613-230-3624

Solicitor for Defendant

TO: **DEIRDRE MOORE**
215 Montreal Road
Ottawa, ON
K1L 6C8

dmoor@pfi.rocks

Self-Represented Plaintiff

AND TO: **BLACK & ASSOCIATES**
300-340 Gilmour Street
Ottawa, ON
K2P 0R3

Kelli Day
Tel: 613-617-6699
Fax: 613-695-8580
LSO No. 74261K
kelli@black-law.ca

Solicitor for the Defendant,
Diego Fernandez-Stoll

AND TO: **BELL BAKER LLP**
700-116 Lisgar Street
Ottawa, ON
K2P 0C2

Charlotte Watson
Tel: 613-237-3444
Fax: 613-237-1413
LSO No. 71481O
cwatson@bellbaker.com

Solicitor for the Defendant,
Jonathan Kiska

AND TO: **TEMPLEMAN LLP**
401-366 King Street East
Kingston, ON
K7K 6Y3

Michael Swindley
Tel: 613-542-1889
Fax: 613-542-8202
LSO No. 58462Q
mswindley@tmlegal.ca

Solicitor for the Defendant,
Lamah El-Rayes

AND TO: **BORDEN LADNER GERVAIS LLP**
World Exchange Plaza
100 Queen Street, Suite 1300
Ottawa, ON
K1P 1J9

Michelle Doody
Tel: 613-787-3510
Fax: 613-230-8842
LSO No. 66612L
mdoody@blg.com

Solicitor for the Defendant,
Ottawa Police Services

BETWEEN:

DEIRDRE MOORE

Plaintiffs

AND:

KHALDOON HABIB-ALLAH, LAMAH EL-RAYES, DIEGO FERNANDEZ-STOLL, JONATHAN KISKA and OTTAWA POLICE SERVICE

Defendants

Court File No.CV-21-86203

ONTARIO SUPERIOR COURT OF JUSTICE
(Proceeding commenced at Ottawa, Ontario)

OFFER TO SETTLE

CHRISTOPHER A. MOORE
PROFESSIONAL CORPORATION
63 Robert Street
Ottawa, Ontario
K2P 1G5

CHRISTOPHER A. MOORE
Solicitor for Defendant Khaldoon Habib-Allah

Tel: 613-230-9448
Fax: 613-230-3624
LSO No. 21303G

TAB 4

TAB A

Court File No. 21-86203

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

DEIRDRE MOORE

Plaintiff

AND:

KHALDOON HABIB-ALLAH, LAMAH EL-RAYES, DIEGO FERNANDEZ-STOLL, JONATHAN KISKA and OTTAWA POLICE SERVICE

Defendants

DRAFT BILL OF COSTS OF THE DEFENDANT KHALDOON HABIB-ALLAH
(Motion heard June 7, 2022)

	PARTIAL INDEMNITY	SUBSTANTIAL INDEMNITY
Fees	$6,073.75	$9,110.62
Disbursements	$523.00	$523.00
TOTAL	**$6,596.75**	**$9,633.62**

Defendant's Counsel Christopher Moore was called to the Bar in 1981.

Defendant's Counsel's actual hourly rate is $425.00 per hour.

The Partial Indemnity rate applied is $250.00 per hour.

DETAILS OF FEES

	Person and Hours	Partial	Substantial	Actual
To receipt and review of lengthy Statement of Claim; drafting Statement of Defence and all e-mail correspondence with Plaintiff in between	Christopher Moore- 4.0 HRS	$1,000.00	$1,500.00	$1,700.00
To receipt and review of lengthy proposed amended Statement of Claim together with request for consent and to providing consent with respect thereto	Christopher Moore- 2.0 HRS	$500.00	$750.00	$850.00
To research and review of law with respect to motion to strike claim and for security for costs	Christopher Moore- 2.0 HRS	$500.00	$750.00	$850.00
To drafting Notice of Motion and Affidavit in support and compiling Motion Record	Christopher Moore- 3.0 HRS	$750.00	$1,125.00	$1,275.00
To all correspondence with counsel for co defendants with respect to Motion to dismiss including aborted attendance on March 8, 2022 and ultimate attendance on June 7, 2022	Christopher Moore- 2.0 HRS	$500.00	$750.00	$850.00

To preparation of Factum with respect to aborted attendance on March 8, 2022 and ultimate attendance on June 7, 2022 Motion	Christopher Moore- 2.0 HRS	$500.00	$750.00	$850.00
To preparation and attendance upon Motion on June 7, 2022 including all correspondence with Plaintiff, research review of law, receipt and review of additional information and material	Christopher Moore – 6.0 HRS	$1,500.00	$2,250.00	$2,550.00
To receipt and review of decision of Justice Ryan Bell	Christopher Moore – .5 HRS	$125.00	$187.50	$212.50
	TOTAL	$5,375.00	$8,062.50	$9,137.50
	HST	$698.75	$1,048.12	$1,187.87
	TOTAL FEES	$6,073.75	$9,110.62	$10,325.37

DISBURSEMENTS (all inclusive of HST)

Issue Statement of Defence	$183.00
Issue Notice of Motion	$320.00
Photocopies	$20.00
Total	$523.00

LAWYER'S CERTIFICATE

I CERTIFY that the hours claimed have been spent, that the rates shown are correct and that each disbursement has been incurred as claimed

September 20, 2022

CHRISTOPHER MOORE

TAB B

Court File No.: CV-21-00086203-0000

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

DEIRDRE ANN MOORE

Plaintiff

- and -

KHALDOON HABIB-ALLAH, LAMAH EL-RAYES, DIEGO FERNANDEZ-STOLL, JONATHAN KISKA, OTTAWA POLICE SERVICE

Defendants

BILL OF COSTS
OF THE DEFENDANT LAMAH EL-RAYES

STATEMENT OF EXPERIENCE

A claim for fees is being made with respect to the following lawyers:

Counsel	**Years of Experience**	**Year of Call**
Michael D. Swindley (MDS)	12	2010
Jennifer Ng (JN)	8	2014

A claim for fees is being made with respect to the following law clerks & students:

Law Clerk
Angela Biggs (AB)
Yevheniia Kovalenko (YK)

PART I – FEES

FEE ITEM	LAWYER	HOURS	PARTIAL INDEMNITY RATE	SUBSTANTIAL INDEMNITY RATE	ACTUAL RATE
I. Action					
1. Communication and/or meetings with the client, opposing counsel, and court.	MDS	4.8	165/hr $792.00	247.5/hr $1188.00	275.00/hr $1320.00
	AB	1.0	48/hr $48.00	72/hr 72	100.00/hr $100.00
2. Case assessment and strategy. Review of pleadings and documents served by opposing parties	MDS	1.7	165/hr $280.50	247.5/hr $420.75	275.00/hr $467.50
	AB	1.4	48/hr $67.20	72/hr $100.80	100.00/hr $140.00
3. Preparing, revising, finalizing and delivering of Statement of Defence	MDS	2.9	165/hr $478.50	247.5/hr $717.75	275.00/hr $797.50
	AB	2.2	48/hr $105.60	72/hr $158.4	100.00/hr $220.00
TOTAL FEES FOR ACTION			$1,771.80	$2,585.70	$3,045.00
HST @ 13%			$230.33	$336.14	$395.85
TOTAL FEES FOR ACTION PLUS HST			$2,002.13	$2,921.84	$3,440.85
II. Rule 21 Motion					
1.Communication and/or meetings with the client, opposing counsel, and court.	MDS	1.8	165/hr $297.00	247.5/hr $445.50	275.00/hr $495.00
	JN	4.1	135/hr $553.50	202.5/hr $830.25	250/hr $1,025.00
	AB	0.4	48/hr $19.2	72/hr $28.8	100.00/hr $40.00
2. Case assessment and strategy. Legal research for Rule 21 Motion.	MDS	1.9	165/hr $313.50	247.5/hr $470.25	275.00/hr $522.50
	JN	5.8	135/hr $783.00	202.5/hr $1,174.50	250.00/hr $1,450.00

FEE ITEM	LAWYER	HOURS	PARTIAL INDEMNITY RATE	SUBSTANTIAL INDEMNITY RATE	ACTUAL RATE
3. Preparation of Notice of Motion Affidavits, Factum and Motion Record.	MDS	1.3	165/hr $214.50	247.5/hr $321.75	275.00/hr $357.50
	JN	22.4	135/hr $3,024.00	202.5/hr $4,536.00	250.00/hr $5,600.00
	AB	6.4	48/hr $307.20	72/hr $460.80	100.00/hr $640.00
4. Preparation and attendance at hearing on March 8, 2022	MDS	3.2	165/hr $528.00	247.5/hr $792.00	275.00/hr $880.00
5. Preparation for and attendance at hearing on June 7, 2022 (3.0). Preparation of Confirmation of Motion and Bill of Costs	MDS	3.0	165/hr $495.00	247.5/hr $741.00	275.00/hr $825.50
	JN	6.9	135/hr $931.50	202.5/hr $1,397.25	250.00/hr $1,725.00
	AB	3.0	48/hr $144.00	72/hr $216.00	100.00/hr $300.00
6. Preparation of costs submission and amending Bill of Costs	MDS	0.2	165/hr $33.00	247.5/hr $49.50	275.00/hr $55.00
	JN	6.9	135/hr $931.50	202.5/hr $1,397.25	250.00/hr $1,725.00
	YK	2.0	48/hr $96.00	72/hr $144.00	100.00/hr $200.00
TOTAL FEES FOR MOTION			$8,670.90	$13,004.85	$15,840.50
HST @ 13%			$1,127.22	$1,690.63	$2,059.27
TOTAL FEES FOR MOTION PLUS HST			$9,798.12	$14,695.48	$17,899.77

FEES FOR ACTION AND RULE 21 MOTION			
	PARTIAL INDEMNITY RATE	**SUBSTANTIAL INDEMNITY RATE**	**ACTUAL RATE**
TOTAL FEES	**$10,442.70**	**$15,590.55**	**$18,885.50**
HST @ 13%	$1,357.55	$2,026.77	$2,455.12
TOTAL FEES PLUS HST	**$11,800.25**	**$17,671.32**	**$21,340.62**

PART II - DISBURSEMENTS

Description	Amount
File Notice of Intent to Defend	$183.00
File Notice of Motion	$320.00
TOTAL:	**$503.00**

PART III – TOTAL FEES AND DISBURSEMENTS

	PARTIAL INDEMNITY RATE	SUBSTANTIAL INDEMNITY RATE	ACTUAL RATE
TOTAL FEES AND DISBURSEMENTS FOR ACTION	**$2,185.13**	**$3,104.84**	**$3,623.85**
TOTAL FEES AND DISBURSEMENTS FOR RULE 21 MOTION	$10,301.12	$15,198.48	$18,402.77
TOTAL FEES AND DISBURSEMENTS FOR ACTION AND RULE 21 MOTION	**$12,486.25**	**$18,303.32**	**$22,026.62**

LAWYER'S CERTIFICATE

I CERTIFY that the hours claimed have been spent, that the rates shown are correct and that each disbursement has been incurred as claimed.

Date: September 30, 2022

MICHAEL D. SWINDLEY

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Lawyers for the Defendant
Lamah El-Rayes

Court File No. CV-21-00086203-0000

DEIRDRE MOORE -and- KHALDOON HABIB-ALLAH et al
Plaintiff Defendants

Ontario
Superior Court of Justice
Proceeding commenced in
Ottawa, Ontario

BILL OF COSTS

TEMPLEMAN LLP
Barristers & Solicitors
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Kingston, ON K7K 6Y3

MICHAEL D. SWINDLEY
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JENNIFER NG
LSO No. 66411M
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Email: mswindley@tmlegal.ca

Lawyers for the Defendant,
Lamah El-Rayes

TAB C

Court File No. CV-21-00086203-0000

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N:

DEIRDRE ANN MOORE

Plaintiff

and

KHALDOON HABIB-ALLAH, LAMAH EL-RAYES, DIEGO FERNANDEZ-STOLL, JONATHAN KISKA, OTTAWA POLICE SERVICE

Defendants

BILL OF COSTS OF DIEGO FERNANDEZ-STOLL

A. FEES

TIMEKEEPER	HOURS	PARTIAL INDEMNITY RATE (60%)	SUBSTANTIAL INDEMNITY RATE (80%)	ACTUAL RATE
Kelli-Anne Day (Lawyer)	54.6	$120/hour $6,552.00	$160/hour $8,736.00	$200/hour $10,920
Desneiges Mitchell (Lawyer)	0.2	$180/hour $36.00	$240/hour $48.00	$300/hour $60.00
Rohoma Zakir (Articling Student)	24.4	$60/hour $1,464.00	$80/hour $1,952.00	$100/hour $2,440.00
Katherina Schneider (Law Clerk)	5.6	$60/hour $336.00	$80/hour $480.00	$100/hour $560.00
	Total (Excl. HST)	**$8,388.00**	**$11,216.00**	**$13,980.00**
	HST (13%)	**$1,090.44**	**$1,458.08**	**$1,817.4**
	Total (Incl. HST)	**$9,478.44**	**$12,674.08**	**$15,797.40**

FEE ITEMS: Legal Research; Review of Statement of Claim and Amended Statement of Claim; Drafting, serving, and filing Statement of Defence; Drafting and serving Offer to Settle; Drafting motion materials; Correspondence with client, Plaintiff, and Counsel for Co-defendants; Providing instructions to articling student and law clerk; Serving and filing motion material; Reviewing other parties' motion materials; Drafting, serving, and filing Confirmation of Motion Form; Attending adjourned March 8, 2022 motion date; Preparing oral submissions for June 7, 2022 motion date; Drafting, serving, and filing revised Confirmation of Motion form; Attending June 7, 2022 motion to deliver oral argument

B. DISBURSEMENTS

ITEM	AMOUNT
Court Filing Fee: Statement of Defence/Notice of Intent to Defend*	$183.00*
Court Filing Fee – Notice of Motion/Motion Record*	$320.00*
Transaction Levy*	$100.00*
Courier	$7.52
Total Disbursements (without HST)	$610.52
HST on applicable disbursements	$1.12
TOTAL DISBURSEMENTS	**$611.64**

denotes non-taxable items

STATEMENT OF EXPERIENCE:

A claim for fees is being made with respect to the following lawyers:

1. Kelli-Anne Day (4 years, called to the Bar in 2018)
2. Desneiges Mitchell (10 years, called to the Bar in 2012)

Dated: September 28, 2022

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352 Elgin Street
Ottawa, ON K1Z 8R1

Kelli-Anne Day (LSO #74261K)
Email: Kelli@black-law.ca

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Fax: 613-777-9826

Lawyers for the Defendant, Diego Fernandez-Stoll

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dw.cceh@outlook.com

Self-Represented Plaintiff

AND TO: **CHRISTOPHER A. MOORE PROFESSIONAL CORPORATION**
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Lawyers for the Defendant,
Khaldoon Habib-Allah

AND TO: **TEMPLEMAN LLP**
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Fax: 613-542-8202

Lawyers for the Defendant,
Lamah El-Rayes

AND TO: **BELL BAKER LLP**
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cwatson@bellbaker.com
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Fax: 613-237-1413

Lawyers for the Defendant,
Jonathan Kiska

AND TO: **BORDEN LADNER GERVAIS LLP**
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Michelle Doody (LSO No. 66612L)
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Lawyers for the Defendant, Ottawa Police Service

DEIRDRE ANN MOORE

Plaintiff

V. **HABIB-ALLAH, El-RAYES, FERNANDEZ-STOLL, KISKA, OTTAWA POLICE SERVICE**

Defendants

Court File No. CV-21-00086203-0000

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding commenced at
OTTAWA

BILL OF COSTS
(DIEGO FERNANDEZ-STOLL)

BLACK & ASSOCIATES
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Tel: 613-617-6699
Fax: 613-777-9826

Lawyers for the Defendant, Diego Fernandez-Stoll

TAB D

Court File Number: CV-21-00086203-0000

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N :

DEIRDRE MOORE

Plaintiff

- and -

KHALDOON HABIB-ALLAH, LAMAH EL-RAYES, DIEGO FERNANDEZ-STOLL, JONATHAN KISKA and OTTAWA POLICE SERVICE

Defendants

BILL OF COSTS
OF THE DEFENDANT (MOVING PARTY)
JOHN KISKA

The Defendant / Moving Party claims the following amounts for fees and disbursements:

		Disbursements	**Fees**
1.	Pleadings		
	To review of Statement of Claim; to research; to drafting and delivery of Statement of Defence; to all correspondence and communications with client; to all correspondence and telephone attendances with all defence counsel; to receipt and review of Statements of Defence from other counsel; to all emails with defence counsels re Offers to Settle and close of pleadings; to all other necessary and incidental services.		
	(Charlotte Watson – 4.90 hrs. @ $250.00/hr.)		**$1,225.00**
	To all telephone attendances with C. Moore; to all emails with client; to review of Endorsement re: Rule 2.1 Motion; to meetings with C. Watson.		
	(Cheryl Hess - .6 hrs. @ $400.00/hr.)		**$240.00**

2. Amended Statement of Claim

To receipt and review of all correspondence from Deirdre Moore re: Amendment to Statement of Claim; to review of Amended Statement of Claim; to all correspondence and telephone attendances with defence counsel re: Amended Statement of Claim;

(Charlotte Watson – 3.00 hrs. @ $250.00/hr.) **$750.00**

3. Rule 21 Motion

To all research re motion to have action dismissed as frivolous and disclosing no cause of action, etc.; to all correspondence with court re: motion dismissing action; to receipt and review of motion materials from counsel for El-Rayes; to receipt of all emails from D. Moore; to drafting and delivery of Notice of Motion, Affidavit and Factum of the Defendant, J. Kiska; to receipt and review of Factums from all other counsel; to receipt and review of motion materials from D. Moore; to receipt of emails from D. Moore re consent to filing of motion materials; to receipt and review of Factum of Moore; to preparation for and attendance at motion; to receipt and review of Decision; to preparation and delivery of Bill of Costs.

(Charlotte Watson – 44.60 hrs. @ $250.00/hr.) **$11,150.00**

DISBURSEMENTS

Photocopies	$13.75		
Fee to file Statement of Defence *	$183.00*		
Fee to file Notice of Motion *	$320.00*		
Totals	$516.75	$13,365.00	
HST	$1.79	$1,737.45	
Total for disbursements, fees & HST	**$518.54**	**$15,102.45**	**$15,620.99**

***** Tax exempt

	Partial Indemnification 60%	Substantial Indemnification 80%
Fees	$8,019.00	$10,692.00
HST on Fees	$1,042.47	$1,389.96
Disbursements (inclusive of HST)	$518.54	$518.54
Total:	**$9,580.01**	**$12,600.50**

A claim for fees is being made with respect to the following lawyers:

Name of Lawyer	Years of Experience
Charlotte Watson	6 years
Cheryl Hess	36 years

LAWYER'S CERTIFICATE

I certify that the hours claimed have been spent, that the rates shown are correct and that each disbursement has been incurred as claimed.

Dated this 26TH day of September, 2022

Charlotte Watson

(Name and address of lawyer for the Respondent)

BELL BAKER LLP
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Lawyers for the Defendant,
Jonathan Kiska

TO:

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AND TO:

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Lamah El-Rayes

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Lawyers for the Defendant,
Diego Fernandez-Stoll

AND TO:

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Jeremy Wright
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Lawyers for the Defendant,
Ottawa Police Service

DEIRDRE MOORE
Plaintiff

and

KHALDOON HABIB-ALLAH, et al.
Defendants

(Short title of proceeding)

Court File No: CV-21-00086203-0000

***ONTARIO* SUPERIOR COURT OF JUSTICE**
Proceeding commenced at OTTAWA

BILL OF COSTS OF THE DEFENDANT / MOVING PARTY JOHN KISKA

Name, address and telephone number of lawyer or party

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Lawyers for the Defendant,
Jonathan Kiska

TAB E

Court File No. 21-00086203-0000

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

DEIRDRE MOORE

Plaintiff

- and -

KHALDOON HABIB-ALLAH, LAMAH EL-RAYES, DIEGO FERNANDEZ-STOLL, JONATHAN KISKA, and OTTAWA POLICE SERVICE

Defendants

COSTS OUTLINE

Borden Ladner Gervais LLP provides the following outline of the submissions to be made at the hearing in support of the costs the party will seek if successful:

	Partial 60%	Substantial 90%	Actual
Fees (as detailed below)	**$3,101.17**	**$4,651.75**	**$5,168.62**

The following points are made in support of the costs sought with reference to the factors set out in subrule 57.01(1):

- the amount claimed and the amount recovered in the proceeding

The amount claimed by Borden Ladner Gervais LLP in this action is substantial.

- the complexity of the proceeding

- the importance of the issues

- the conduct of any party that tended to shorten or to lengthen unnecessarily the duration of the proceeding

N/A

- whether any step in the proceeding was improper, vexatious or unnecessary or taken through negligence, mistake or excessive caution

N/A

- a party's denial of or refusal to admit anything that should have been admitted

N/A

- the experience of the party's lawyer

Michelle Doody was called to the Bar in 2014; Jacob Tolton was called to the Bar in 2021

- the hours spent, the rates sought for costs and the rate actually charged by the party's lawyer

FEE ITEM	PERSONS	HOURS	PARTIAL INDEMNITY RATE	SUBSTANTIAL INDEMNITY RATE	ACTUAL RATE *
Motion: Communications and correspondence with client, counsel and Court; Receipt and analysis of Plaintiff's proposed Amended Statement of Claim and Fresh as Amended Statement of Claim; Receipt and analysis of co-Defendants' motion records; drafting Affidavit of A. Reesor and compiling exhibits; drafting motion record;	Michelle Doody	16.4	$1,820.40 (111.00/hr)	$2,730.60 ($166.50/hr)	$3,034.00 ($185.00/hr)
	Jacob Tolton	3.3	$366.30 ($111.00/hr)	$549.45 ($166.50/hr)	$610.50 ($185.00/hr)
	Law Clerks	2.7	$202.50 ($75.00/hr)	$303.75 ($112.50/hr)	$337.50 ($125.00/hr)

FEE ITEM	PERSONS	HOURS	PARTIAL INDEMNITY RATE	SUBSTANTIAL INDEMNITY RATE	ACTUAL RATE *
drafting factum; drafting Bill of Costs					
Attendance at hearing June 7, 2022	Michelle Doody	3.2	$355.20 ($111.00/hr)	$532.80 ($166.50/hr)	$592.00 ($185.00/hr)
		Subtotal	$2,744.40	$4,116.60	$4,574.00
		HST	$356.77	$535.15	$594.62
		Total	**$3,101.17**	**$4,651.75**	**$5,168.62**

* Specify the rate being charged to the client for each person identified in column 2. If there is a contingency fee arrangement, state the rate that would have been charged absent such arrangement.

- any other matter relevant to the question of costs

LAWYER'S CERTIFICATE

I CERTIFY that the hours claimed have been spent, that the rates shown are correct and that each disbursement has been incurred as claimed.

Date: September 28, 2022

Michelle Doody

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Lawyers for the Defendant, Jonathan Kiska

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Lawyers for the Defendant, Diego Fernandez-Stoll

DEIRDRE ANN MOORE

Plaintiff

KHALDOON HABIB-ALLAH et al.

Defendants

Court File No.: CV-21-00086023-0000

ONTARIO SUPERIOR COURT OF JUSTICE

Proceeding Commenced at OTTAWA

COSTS OUTLINE

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Michelle Doody *LSO No. 66612L*
E: mdoody@blg.com

Lawyers for the Defendant, Ottawa Police Service

DEIRDRE MOORE Plaintiff	**-and-**	**KHALDOON HABIB-ALLAH *et al*** Defendants

Court File No. CV-21-00086203-0000

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding commenced in Ottawa, Ontario

JOINT COSTS SUBMISSIONS OF THE DEFENDANTS

TEMPLEMAN LLP
Barristers & Solicitors
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Lawyers for the Defendant,
Lamah El-Rayes