

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE
MR. JUSTICE PERELL

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MONDAY, THE 19TH DAY
OF AUGUST, 2019

BETWEEN:

SAMUEL HORVATH

Plaintiffs

- and -

THE ESTATE OF ERZSEBET JASZI

Defendant



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

ORDER

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

ON HEARING the submissions of counsel for the Plaintiff 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 Rezmues 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.

8. THIS COURT ORDERS that CV-17-573786CP, CV-17-584227CP ^{✓ PMP.}
and CV-17-579770CP be consolidated under CV-17-573786CP.

PERELL J.

Perell J.

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

AUG 26 2019

PER/PAR

[Signature]

SAMUEL HORVATH

-and-

THE ESTATE OF ERZSEBET JASZI

Plaintiffs

Defendant

Court File No: CV-17-579770-00CP

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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