

Issue Estoppel: Concurrent Disciplinary and Civil Proceedings

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It is a well-established principle that litigants – both plaintiffs and defendants – may not relitigate issues that have been previously adjudicated upon. This principle was recently considered by the Court of Appeal in *Penner v. Niagara (Police Services Board)*, [2010] O.J. No. 4046 (C.A.), in which the Court affirmed the decision to strike parts of the action which had been previously adjudicated upon in a police discipline proceeding. The facts of *Penner* are somewhat unique and lent themselves to the application of issue estoppel.