

Federal Court



Cour fédérale

Date: 20230110

Docket: T-142-22

Citation: 2023 FC 36

Ottawa, Ontario, January 10, 2023

PRESENT: The Honourable Mr. Justice Zinn

PROPOSED CLASS PROCEEDING

BETWEEN:

HARVEY ADAM PIERROT

Plaintiff

and

HIS MAJESTY THE KING

Defendant

ORDER AND REASONS

[1] Canada moves to stay this proceeding [*Pierrot*] on the basis that the claims asserted fall within two certified class actions: *Greenwood and Gray v His Majesty the King* (Federal Court File T-1201-18) [*Greenwood*] and *Association des membres de la police montée du Québec Inc et al v His Majesty the King* (Québec Superior Court File 500-06-000820-163) [*AMPMQ*]. In

addition, it submits that *Pierrot* is entirely duplicative of the proposed class action in *Hudson v The King* (Federal Court File T-723-20) [*Hudson*].

[2] This motion was heard immediately following the hearing of Canada’s motion in *Hudson* seeking an order staying it on the basis that the claims asserted fall within two certified class actions: *Greenwood* and *AMPMQ*. Many of the submissions made on this motion were also made on the *Hudson* motion.

[3] Paragraph 2 of the Amended Statement of Claim in *Hudson* describes the nature of that action as follows:

This action concerns systemic racism in the Royal Canadian Mounted Police (“RCMP”) on the basis of race, national or ethnic origin, colour or religion directed at racialized individuals who work for or with the RCMP.

[4] Paragraph 2 of the Statement of Claim in *Pierrot* describes the nature of this action as follows:

This action concerns systemic racism within the Royal Canadian Mounted Police (the “RCMP”). As a consequence of this systemic racism, Indigenous RCMP members (including regular members, civilian members, and special constable members) and reservists (collectively, “RCMP Members and Reservists”) were subjected to racism and race-based harassment and discrimination in the RCMP workplace and were treated differently than non-indigenous RCMP Members and Reservists.

[5] Both *Hudson* and *Pierrot* base the action on systemic racism whereas, as is described in the Reasons for dismissing the motion for a stay in *Hudson*, *Greenwood* and *AMPMQ* appear to address acts of direct and overt discrimination.

[6] For the reasons issued in *Hudson v Canada*, 2023 FC 35, dismissing the *Hudson* motion for a stay, this motion for a stay based on the proceedings in *Greenwood* and *AMPMQ*, will likewise be dismissed.

[7] Canada's motion to stay *Pierrot* on the basis that it asserts an identical cause of action to *Hudson* is more compelling. However, at the hearing of this motion, counsel for Mr. Pierrot agreed that his action would be held in abeyance pending a final determination in *Hudson*. There was no objection noted from Canada to issuing a stay pending a final determination in *Hudson*, and it shall be so ordered.

[8] Accordingly, Canada's motion to stay *Pierrot* is allowed, but the order staying this action is limited to a stay pending a final determination in *Hudson*.

ORDER in T-142-22

THIS COURT ORDERS that in accordance with these Reasons, Canada's motion is allowed in part and this action is stayed pending a final determination in *Hudson*.

"Russel W. Zinn"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-142-22

STYLE OF CAUSE: HARVEY ADAM PIERROT v HIS MAJESTY THE KING

PLACE OF HEARING: VANCOUVER, BRITISH COLUMBIA

DATE OF HEARING: OCTOBER 4, 2022

ORDER AND REASONS: ZINN J.

DATED: JANUARY 10, 2023

APPEARANCES:

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