

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE)
)
JUSTICE) , THE
)
) DAY OF , 2024

B E T W E E N:

**GULED WARSAME and SHELLI SAREEN on their own behalf and on
behalf of all members of UNITE HERE Local 75**

Plaintiffs

and

**DAVID SANDERS, ASHLEY HAYES, RAFUNZEL KORNGUT AND ALLAN PACE
on his own behalf and on behalf of all members of THE TORONTO HOSPITALITY
EMPLOYEES UNION – CSN (THEU-CSN)**

Defendants

ORDER

THIS MOTION, made by the Plaintiff for [relief sought], was heard this day, at 85
Frederick Street, Kitchener, ON., N2H 0A7,

ON READING the Pleadings exchanges in this proceeding, the Motion Record and Factum
of the Moving Party (Plaintiffs), and the Responding Motion Record and Factum of the
Responding Party (Defendants), and on hearing the submissions of the lawyer(s) for the parties.

1. **THIS COURT DECLARES** that this Motion is hereby granted.
2. **THIS COURT GRANTS** an Order authorizing the Plaintiff, Guled Warsame, to bring the
proceeding on behalf of all members of UNITE HERE Local 75 (“ Local 75”)

3. **THIS COURT GRANTS** an Order authorizing the Plaintiff, Shelli Sareen, to bring this proceeding on behalf of all members of Local 75.
4. **THIS COURT ORDERS** the Defendant, Allan Pace, be named as a representative of all members of the Toronto Hospitality Employees Union (“THEU-CSN”).
5. **THIS COURT GRANTS** an Order restraining the Defendants and – in the case of THEU-CSN, its directors, officers, employees, agents, servants, or representatives, or anyone acting under their instructions – and anyone aiding or assisting the Defendants from disclosing the “Confidential Information and intellectual property” as this is defined in the Statement of Claim.
6. **THIS COURT GRANTS** an Order restraining the Defendants and – in the case of THEU-CSN, its directors, officers, employees, agents, servants, or representatives, or anyone acting under their instructions – and anyone aiding or assisting the Defendants from using, directly or indirectly, the Confidential Information and intellectual property for their own purposes or for any purpose at all.
7. **THIS COURT GRANTS** an Order requiring the Defendants and – in the case of THEU-CSN, its directors, officers, employees, agents, servants, or representatives, or anyone acting under their instructions – and anyone aiding or assisting the Defendants, to immediately deliver to the Plaintiffs all property, equipment, documents, and data belonging to the Plaintiffs.
8. **THIS COURT GRANTS** an Order requiring the Defendants and – in the case of THEU-CSN, its directors, officers, employees, agents, servants, or representatives, or anyone acting under their instructions – and anyone aiding or assisting the Defendants, to immediately deliver up to the Plaintiffs the Confidential Information and intellectual property and, further, any and all

documents and/or records, emails and any other property belonging to the Plaintiffs that is in the Defendants' power, possession or control, including any copies thereof regardless of how they are stored (including any copies stored in hard copy, electronically, optically, magnetically, or otherwise).

9. **THIS COURT GRANTS** an Order directing the Defendants and – in the case of THEU-CSN, its directors, officers, employees, agents, servants, or representatives, or anyone acting under their instructions – and anyone aiding or assisting the Defendants, to permanently delete and destroy any and all copies of or items containing copies of Confidential Information and intellectual property, which has been saved and/or stored on any computer, laptop, hard drive, cellular phone, or any other electronic device within their power, possession or control.

10. **THIS COURT ORDERS** the Defendants and – in the case of THEU-CSN, its directors, officers, employees, agents, servants, or representatives, or anyone acting under their instructions – and anyone aiding or assisting the Defendants to provide a sworn statement confirming the deletion or destruction; or, in the alternative, an Order directing the Defendants to instruct a third party authorized by the court to do so, at their expense.

11. **THIS COURT GRANTS** an Order that each Defendant prepare and provide to the Plaintiffs within seven (7) days of the date of this Order, a sworn statement describing the nature and location of the Confidential Information and intellectual property which is presently in their care, power, or control, and describing their Defendants' activities with the Confidential Information and intellectual property prior to and subsequent to the cessation of these individuals' employment with the Plaintiffs.

12. **THIS COURT GRANTS** an Order that each Defendant submit to examinations under oath within twenty (20) days of the delivery by the respective Defendant of the aforementioned sworn statements.

13. **THIS COURT ORDERS** costs to be fixed and payable forthwith.

14. **THIS ORDER BEARS PREJUDGMENT INTEREST** at the rate of five percent (5.3%) commencing on the date of judgement.

Date of issuance
(to be completed by registrar)

(Signature of judge, officer or registrar)