

Subject: Jack: HRT0 File: 2010-07633-I: Michael Jack v. HMQ Further disclosure
Date: Fri, 27 Jan 2012 10:15:10 -0500
From: Lynette.D'Souza@ontario.ca
To: dmclaugh@bell.net

Good morning Mr. Tapp
Attached you will find further disclosure with respect to the above-noted file.
Thank you

Lynette D'Souza

Ministry of the Attorney General
Legal Services Branch
Ministry of Community Safety and Correctional Services
Ph: 416-326-1237 Fax: 416-314-3518 BB: 416-523-3975
655 Bay Street, Suite 501 Toronto ON M7A 0A8

HRT0 Michael jack vs O.P.P. File No: 2010-07633-I

Case x



LLOYD TAPP dmclaugh@bell.net

Jan
31

to me

Dear Registrar:

As per HRT0 rule 16.2, 16.3, 17.1 and 17.2 and the guidelines, 'Steps to be taken by April 10, 2010' the applicant is providing the following:

- 1) A list of all documents intended to be relied on at the hearing: referred to as List of Exhibits. A copy of such in each of the three bound volumes numbered consecutively from 1 to 3. A copy of such for the unbound hard copy.
- 2) A copy of each document on that list for the HRT0: contained in the three bound volumes numbered consecutively from 1 to 3 and also contained in the unbound copy.
- 3) A copy of Form 23 - statement of delivery dated the 13th of January, 2012 and a copy of Form 23 dated the 16th of January, 2012 confirming delivery of the same items as mentioned in items 1 and 2.
- 4) A witness list that includes the name of every witness including expert witnesses to be present at the hearing: refer to exhibit 8
- 5) A statement summarizing the expected evidence of each witness: refer to exhibit 8
- 6) Curriculum Vitae for the three expert witnesses: exhibit 10b
- 7) Statement of Delivery of the Rule 16.2 as per item 3 above.
- 8) An electronic version of bound documents/disclosure.

Sincerely,

Lloyd Tapp for
Michael Jack

 **Form23 - Statement of Delivery - 16 Jan 2012.doc**

Subject: RE: HRTO 2010-07633-I

Date: Thu, 2 Feb 2012 16:33:14 -0500

From: Lynette.D'Souza@ontario.ca

To: dmclaugh@bell.net

CC: hrto.registrar@ontario.ca

Good afternoon

Attached is correspondence with respect to the Applicant's list and copies of arguably relevant documents. The correspondence specifically outlines issues of concern for the OPP.

Thank you

Lynette D'Souza

Ministry of the Attorney General

Legal Services Branch

Ministry of Community Safety and Correctional Services

Ph: 416-326-1237 Fax: 416-314-3518 BB: 416-523-3975

655 Bay Street, Suite 501 Toronto ON M7A 0A8

HRTO 2010-07633-I

Case x



LLOYD TAPP dmclaugh@bell.net

Jan
18

to lynette.d'souza

Dear Ms. D'Souza:

Upon reviewing the disclosure you sent me it would appear that there are two pages missing immediately prior to the last two pages of volume 2 of 7.

Kindly refer to the attachment which consists of the last five pages of Volume 2. If your copy reflects the same then we share the same missing pages.

Thank you in advance for your assistance,

Lloyd Tapp for

Michael Jack

 **Volume 2 - last five pages.PDF**

1128K [View](#) [Download](#)



LLOYD TAPP dmclaugh@bell.net

Jan
2

to lynette.d'souza

Dear Mrs. D'Souza:

I can discern certain words on her pages here and there. Most of each page of her notes are not discernable. So I would need all of her notes transcribed.

Thank you,
Lloyd Tapp

Subject: RE: HRT0 2010-07633-I
Date: Thu, 19 Jan 2012 14:48:57 -0500
From: Lynette.D'Souza@ontario.ca
To: dmclaugh@bell.net

Good afternoon Mr. Tapp,

Thank you for your emails of today and yesterday.

With respect to your email of today regarding Colleen Kohen's notes, do you need all of the notes transcribed or certain portions? If it is only certain portions, can you please let me know specifically which portions are required to be transcribed?

I will be following up with respect to your request below.

Thank you

Lynette D'Souza

From: LLOYD TAPP [mailto:dmclaugh@bell.net]
Sent: January 17, 2012 6:31 PM
To: D'Souza, Lynette (JUS)
Subject: HRT0 2010-07633-I



LLOYD TAPP dmclaugh@bell.net

Jan
24

to lynette.d'souza

Thank you. I will look forward to receiving it and I will wait for your response to my request for a transcription of S/S Kohen's notes. I trust that will take a little while.

Lloyd Tapp

Subject: RE: HRT0 2010-07633-I
Date: Mon, 23 Jan 2012 10:27:48 -0500

From: Lynette.D'Souza@ontario.ca
To: dmclaugh@bell.net

Good morning Mr. Tapp

We have reviewed your package of documents and reviewed our documents behind Tab P(the last tab) of volume 2. There appears to have been an administrative error. The last two pages of the document in your attachment Page 3 (starting with Detailed statement) and Page 4 (starting with Accountable Supervisor's Comments) ought to have been in Volume 2 Tab 12 pgs 4 and 5 of the 10 pages behind the tab. For ease of reference, we are sending to you a copy of Tab 12 of Volume 2.

I trust this assists.

Lynette D'Souza

From: LLOYD TAPP [mailto:dmclaugh@bell.net]
Sent: January 17, 2012 6:31 PM
To: D'Souza, Lynette (JUS)
Subject: HRT0 2010-07633-I

Dear Ms. D'Souza:



LLOYD TAPP dmclaugh@bell.net

Jan
24

to lynette.d'souza

Thank you

Subject: RE: HRT0 2010-07633-I
Date: Mon, 23 Jan 2012 16:38:25 -0500

From: Lynette.D'Souza@ontario.ca
To: dmclaugh@bell.net

Attached please find a copy of Tab 12 of Volume 2.

From: LLOYD TAPP [mailto:dmclaugh@bell.net]
Sent: January 23, 2012 4:35 PM

To: D'Souza, Lynette (JUS)
Subject: RE: HRTO 2010-07633-I

 **Vol 2 Tab 12.pdf**
414K [View](#) [Download](#)



LLOYD TAPP dmclaugh@bell.net

Feb
10

to hrto.registrar, lynette.d'souza

Dear Mrs. D'Souza:

I trust you are working on my previous request. In continuing to review the disclosure you have provided I ask that S/Sgt. Campbell's notes be transcribed as well. Being that the bulk of his notes are not clearly discernable I do not want to miss out on any evidence that would be relevant to the Judicial Process. For example: Volume 3 page 20: it appears that a teleconference something took place and names some people. I want to make certain of what is noted after that.

The above is just an example. Hence I am requesting that all of his hand written notes in his note book or elsewhere be transcribed in order for the applicant to fully understand the respondents' response for this hearing.

Conversely, the same will apply to the applicant's disclosure. Should you have the need to have anything transcribed feel free to contact me.

Thank you in advance,

Lloyd Tapp for
Michael Jack

From: dmclaugh@bell.net
To: lynette.d'souza@ontario.ca
Subject: RE: HRTO 2010-07633-I
Date: Thu, 19 Jan 2012 20:55:50 +0000



LLOYD TAPP dmclaugh@bell.net

Feb
11
5

to lynette.d'souza, hrto.registrar

I can understand. Hopefully I will get it in a reasonable amount of time in order to make use of it at the hearing.

Thank you

Lloyd Tapp for
Michael Jack

Subject: RE: HRT0 2010-07633-I
Date: Fri, 10 Feb 2012 09:13:28 -0500

From: Lynette.D'Souza@ontario.ca
To: dmclaugh@bell.net
CC: hrto.registrar@ontario.ca

Thank you for your email. We will be following up with your request below. As you can appreciate, given the length of Mr. Campbell's notes, the OPP will need a reasonable amount of time to complete this request.

Thank you

Lynette D'Souza

From: LLOYD TAPP [mailto:dmclaugh@bell.net]
Sent: February 9, 2012 4:39 PM

To: D'Souza, Lynette (JUS)
Cc: HRT0-Registrar (JUS)
Subject: RE: HRT0 2010-07633-I

Dear Mrs. D'Souza:

I trust you are working on my previous request. In continuing to review the disclosure you have provided I ask that S/Sgt. Campbell's notes be transcribed as well. Being that the bulk of his notes are not clearly discernable I do not want to miss out on any evidence that would be relevant to the Judicial Process. For example: Volume 3 page 20: it appears that a teleconference something took place and names some people. I want to make certain of what is noted after that.

The above is just an example. Hence I am requesting that all of his hand written notes in his note book or elsewhere be transcribed in order for the applicant to fully understand the respondents' response for this hearing.

Conversely, the same will apply to the applicant's disclosure. Should you have the need to have anything transcribed feel free to contact me.

Thank you in advance,
Lloyd Tapp for
Michael Jack

From: dmclaugh@bell.net
To: lynette.d'souza@ontario.ca
Subject: RE: HRT0 2010-07633-I
Date: Thu, 19 Jan 2012 20:55:50 +0000

Dear Mrs. D'Souza:

I can discern certain words on her pages here and there. Most of each page of her notes are not discernable. So I would need all of her notes transcribed.

Thank you,
Lloyd Tapp

Subject: RE: HRT0 2010-07633-I
Date: Thu, 19 Jan 2012 14:48:57 -0500
From: Lynette.D'Souza@ontario.ca
To: dmclaugh@bell.net

Good afternoon Mr. Tapp,

Thank you for your emails of today and yesterday.

With respect to your email of today regarding Colleen Kohen's notes, do you need all of the notes transcribed or certain portions? If it is only certain portions, can you please let me know specifically which portions are required to be transcribed?

I will be following up with respect to your request below.

Thank you

Lynette D'Souza

From: LLOYD TAPP [mailto:dmclaugh@bell.net]
Sent: January 17, 2012 6:31 PM
To: D'Souza, Lynette (JUS)
Subject: HRTO 2010-07633-I

Dear Ms. D'Souza:

Upon reviewing the disclosure you sent me it would appear that there are two pages missing immediately prior to the last two pages of volume 2 of 7.

Kindly refer to the attachment which consists of the last five pages of Volume 2. If your copy reflects the same then we share the same missing pages.

Thank you in advance for your assistance,

Lloyd Tapp for

Michael Jack

HRTO Micahel Jack v. OPP 2010-07633-I

LLOYD TAPP dmclaugh@bell.net

Apr
21

to lynette.d'souza, hrto.registrar

Dear Mrs. D'Souza:

The Applicant is in receipt of your letter dated April 17th, 2012. The applicant has addressed his views with respect to the notebooks entries.

With respect to your request for a consolidated list of documents please be advised that the April 10th, 2012, deadline for complete disclosure has passed. It is the Applicant's position that all of the Respondent's disclosure to the Applicant, all of the Applicant's analysis of the Respondent's disclosure, all 123 of the Applicant's exhibits, all the relevant and applicable case law documents and all future disclosure (i.e. Applicant's notebooks and e-mails) that are subject to the disposition of the Applicant's Form 10 request, as well as all e-mail correspondence between the Human Rights Tribunal of Ontario, the Applicant's friend, Mr. Lloyd Tapp, and Counsel for the Respondent are to be relied upon during the hearing. Basically, everything that has been disclosed from the date the Application was filed with the HRTO on December 13th, 2010 to April 10th, 2012, including whatever is forthcoming from the Form 10 request will be relied upon.

Subject to further direction from the Tribunal the Applicant will provide you with a consolidated list of the aforementioned items.

Moreover, should the Tribunal make such an order, the Applicant requests that the Respondent provide a consolidated list of all documents the Respondent intends to rely upon during the hearing as well.

Please note that a lot of the documents disclosed to the Applicant are repetitive. The Applicant is clueless as to why numerous printed copies of same e-mails, same officer notes, Applicant's same performance evaluation reports, etc. were disclosed repetitively over a period of almost 3 months. For example, since January 16th, 2012, until April 10th, 2012, 'Chronology Re: PC Michael Jack' (a 46 page document) has been disclosed in printed format at least 4 times. It certainly seems to be a waste of valuable paper at taxpayers' expense.

Furthermore, upon reviewing the first 7 volumes of disclosure pursuant to the January 16th, 2012, deadline the Applicant feels that the manner in which the documents were put together resembled a can of worms. Hence, it has been straightened out and tied together in a chronological, coherent and clear manner and named Analysis of the Respondents disclosure, which was provided to the Tribunal and the Respondent on April 10th, 2012.

Sincerely,

Lloyd Tapp for

Michael Jack

FW: File No. 2010-07633-I - Michael Jack v. MCSCS/Ontario Provincial Police

LLOYD TAPP dmclaugh@bell.net

Apr
25

to me

Subject: File No. 2010-07633-I - Michael Jack v. MCSCS/Ontario Provincial Police

Date: Wed, 25 Apr 2012 09:39:21 -0400

From: hrto.registrar@ontario.ca

To: dmclaugh@bell.net; lynette.dsouza@ontario.ca

CC: hrto.registrar@ontario.ca

Attached please find a copy of the Notice of Case Management Conference Call scheduled for May 2, 2012 from 2:00 p.m. until 4:00 p.m.

Sandy Pichosky

Scheduling Department

Human Rights Tribunal of Ontario

655 Bay Street, 14th Floor

Toronto, Ontario

HRTO File No. 2010-07633-I

LLOYD TAPP dmclaugh@bell.net

Apr
25

to mahnoosh.hadiz., hrto.registrar, lynette.d'souza

Dear Mr. Hadizad and Registrar/Vice Chair:

I apologize for not knowing the email address of who this is to be addressed so I am sending it to all.

The Applicant has confirmed May 2nd, 2012, as the date for the conference call regarding a Case Assessment Direction conference call.

Please be advised that this conference call was something the Respondent requested by way of their Form 10 dated the March 20th, 2012. To that end the Applicant has provided a Form 11.

However, the Applicant received a copy of another Form 10 from the Respondent yesterday (dated April 20th, 2012). Though this Form 10 states it is an amendment to the original Form 10 dated March 20, 2012, it also includes new information namely, but not limited to an amendment to the their original response and other material being objected to by the Respondent that is presumably to be adjudicated upon on May 2nd, 2012.

The Applicant is strongly opposed to any redaction from the original Response by the Respondent, specifically the amended Appendix A, with respect to the existence of the nickname "Crazy Ivan" and the Applicant's assertion of its poisoning effects on his work environment. As one can see from the Tribunal's website (<http://www.ohrc.on.ca/en/resources/factsheets/examples>):

Some considerations that help determine whether racial profiling occurred include:

- Statements that indicate stereotyping or prejudice such as racial comments;
 - Example: "Crazy Ivan"
- A non-existent, contradictory or changing explanation for why someone was targeted;
 - Example: Amendment of the Appendix A in the original Respondent's Response to the Application
- The situation unfolded differently than if the person had been White; or
- Deviations from normal practices or an unprofessional manner.

- Numerous violations of the Ontario Provincial Police orders, policies and procedures with respect to interaction, evaluation, development, and the supervision of the Applicant

Hence, the Applicant wants to have the opportunity to show how the use of this term "Crazy Ivan" actually contributed in the poisoning of his work environment and ultimately contributed to his termination of employment.

The Respondent also has provided a new index that has all public names and references to them edited. This has been done for the sole reason that the Applicant pointed out in his Form 11 response that it was the Respondent who breached the provisions of the Youth Criminal Justice Act in disclosing the names of Young Person(s) in their Index and members of the public.

Having been advised via the Applicant's Form 11 of what the Respondent did and after having accused the Applicant of this breach the Respondent conveniently wants to correct their error. It is the Applicant's position that this request to amend the Respondent's index is beyond the April 10th, 2012, deadline provisions and hence should not be allowed.

The Applicant feels that this new information is outside of the parameters of the April 10th, 2012, deadline obligations. The Applicant further feels that this conference call that is to take place will not take into account the Applicant's response to this amended Form 10 filed on April 20th, 2012.

Though the Tribunal indicates that this conference call is specifically with respect to the March 20th, 2012, Form 10 by the Respondent the Applicant would like some confirmation that the conference call would not be dealing with any Request to amend the original Form 10.

The Applicant would like to have the full fourteen days allowed by the Tribunal's rules to provide a Form 11 in response and to do so would mean that the response shall be received by the Tribunal and the Respondent no later than (fourteen days from when the applicant became aware of the Form 10 which was April 23, 2012) May 7th, 2012.

The Applicant wishes to stress the importance selecting the Tribunal's process of addressing his allegations against the Respondent by conveying the following message:

"Some of the Peterborough County OPP officers were prejudiced against Mr. Jack due to his race, ethnicity, ancestry, religion and/or place of origin rather than reasonable grounds. They formulated opinions about Mr. Jack which were not based on Mr. Jack's merits, but rather on his membership in a group with the same characteristics. This is the essence of discrimination. Mr. Jack was singled out for greater scrutiny and different treatment. Given Mr. Jack's status of a foreign borne individual, Mr. Jack had to work very hard for many years to earn the job of a police officer in Canada. Compared to Mr. Jack, his personal respondents got the job of the police officer very easy. The OPP stole Mr. Jack's job from him. The OPP caused significant mental damage to Mr. Jack. The OPP maligned Mr. Jack's reputation. The OPP in essence exacted social death for Mr. Jack in Canada. Hence, Mr. Jack is fighting for his rights. It is very important to mention that this case represents much broader issues than a single instance of racial discrimination in the OPP. Hence, not only is Mr. Jack is fighting for his rights, but he is also fighting for those who have been discriminated against but never got the opportunity to get justice."

Sincerely,

Lloyd Tapp for

Michael Jack

FW: HRTO File 2010-07633-I (Jack v. HMQ)

LLOYD TAPP dmclaugh@bell.net

May 2 (7 days ago)

to me

Subject: HRTO File 2010-07633-I (Jack v. HMQ)

Date: Tue, 1 May 2012 16:25:44 -0400

From: Lynette.D'Souza@ontario.ca

To: hrto.registrar@ontario.ca; dmclaugh@bell.net

With respect to the case management conference scheduled for tomorrow, please note that there may have been an administrative error in the Respondent's casebook at Tab 4 enclosing an interim decision instead of a final decision. As such, we are attaching a copy of the case of Weitzmann v. Burns 2011 HRTO 818 CanLII.

The enclosed copy is the final decision that provides support for the proposition cited on page 8 of the Respondent's Request for an Order for a Case Management Conference. Please see paragraph 26 of the enclosed decision.

Thank you

Lynette D'Souza

Ministry of the Attorney General

Legal Services Branch

Ministry of Community Safety and Correctional Services

Ph: 416-326-1237 Fax: 416-314-3518 BB: 416-523-3975

655 Bay Street, Suite 501 Toronto ON M7A 0A8

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Minority Professor takes on Ontario Provincial Police

LLOYD TAPP dmclaugh@bell.net

May 7 (2
days ago)

to w5, newsonline, news, mediareleases., letters, torsun.citydesk, city

Dear Editor:

My name is Lloyd Tapp and I am representing my friend Michael Jack in a matter before the Human Rights Tribunal of Ontario that is coming up for a hearing on May 22 to 24, 2012.

The application is against the Ontario Provincial Police.

I would like to extend an invitation to you to attend the hearing for publicity purposes.

The applicant in this matter is a Trilingual Russian Jew. He speaks English with a thick accent. His English name is Michael Jack.

Mr. Jack immigrated to Canada in 2000 with the goal of putting himself through University and sponsoring his family (consisting of his father, mother and younger brother). While residing in Peterborough he studied at Trent University earning two degrees, a Bachelor of Science in Computer Science and a Master of Science in the Applications of Modeling in the Natural and Social Sciences.

Mr. Jack then became a member of the faculty of staff at Trent University developing and teaching computer sciences.

It was during his tenure of teaching in 2007 that he became affiliated with Armand La Barge, former Chief of York Regional Police who was completing his Master's degree at Trent University at the time. Mr. La Barge saw certain traits and qualities that caused him to encourage Michael to pursue a career in policing. Most impressive was Mr. Jack's knowledge of English, Russian and Hebrew languages making him a most desirable candidate for a career in policing, especially within York Region where there exists a large Russian and Jewish population.

Mr. Jack did apply to York Regional Police and also to the Ontario Provincial Police (O.P.P.). The OPP were the first to offer a position of employment and he accepted. He excelled in his training at the Ontario Police Academy and the Ontario Provincial Police Academy both academically and physically.

Mr. Jack was advised that his first posting was to be Peterborough Detachment of the OPP. It would appear that his goal would soon be materializing. Who could ask for anything better? Little did he know what was in store for him.

This was the detachment where a former minority (African-Canadian) officer was posted and fired on the last days of his probationary period. This was also the detachment of a former East Indian officer who, having worked for fifteen years with Toronto Police without a problem found the necessity to file complaints with the Human Rights Tribunal of Ontario and was subsequently transferred to the City of Kawartha Lakes detachment which is in Lindsay. Now, Mr.

Jack was to begin his career in policing at the same detachment with the same coach officer as the former African Canadian officer.

Prior to arriving at the detachment Mr. Jack was given a racially derogatory nick name of "Crazy Ivan". This nick name permeated through the detachment and he sensed it the first day he arrived there.

The detachment did not take long in crafting and implementing the scheme to bring him down emotionally, psychologically and physically where his performance evaluations would justify the Ontario Provincial Police in forcing him to resign in the final month of his probation.

Canada professes to be a country that respects the dignity of every human being and is often in the forefront of countries condemning violators of the Human Rights Code. Dalton McGuinty's government of Ontario is often promoting education on Valuing Diversity and based on experience his office puts forth training modules that every employee in every branch/department of his government including the Ministry of Correctional and Social Services has to complete.

It would appear that the Ontario Provincial Police, a branch of Ministry of Community Safety and Correctional Services has its own view on how it complies with the Human Rights Code – target, divide and conquer.

We believe we have a substantive case against the OPP and one that is vastly corroborated by their own disclosure shared with us as per the Tribunal's guidelines.

We firmly believe that the application will be a precedent making one in so much that Mr. Jack is committed to seeing through to the end of the judicial process in order that a finding may be made against the OPP for numerous violations of law.

In the past the OPP has thrived on anonymity and that is why they have always made appeasements and or settlements before and or during hearings.

We have done a very thorough analysis of the case and have all the documents uploaded on a server and that can be downloaded to a personal computer by anyone with right privileges.

For a more detailed account of his experience with the OPP please visit this website.

Website: <http://www.discriminationopp.org>

Category: Racial discrimination of employees in the Ontario Provincial Police

Post: Russian Jewish former University professor terminated

Other posts: East Indian former Toronto police officer targeted and African Canadian former CAF soldier terminated

Sincerely,

Lloyd Tapp for

Michael Jack

H: 252 Angeline St. North

Lindsay, ON K9V-4R1

705-878-4240

E/M: dmclaugh@bell.net

FW: 2010-07633-I - Case Assessment Direction - May 8, 2012

Inbox

LLOYD TAPP dmclaugh@bell.net

11:25 PM (13 hours ago)

to me

Subject: 2010-07633-I - Case Assessment Direction - May 8, 2012

Date: Tue, 8 May 2012 14:15:38 -0400

From: Lang.Ngo@ontario.ca

To: dmclaugh@bell.net; Lynette.D'Souza@ontario.ca

Please find attached a Case Assessment Direction (and Attachments 1 & 2) of the Tribunal in the above-named matter, dated May 8, 2012.

Please do not respond directly to this e-mail. All correspondence should be directed to the Registrar at hrto.registrar@ontario.ca

Lang Ngo

Adjudicative Support Assistant

Human Rights Tribunal of Ontario

Tel: 416-326-1312 | lang.ngo@ontario.ca

Social Justice Tribunals Ontario

Tribunaux de justice sociale Ontario

Providing fair and accessible dispute resolution

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<http://www.sjto.gov.on.ca>

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AVIS: Message confidentiel dont le contenu peut être privilégié. Si reçu par erreur, veuillez supprimer ce message et aviser l'expéditeur par retour de courriel. Merci.