

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE  
MR. JUSTICE PERELL

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MONDAY, THE 19<sup>TH</sup> DAY  
OF AUGUST, 2019

BETWEEN:

ISTVAN REZMUVES, ERNO PONGO and ISTVAN HORVATH

Plaintiffs

- and -

VIKTOR SERHEY HOHOTS

Defendant



Proceeding under the *Class Proceedings Act, 1992*, S.O. 1992, c. 6, as amended

**ORDER**

**THIS MOTION**, made by the Plaintiffs, on consent of the Defendant, for an Order conditionally certifying this action as a class proceeding for the purposes of implementing a settlement agreement, was heard this day at Osgoode Hall, 130 Queen Street West, Toronto, Ontario.

*and consolidating this action with CV-17-584224CP and S197700CP*

**ON HEARING** the submissions of counsel for the Plaintiffs and counsel for the Defendant,

**AND ON READING** the materials filed on this motion:

1. **THIS COURT ORDERS** that this action is hereby certified, for the purpose of and subject to implementation of a settlement agreement, as a class proceeding pursuant to section 5 of the *Class Proceedings Act, 1992*, SO 1992, c 6 ("*Class Proceedings Act*") on behalf of the Class.

2. **THIS COURT ORDERS** that the class is defined as follows:

“All refugee claimants (on their own behalf and on behalf of their spouse, children, grandchildren, parents, grandparents, siblings or dependents):

- (a) who came to Canada from Hungary, and
- (b) who retained either of Viktor Serhey Hohots, Joseph Stephen Farkas and Erzsebet Jaszi (now deceased) between January 1, 2009 through December 31, 2013, to make a refugee application, and
- (c) whose refugee claim failed or did not proceed while they were represented by either of Viktor Serhey Hohots, Joseph Stephen Farkas and Erzsebet Jaszi (now deceased).”

3. **THIS COURT ORDERS** that Istvan Rezmuves is hereby appointed as the representative plaintiff on behalf of the class;

4. **THIS COURT ORDERS** that Flaherty McCarthy LLP is hereby appointed as counsel for the Class;

5. **THIS COURT CERTIFIES** the following causes of action as against the defendant:

- 1. Negligence;
- 2. Breach of fiduciary duty

6. **THIS COURT CERTIFIES** the following common issues:

- 1. Did the Defendant owe a duty of care to Class members?
- 2. If the answer to 1 is yes, what was the applicable standard of care?
- 3. Did the Defendant breach the applicable standard of care?

7. THIS COURT ORDERS that there shall be no costs of this motion.

VAMP.

8. THIS COURT ORDERS that actions CV-17-573786CP, CV-17-584224CP and CV-17-~~573786CP~~<sup>579770CP</sup> be consolidated under Perell J.

PERELL J.

ENTERED AT / INSCRIPT A TORONTO  
ON / BOOK NO:  
LE / DANS LE REGISTRE NO

AUG 26 2019

PER/PAR

*dr*

ISTVAN REZMOVES, ERNO PONGO and ISTVAN  
HORVATH

-and-

VIKTOR SERHEY HOHOTS

Plaintiffs

Defendant

Court File No: CV-17-573786-00CP

**ONTARIO SUPERIOR COURT OF JUSTICE**

Proceeding under the *Class Proceedings Act, 1992, S.O.*  
1992, c. 6, as amended

**Proceeding commenced at TORONTO**

**ORDER**

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