

CITATION:

ONTARIO SUPERIOR COURT OF JUSTICE (TORONTO REGION)  
CIVIL ENDORSEMENT FORM  
(Rule 59.02(2)(c)(i))

BEFORE Judge/Associate Judge Justice Akbarali Court File Number: CV-23-00710373-00CP

Title of Proceeding:  
Evans, Wyshynski Plaintiff(s)  
-v-  
Li-Cycle Holdings Corp Et Al Defendants(s)

Case Management: X Yes If so, by whom: Akbarali J. No

Participants and Non-Participants:(Rule 59.02(2)((vii))

Table with 5 columns: Party, Counsel, E-mail Address, Phone #, Participant (Y/N). Rows include Plaintiff (Vince DeMarco, Albert Pelletier) and Defendant (Michael Rosenberg, Cole Pizzo, Dorothy Charach).

Date Heard: (Rule 59.02(2)(c)(iii)) 15 November 2024

Nature of Hearing (mark with an "X"): (Rule 59.02(2)(c)(iv))  
 Motion  Appeal  Case Conference  Pre-Trial Conference  Application

Format of Hearing (mark with an "X"): (Rule 59.02(2)(c)(iv))  
 In Writing  Telephone  Videoconference  In Person

If in person, indicate courthouse address:

Relief Requested: (Rule. 59.02(2)(c)(v))

Timetable

**Disposition made at hearing or conference (operative terms ordered):** *(Rule 59.02(2)(c)(vi))*

**See below**

**Costs:** On a \_\_\_\_\_ indemnity basis, fixed at \$ \_\_\_\_\_ are payable  
by \_\_\_\_\_ to \_\_\_\_\_ [when]

**Brief Reasons, if any:** *(Rule 59.02(2)(b))*

1. The parties seek a timetable under s. 29.1(1)(c) of the *Class Proceedings Act* to move this action towards certification. I order the following:
  - a. Plaintiff’s motion record to be delivered by February 18, 2025;
  - b. Statement of defence to be delivered by March 24, 2025;
  - c. Responding motion record to be delivered by May 30, 2025;
  - d. Reply Motion record to be delivered by June 30, 2025;
  - e. Cross-examinations to be completed by September 22, 2025;
  - f. Undertakings to be answered by October 31, 2025;
  - g. Plaintiff’s factum to be delivered by December 1, 2025;
  - h. Responding factum to be delivered by January 16, 2026;
  - i. Reply factum to be delivered by February 6, 2026.
2. As Justice Leiper will be taking over the case management of this action commencing in January 2025, the parties shall contact her assistant directly to obtain dates for a two day certification motion after February 6, 2026.
3. The plaintiff also sought to bring a motion for pre-certification production of certain shareholders’ lists. I decline to schedule the motion. I do not accept that the production sought is required for certification, and the court does not have the resources to entertain the proposed motion. Counsel for the plaintiff indicated that he accepted my view at the conference. The parties will proceed to certification.

**Additional pages attached:**  Yes  No

**15 November**, 20 **24**  
Date of Endorsement *(Rule 59.02(2)(c)(ii))*

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Signature of Judge/Associate Judge *(Rule 59.02(2)(c)(i))*