



Court File No.: CV-13-477740

ONTARIO

SUPERIOR COURT OF JUSTICE

THE HONOURABLE) **FRIDAY, THE 12TH DAY OF**
MR JUSTICE ASTON) **APRIL, 2013**

B E T W E E N:

TORONTO PORT AUTHORITY

Plaintiff/Moving Party

- and -

**CANADIAN OFFICE AND PROFESSIONAL EMPLOYEES (COPE), CANADIAN
OFFICE AND PROFESSIONAL EMPLOYEES UNION LOCAL 343,
MARY STALTERI, JANICE BEST, GERALDINE MCMULLEN, JAMES BROWNE,
PETER ALTOMARE, PATRICK MCCANN, RYAN MACKENZIE, NADIM JAFFER, in
their personal capacities and as representatives of COPE and COPE LOCAL 343 and
PERSONS PRESENTLY UNIDENTIFIED**

Defendants/Responding Parties

ORDER

THIS MOTION by the Plaintiff for an interim and/or interlocutory injunction Order was heard on April 11, 2013 at 393 University Avenue, Toronto, Ontario;

UPON READING the Notice of Motion and affidavits filed by the Plaintiff and Defendant in this Action and the Notice of Motion and affidavits filed by Porter Airlines and Porter FBO Limited in Action No. CV-13- 477776, and on hearing the submissions of counsel in respect of both Actions;

1. **THIS COURT ORDERS** that the Defendants, their respective agents, servants and persons acting on their behalf, under their instructions or instructions of any of them, in concert with them or any one of them, or any other person or persons aiding or assisting them or any one of them and all persons having knowledge of or to whom notice of the order has come (the "Defendants"), be and hereby are restrained from:
 - (a) entering on lands owned or occupied by the Toronto Port Authority ("TPA") including the lands as identified on Schedule "A" hereto ("TPA Premises") without the written permission of the TPA, which shall constitute "trespass" at law;
 - (b) picketing on or across public roadways, access points or emergency response routes leading to or from the TPA Premises or at any designated shuttle passenger pick-up and drop-off point location of Porter Airlines;

- (c) physically preventing, impeding, obstructing, causing a delay, or otherwise interfering in any manner whatsoever with:
- (i) any vehicles or persons (including, without limitation the travelling public, emergency response vehicles, service or delivery vehicles, construction vehicles, buses, employees of the TPA or of any tenant of the TPA, or any other persons using the Billy Bishop Toronto City Centre Airport (the "BBTCA")) from entering, exiting or travelling within the TPA Premises, except for inbound fuel tanker trucks which may be subject to delay for no more than 10 minutes in an area designed by the TPA which is marked on Schedule A hereto;
 - (ii) the duties of TPA's security and cleaning staff and/or contractors;
 - (iii) the operation of the ferry;
 - (iv) the operation of shuttle bus or taxi services;
 - (v) the operation of parking facilities;
 - (vi) any construction activities on the TPA Premises;
 - (vii) the operations of TPA tenants or contractors;

- (viii) roadways to, from and within the TPA Premises; or
 - (ix) the safe and secure operation of the BBTCA or the operation of any of the TPA's tenants;
- (d) threatening or intimidating any employees, servants, agents, contractors, of the Plaintiff or its tenants or any members of the public having dealings with the Plaintiff or its tenants, which shall include at any designated shuttle passenger pick-up and drop-off location of Porter Airlines as well as the Premises of the TPA; or
- (e) creating a nuisance, intimidating passengers or engaging in any activities which may degrade passenger experience, including ^{✓ by the use of ✓} ~~using~~ bullhorns, loudspeakers or other devices which amplify sound or which make noise (e.g. horns, drums, whistles, etc.), which shall include at any designated shuttle passenger pick-up and drop-off location of Porter Airlines as well as the Premises of the TPA;

2. **THIS COURT ORDERS** that notwithstanding these provisions

(a) three picketers shall be allowed to hand out leaflets and information at the entry doors of the BBTCA mainland transfer facility building and at pick up and drop off locations for Porter Airlines; and,

(b) picketing activity shall be allowed on the sidewalk on the east side of Eireann Quay up to the property line of the TPA Premises,

provided that the permissible picketing under both paragraphs 2(a) and 2(b) does not otherwise contravene this Order.

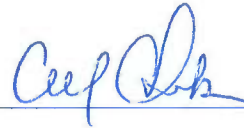
3. **THIS COURT ORDERS** that the Defendants shall appoint picket captains who shall identify themselves to and cooperate with the Plaintiff and or its security personnel and shall accurately time the delays of tanker trucks in accordance with the above terms.

4. **THIS COURT ORDERS** that the Toronto Police Service and the Region of Toronto Sheriff's Department shall enforce the terms of this Order pursuant to section 141 of the *Courts of Justice Act*.

5. **THIS COURT ORDERS** that the Toronto Police Service or any peace officer be and hereby is authorized to arrest, or arrest and remove, any person who has knowledge of this Order and who the Toronto Police Service or peace officer has reasonable and

probable grounds to believe is contravening or has contravened the provisions of this Order.

6. **THIS COURT ORDERS** that this Order is time limited and subject to further order of the Court and will expire when the parties return to argue the motions in full.
7. **THIS COURT ORDERS** that the costs of the motions to date are reserved to the ultimate disposition of the motions.



C. CHIBA

DEPUTY REGISTRAR, SUPERIOR COURT OF JUSTICE
GREFFIER ADJOINT, COUR SUPÉRIEURE DE JUSTICE

330 UNIVERSITY AVE. 330 AVE. UNIVERSITY
7TH FLOOR 7E ÉTAGE
TORONTO, ONTARIO TORONTO, ONTARIO
M5G 1R7 M5G 1R7

ENTERED AT / INSCRIPT À TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO.:

APR 16 2013

AS DOCUMENT NO.:
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PER / PAR:



Schedule "A"



- 1/1 A
- 1/1 A
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DATE: 10/10/2011
BY: [illegible]
SCALE: 1:1000

TORONTO PORT AUTHORITY

Plaintiff

- and -

CANADIAN OFFICE AND PROFESSIONAL EMPLOYEES
(COPE), CANADIAN OFFICE AND PROFESSIONAL
EMPLOYEES UNION LOCAL 343, MARY STALTERI et al.
Defendant

ONTARIO
SUPERIOR COURT OF JUSTICE
Proceeding commenced at **TORONTO**

ORDER

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