



Superior Court of Justice – East Region
161 Elgin Street
Ottawa, Ontario K2P 2K1

ENDORSEMENT SHEET FOR CIVIL MOTION/APPLICATION

SHORT TITLE OF PROCEEDINGS: Sovereign v. Eros
COURT FILE NO.: CV-22-00090738-0000
BEFORE: A. Kaufman J.
HEARD ON: In Writing
COUNSEL:

Anthony Gatensby, for the applicant
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Chad Eros, Self-Represented Respondent
Email: Chaderos@proton.me
Phone: (306) 681-4157

RELIEF REQUESTED: Declaration that the applicant does not have an obligation to defend or indemnify the respondent in relation to a proposed class action naming the Respondent (and others) as defendants, commenced by Zexi Li, Happy Goat Coffee Company Inc., 7983794 Canada Inc. (c.o.b. as Union: Local 613, and Geoffrey Devaney in the Ontario Superior Court of Justice bearing Court File No. CV-22-00088514-00CP.

ORDER SIGNED

ON CONSENT

ENDORSEMENT:

On consent of the parties, the Court declares that the applicant has no obligation to defend or indemnify the respondent pursuant to the terms and conditions of two insurance policies (TEO79837614 and TGL79837614).

Date: September 26, 2023

Justice A. Kaufman



Court File No.: CV-22-00090738-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE
JUSTICE A. KAUFMAN

TUESDAY, THE 26th DAY
OF SEPTEMBER, 2023

BETWEEN:

THE SOVEREIGN GENERAL INSURANCE COMPANY

Applicant

- and -

CHAD EROS

Respondent

**APPLICATION UNDER R. 14.05(3)(d) and (h)
OF THE RULES OF CIVIL PROCEDURE**

ORDER

THIS APPLICATION made by the Applicant, The Sovereign General Insurance Company (hereinafter referred to as "**Sovereign**"), seeking declarations regarding Sovereign's obligations to defend and/or indemnify Chad Eros (hereinafter referred to as the "**Respondent**") pursuant to two policies of insurance, described below, in relation to a proposed class action naming the Respondent (and others) as defendants, commenced by Zexi Li, Happy Goat Coffee Company Inc., 7983794 Canada Inc. (c.o.b. as Union: Local 613, and Geoffrey Devaney in the Ontario Superior Court of Justice bearing Court File No. CV-22-00088514-00CP (the "**Underlying Action**"), was heard this day at the courthouse located at 161 Elgin Street in the City of Ottawa, in the Province of Ontario.

ON READING the Application Record dated November 29, 2022, including the Notice of Application issued November 25, 2022 and the Affidavit of Suzanne Solomon affirmed remotely on November 29, 2022; and

ON BEING ADVISED that the Respondent consents to the relief sought as per the terms of this Order;

1. **THIS COURT HEREBY DECLARES** that Sovereign has no legal obligation to defend or indemnify the Respondent in the Underlying Action pursuant to the terms and conditions of a professional liability insurance policy, bearing policy no. TEO79837614, in force between November 18, 2021 and August 1, 2022, as detailed in Certificate of Insurance no. CPA 011141-10970;
2. **THIS COURT FURTHER DECLARES** that Sovereign has no legal obligation to defend or indemnify the Respondent in the Underlying Action pursuant to the terms and conditions of a general liability policy, bearing policy no. TGL79837614, in force between November 18, 2021 and August 1, 2022, as detailed in Certificate of Insurance no. CPA 011141-10970;
3. **THIS COURT FURTHER ORDERS** that, for avoidance of doubt, the declarations in paragraphs 1 and 2 not be taken as any admission of liability by the Respondent in the Underlying Action; and
4. **THIS COURT ORDERS** that there be no costs of this Application.



Issued on September 27th, 2023

THE SOVEREIGN GENERAL INSURANCE COMPANY
Applicant

and

CHAD EROS
Respondent

**OTTAWA
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Ottawa

ORDER

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