



Mezlekia v. The National Post, et al.

Friday, January 4, 2008 12:47 PM

From: "Naismith, Brenda" <bnaismith@davis.ca>
To: "negrmezlekia@rogers.com" <negrmezlekia@rogers.com>
Cc: "Foulds, David" <dfoulds@davis.ca>
Scan001.PDF (42KB), Scan001.PDF (90KB)

Dear Nega:

I am attaching copies of some material for your information and file, that was sent out by David Foulds yesterday regarding your file.

Best Wishes for the New Year,

BRENDA NAISMITH
Legal Assistant
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If you are not the intended recipient please notify me immediately by
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FROM THE OFFICE OF David W. Foulds
DIRECT LINE 416 941 5392
DIRECT FAX 416.777.7414
E-MAIL dfoulds@davis.ca

FILE NUMBER 51038-00001

January 3, 2008

BY FAX

Trial Co-ordinator's Office
Ontario Superior Court of Justice
393 University Avenue
10th Floor
Toronto, ON M5G 1E6

Attention: Michelle Chen, Team #1

Dear Counsel:

Re: Nega Mezlekia v. The National Post Company, et al. - Court File: 01-CV-206253

We are counsel for the plaintiff in the above-noted action, and in that regard, we wish to advise that counsel for all parties have agreed on a mediation date of April 24, 2008, and the mediation will be conducted in our offices. Accordingly, we are returning to you the completed Certification Form to Set Pre-Trial and Trial Dates.

Yours truly,

DAVIS LLP

Per:



David W. Foulds

DWF/bjn
Encls.

bcc: Nega Mezlekia (*by email*)

**SUPERIOR COURT
(TORONTO REGION)**

CERTIFICATION FORM TO SET PRE-TRIAL AND TRIAL DATES

Trial Co-ordinator: MICHELLE CHEN Email: michelle.chen@ontario.c
a

Team #: ONE Phone: 416-327-5699

TITLE OF PROCEEDING: MEZLEKIA v THE NATIONAL POST CO.

THIS FORM WAS SENT: SEPTEMBER 28, 2007

Jury

Non-Jury

The purpose of this form is to provide the Trial Co-ordinators with information that will allow him/her to:

- i) set a pre-trial date,
- ii) estimate the length of trial, and
- iii) provide a tentative trial date.

The completed form is also provided to the pre-trial judge or master. If the information is inaccurate, it may result in refusal by the pre-trial judge or master to confirm the tentative trial date, and a delay in the trial.

This form is being sent to the party who set the action down for trial. You are required to contact all parties, complete and submit ONE form on a JOINT basis.

	COUNSEL OR UN-REPRESENTED PARTY NAMES	PHONE #
Plaintiff	<u>David Foulds</u>	<u>(416) 941-5392</u>
Defendant #1	<u>John Webster</u>	<u>(416) 216-0254</u>
Defendant #2		<u>() -</u>

COMPANION ACTION(S) (include short title, court file # and third party actions):

1. Type of Case

- Contract
- Personal Injury
- Professional Negligence
- Motor Vehicle Accident
- Real Estate
- Wrongful Dismissal
- Other (Specify) Defamation

2. Time required for pre-trial

- 1 hour
- 2 hours
- Half-day
- Full-day

3. We intend to call 3-4 witnesses, including up to one experts.

4. The trial of this action will involve (approximately) 100 documents.

5. Have the experts' reports on which your party intends to rely been exchanged?

Yes No

If not, this party expects to produce its expert reports by in compliance with rules

6. The estimated length of time of this party case at trial (including examinations of witnesses, cross examinations and argument) is: 4-5 days.

All parties/counsel have discussed the length of trial and expect the entire trial will take 8-10 days.

(It is essential that parties accurately estimate the length of trial. If it is estimated that the trial will be longer than 10 days, the parties should immediately contact the Long Trial Co-ordinator Janice Dickie at (416) 327-6120.

7. Does your party have any issues requiring motions before trial?

Yes No

If yes, specify:

defendants: @ possible motion re: leave to obtain evidence underneath before trial
@ possible motion to compel answers to QTs and Refusals

8. Has mediation taken place?

Yes No

If no, when is mediation scheduled? April 24, 2007

9. Will your pleadings require amendments? Yes No

Have all your oral discoveries been completed? Yes No

Have all your requests to admit been delivered? Yes No

Has all your document production been completed? Yes No

uncertain possible request by defendants for more discoveries

I certify that I have accurately answered all of the questions and that I have consulted with all other counsel/parties and all counsel/parties in all companion actions regarding the following: YES NO

January 3/07
Date

[Signature]
Signature of counsel/party
David Foulds

PLEASE RETURN BY EMAIL TO THE ADDRESS ABOVE OR FAX TO 416-327-5697

FROM THE OFFICE OF David W. Foulds
DIRECT LINE 416.941.5392
DIRECT FAX 416.777.7414
E-MAIL dfoulds@davis.ca

FILE NUMBER 51038-00001

January 3, 2008

BY FAX

Gary M. Caplan
McCague, Peacock, Borlack,
McInnis and Lloyd LLP
Barristers and Solicitors
Suite 2700 - The Exchange Tower
130 King Street West
London, ON M5X 1C7

Dear Mr. Caplan:

Re: Nega Mezlekia v. The National Post Company, et al. - Court File: 01-CV-206253

I am writing further to my conversation with your assistant to confirm that we have booked you to act as mediator in this matter for a full day on April 24, 2008. As indicated to your assistant, we are pleased to host the mediation in our offices. For your records, I enclose the information regarding the parties in this matter as well as full contact information for their counsel.

I look forward to receiving a draft of your proposed mediation agreement in due course.

Yours truly,

DAVIS LLP

Per:


David W. Foulds

DWF/bjn

cc: John Webster (Counsel for the Defendants)

bcc: Nega Mezlekia (by email)

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

NEGA MEZLEKIA

Plaintiff

– and –

**THE NATIONAL POST COMPANY, KENNETH WHYTE,
DONALD BABICK, NOAH RICHLER, JONATHON GATEHOUSE,
DENNIS DUFFY and GRAEME HAMILTON**

Defendants

DAVIS LLP
Barristers and Solicitors
Suite 5600, 1 First Canadian Place
100 King Street West
Toronto, ON M5X 1E2

David W. Foulds (LSUC # 38217J)
Tel: 416.941.5392
Fax: 416.777.7414

Solicitors for the Plaintiff

TO: O'DONNELL ROBERTSON & SANFILIPPO
Barristers and Solicitors
Third Floor
One Queen Street East
Toronto, ON M5C 2W5

Mark M. O'Donnell (LSUC #24181T)
John Webster

Tel: 416.214.0606
Fax: 416.214.0605

Solicitors for the Defendants