

# Expert Witness Recognition

“Testified as an expert” = giving sworn evidence as an expert before a judicial proceeding.

2021/04/06 ~	<b>Schwientek v. London Health Sciences Centre et al.</b>
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Matter: - Civil (Virtual) prosecution – London, Ontario

Retained: - Retained as an expert in the education and training of security guards and the use of force in healthcare settings.

Retained by: - Colin Chant (Aviva Insurance) on behalf of the Defendant, The London Health Sciences Centre (LHSC) – London, Ontario.

Presiding Justice: - Madam Justice Lynne Leitch.

Testified: - April 05, 2021, respecting the “education and training of security guards and the use of force in healthcare settings” – (Virtual Trial) - London, Ontario.

2019/11/07 ~ **Labour Relations Code Arbitration – Fraser Regional Correctional Centre (FRCC) and BC Government and Service Employee’s Union.**

- Involving: - Labour Relations Code R.S.B.C. 1996 and in the Matter of an Arbitration – Burnaby, British Columbia.
- Date of Incident: - September 18, 2017.
- Retained: - Retained as an expert for “the education and training of police/correctional officers respecting the application of force and exercise of judgment”.
- Retained by: - Retained by Peter Gall (Gall Legge Grant Zwack LLP) on behalf of the Fraser Regional Correctional Centre (FRCC) and the BC Government.
- Arbitrator: - Mister Arnie Peltz.
- Testified: - April 02/03/04, 2019, respecting “the education and training of police/correctional officers regarding the application of force and exercise of judgment” – Burnaby, British Columbia.
- Testified: - November 07, 2019, respecting “the education and training of police/correctional officers regarding the application of force and exercise of judgment” – Vancouver, British Columbia.

2018/11/08 ~ **R v. Bouwmeester.**

- Involving: - Criminal prosecution – Edmonton, Alberta.
- Date of Incident: - March 25, 2017.
- Retained: - Retained as an expert for “the education and training of police officers respecting the application of force and exercise of judgment”.
- Retained by: - Retained by Mike Danyluik (Danyluik Law) on behalf of the Accused, Edmonton Police Constable, Jason Bouwmeester and the Edmonton Police Association (EPA).
- Presiding Justice: - Mister Justice Robert Shaigec.
- Testified: - November 8, 2018, respecting “the education and training of police officers respecting the application of force and exercise of judgment” – Edmonton, Alberta.

2018/09/24-25 ~ **Jeremiah et al v. Hamilton Police Services Board, et al.**

- Involving: - Civil prosecution – Hamilton, Ontario.
- Date of Incident: - February 13, 2012.
- Retained: - Retained as an expert for “training, education and standards for police officers on February 13, 2012 including police effective communications training, police vehicle stops, police communication techniques, police arrests and the use of force during arrests including physical restraint, handcuffing and grounding”.
- Retained by: - Retained by Robert Munroe (Ross & McBride LLP) on behalf of the Plaintiff, Mr. Rikki Jeremiah.
- Presiding Justice: - Mister Justice Antonio Skarica.
- Testified: - September 24 & 25, 2018, respecting “training, education and standards for police officers on February 13, 2012 including police effective communications training, police vehicle stops, police communication techniques, police arrests and the use of force during arrests including physical restraint, handcuffing and grounding” – Hamilton, Ontario.

2018/05/16 ~ **Sweeney v. Her Majesty the Queen in the Right of the Province of British Columbia, et al.**

- Involving: - Civil prosecution – Victoria, British Columbia.
- Date of Incident: - September 05, 2014.
- Retained: - Retained as an expert for “use of force and training and the National Use of Force Model”.
- Retained by: - Retained by Karl Hauer (Vancouver Island Law) on behalf of the Plaintiff, Mr. Richard Sweeney.
- Presiding Justice: - Madame Justice Sharon Matthews.
- Testified: - May 16, 2018, respecting “use of force and training and the National Use of Force Model” = Victoria, British Columbia.

2018/03/08 ~ **Correctional Service Canada (CSC) and Robert Aldred.**

- Matter: - Occupational Health & Safety Act (OHSA) Appeal (Federal) - Toronto, Ontario.
- Involving: - Correctional Service Canada (CSC) v. Robert Aldred - re: Appeal under 146(1) of the Canadian Labour Code.
- Retained: - Retained as an “expert” on police use of force, the training of police and the use of intermediate weapons.
- Retained by: - Robert Aldred - Correctional Manager (CSC) Beaver Creek - Medium Unit - Gravenhurst, Ontario.
- Presiding Chair: - Mr. Peter Strahlendorf.
- Testified: - March 08, 2018 respecting the “police use of force, the training of police and the use of intermediate weapons” - Toronto, Ontario.

2018/02/27 ~ **R v. Marenchuk.**

- Involving: - Criminal prosecution - Iqaluit, Nunavut.
- Date of Incident: - September 10, 2015.
- Retained: - Retained as an expert for “police use of force and training” .
- Retained by: - Retained by Alison Crowe on behalf of the Accused, RCMP Sergeant, Paul Marenchuk.
- Presiding Justice: - Madame Justice Susan Cooper.
- Testified: - February 27/28, 2018, respecting “police use of force and training” - Iqaluit, Nunavut.

2017/10/17 ~ **R. v. Mitchell.**

Involving: - Criminal prosecution – Sault Ste. Marie, Ontario

Date of Incident: - March 26, 2016.

Retained: - Retained as an expert for “police training and the use of force, the articulation of force and the application of force”.

Retained By: - Retained by Davin Charney of the firm “Charney Law” on behalf of Accused – Timothy Mitchell.

Presiding Justice: - Mister Justice John P. Condon.

Testified: - October 17, 2017, respecting “the education and training of police officers in Ontario, particularly in relation to the use of force by police officers when apprehending a person and the use of force by police officers against a person in custody, the use of verbal communication by police officers to diffuse hostility between police officers and persons with whom they are dealing, the understanding and interpretation of the National Use of Force Framework which has been adopted by police forces in Ontario and has been provided in training to the two officers involved in this matter, namely Constable Matthew Keating and Constable Nicolas Pino” – Sault Ste. Marie, Ontario.

2017/09/07 ~ **MacGillivray – RCMP Act - Disciplinary Hearing.**

Involving: - RCMP Act – Disciplinary Hearing – Winnipeg, Manitoba.

Date of Incident: - May 01, 2013.

Retained: - Retained as an expert for “police training and the use of force, the articulation of force and the application of force”.

Retained by: - Retained by Larry McGonigal -Legal Counsel – Member Representative Unit NWVR – Royal Canadian Mounted Police (RCMP) on behalf of Constable Jason MacGillivray – Royal Canadian Mounted Police (RCMP).

Adjudicator(s): - Three (3) Member – RCMP Disciplinary Board – Inspector Al Ramey, Inspector Shelly Dupont and Supt. Yvon De Champlain.

Testified: - September 07, 2017, respecting “police training and the use of force, the articulation of force and the application of force” – Winnipeg, Manitoba.

2017/11/07 ~ **R v. Baxter.**

Involving: - Criminal prosecution – St. Catharines, Ontario.

Date of Incident: - August 16, 2016.

Retained: - Retained as an expert for “police training and use of force, the education of officers in use of force, handcuffing and grounding, and the consistency of Sgt. Baxter’s action to affect the arrest the arrest in this case with police training”.

Retained by: - Retained by Joseph Markson of the firm “Joseph Markson, Markson Law” on behalf of the Niagara Regional Police Association on behalf of the Accused, Sergeant Michael Baxter.

Presiding Justice: - Mister Justice Fergus O’Donnell.

Testified: - July 11/ August 09, 2017, respecting “police training and use of force, the education of officers in use of force, handcuffing and grounding, and the consistency of Sgt. Baxter’s action to affect the arrest the arrest in this case with police training” – Niagara Falls, Ontario.

2016/11/07 ~ **R v. Reis.**

Involving: - Criminal prosecution – Toronto, Ontario.

Date of Incident: - August 16, 2013.

Retained: - Retained as an expert for “police training regarding firearm safety”.

Retained by: - Retained by Matthew Friedberg of the firm “Caramanna Friedberg LLP” on behalf of the Accused.

Presiding Justice: - Mister Justice Suhail Akhtar.

Testified: - November 7, 2016, respecting “police training regarding firearm safety” – Toronto, Ontario.

2016/02/11 ~ **R v. Bellefeuille.**

Involving: - Criminal prosecution – Thunder Bay, Ontario.

Date of Incident: - February 10, 2012.

Retained: - Retained as an expert for “police training and use of force, and the education of officers in use of force, handcuffing and grounding”.

Retained by: - Retained by Rob Warren of the firm “Warren McKay Geurts Bellehemeur” and the Ontario Provincial Police Association on behalf of the Accused.

Presiding Justice: - Madam Justice Anne Roberts.

Testified: - February 11, 2016, respecting the “police training and use of force, and the education of officers in use of force, handcuffing and grounding” – Thunder Bay, Ontario.

2015/12/15 ~ **ONA et al v. Brockville Mental Health Centre et al.**

Matter: - Provincial Occupational Health & Safety Act (OHSA) Appeal (Provincial)  
- Toronto, Ontario.

Involving: - Ontario Nursing Association & Ontario Public Service Employees Union (OPSEU) v. Brockville Health Centre, Royal Ottawa Health Care Group - re: s. 61 Occupational Health & Safety Act Appeal.

Retained: - Retained as an “expert” on the role of security professionals, the training of security professionals and security professionals and the use of force.

Retained by: - Janet Borowy (Cavalluzzo Shilton McIntyre Cornish LLP) on behalf of the Ontario Nurses’ Association (ONA).

Presiding Chair: - Mr. Matthew Wilson.

Testified: - December 15, 2015 respecting the “role of security professionals, the training of security professionals and security professionals and the use of force” – Toronto, Ontario.

2015/12/04 ~ **R. v. Brooks**

Matter: - Criminal prosecution – Toronto, Ontario.

Date of Incident: - March 30, 2014.

Retained: - Retained as an “expert” for matters relating to the education and training of police officers respecting the “lawful application of force” and “exercise of judgment” by Police.

Retained by: - Cecilia Fearon-Forbes (Legal Aid Ontario) on behalf of the Accused.

Presiding Justice: - Madam Justice Heather McArthur.

Voir Dire: - Voir Dire - December 04, 2015 – Qualified as expert respecting the “education and training of police officers regarding the lawful application of force and the exercise of judgment”.

Testified: - February 25, 2016 – Toronto, Ontario.

2014/12/02 ~ **Foster et al v. Prince et al.**

Matter: - Civil prosecution – Ottawa, Ontario.

Date of Incident: - April 07, 2007.

Retained: - Retained as an “expert” for matters relating to the education and training of police officers respecting the “lawful application of force” and “exercise of judgment” by Police.

Retained by: - Tom Connolly of the firm “Connolly Obagi LLP” on behalf of the Plaintiffs.

Presiding Justice: - Mister Justice James McNamara.

Testified: - December 02 & 03, 2014 respecting the “education and training of police officers regarding the lawful application of force and the exercise of judgment” – Ottawa, Ontario.



2014/09/11 ~ **R v. McGilly.**

- Involving: - Criminal prosecution – Niagara Falls, Ontario.
- Date of Incident: - February 06, 2013.
- Retained: - Retained as an “expert” for matters relating to the education and training of police officers and the application of that training as it relates to the “Use of Force”.
- Retained by: - Retained by Rob Warren of the firm “Warren McKay Geurts Bellehemeur” and the Niagara Regional Police Association on behalf of the Accused.
- Presiding Justice: - Mister Justice Douglas Maund.
- Testified: - September 11, 2014, respecting the “education and training of police officers regarding the lawful application of force and the exercise of judgment” – Niagara Falls, Ontario.

2014/01/09 ~ **Reyal Jardine, Sylvia Klibingaitis and Michael Eligon Inquest - Coroner’s Court.**

- Matter: - Coroner Inquest Touching the Deaths of Reyal Jardine, Sylvia Klibingaitis and Michael Eligon. – Toronto, Ontario.
- Date of Incidents: - Reyal Jardine – August 29, 2010.  
- Sylvia Klibingaitis – October 07, 2011.  
- Michael Eligon – February 03, 2012.
- Retained: - Retained as an expert for matters relating to “the education and training of police officers and the application of that training as it relates to sharp edge weapons”.
- Retained by: - Mr. Michael Blain – Counsel for Deputy Chief Coroner for Inquests.
- Presiding Coroner: - Dr. David Eden.
- Testified: - January 09, 2014 respecting the “education and training of police officers” and the application of that training as it relates to “sharp edge weapons” – Toronto, Ontario.

2013/07/17 ~ **R. v. Mohamed**

Involving: - Criminal prosecution - Newmarket, Ontario.

Date of Incident: - January 12<sup>th</sup>, 2011.

Retained: - Retained as an “expert” for matters relating to the education and training of police officers and the application of that training as it relates to “sharp edge weapons”.

Retained By: - Saman Wickramasinghe of the firm “Lockyer Campbell Posner” on behalf of the Accused.

Presiding Justice: - Mister Justice John McIsaac.

Testified: - July 17, 2013 respecting the “education and training of police officers” and the application of that training as it relates to “sharp edge weapons” - Newmarket, Ontario.

2012/11/30 ~ **R. v. Hale**

Involving: - Criminal prosecution - Lindsay, Ontario.

Date of Incident: - September 18, 2008.

Retained: - Retained as an “expert” for matters relating to the education and training of police officers and the application of that training as it relates to the use of firearms.

Retained by: - Retained by Thomas Balka on behalf of the Accused.

Presiding Justice: - Mister Justice B. MacDougall.

Testified: - November 30, 2012 respecting “police use of force and police general patrol procedures” - Lindsay, Ontario.

2012/11/28 ~ **Corrigan v. Durham Police Services Board et al.**

- Matter: - Civil prosecution – Oshawa, Ontario.
- Date of Incident: - April 02, 2006.
- Retained: - Retained as an “expert” for matters relating to the education and training of police officers respecting the “lawful application of force” and “exercise of judgment” by Police
- Retained by: - Jason Hunt of Durham Region Legal Department and the Durham Regional Police Services Board on behalf of the Defendants.
- Presiding Justice: - Mister Justice B. Glass.
- Testified: - November 28, 2012 respecting the “education and training of police officers regarding the lawful application of force and the exercise of judgment” – Oshawa, Ontario.

2013/04/05 ~ **R v. Nevill**

- Involving: - Criminal prosecution – Barrie, Ontario.
- Date of Incident: - November 20, 2010.
- Retained: - Retained as an “expert” for matters relating to the education and training of police officers respecting the “lawful application of force” and “exercise of judgment” by Police.
- Retained by: - Retained by David Butt and the Barrie Police Association on behalf of the Accused.
- Presiding Justice: - Mister Justice L. Chester.
- Testified: - April 05 and May 14, 2013 respecting the “education and training of police officers regarding the lawful application of force and the exercise of judgment” – Barrie, Ontario.

2013/03/01 ~ **R. v. Remus**

Involving: - Criminal prosecution – Thunder Bay, Ontario.

Date of Incident: - May 02st, 2011.

Retained: - Retained as an “expert” for matters relating to the education and training of police officers respecting the “lawful application of force” and “exercise of judgment” by Police.

Retained by: - S. George Joseph of the firm “Petrone Hornak Garofalo Mauro” on behalf of the Accused.

Presiding Justice: - Mister Justice T. Wolder.

Testified: - March 01, 2013 respecting the “education and training of police officers regarding the lawful application of force and the exercise of judgment” – Thunder Bay, Ontario.

2010/11/25 ~ **Toronto Police Services Board et al vs. Fetterly**

Matter: - Civil prosecution – Toronto, Ontario.

Date of Incident: - March 08, 2008.

Retained: - Retained as an “expert” for matters relating to the education and training of police officers and the application of that training as it relates to the “Use of Force”.

Retained by: - Retained by Adam Ezer of the firm “Beaches Legal” on behalf of the Plaintiff.

Presiding Justice: - Mister Justice Michael Penny – Toronto, Ontario.

Testified: - November 25, 2010 respecting the “education and training of police officers regarding the lawful application of force and the exercise of judgment” – Toronto, Ontario.

2010/11/24 ~ **Parro et al v. Le Skratch Billiard Bar & Restaurant**

- Matter: - Civil Litigation – Oshawa, Ontario.
- Date of Incident: - December 01, 2002.
- Retained: - Retained as an “expert” for matters relating to the “standard of care” as it relates to the actions of staff or persons associated with the licensed premises “Le Skratch” in Oshawa, Ontario.
- Retained by: - Retained by Sergio Grillone of the firm “Grillone Law Firm” on behalf of the Plaintiffs.
- Presiding Justice: - Mister Justice David Salmers.
- Testified: - November 24, 2010 respecting “bar security and training with respect to security and persons performing security related services in premises that serve or sell alcoholic beverage” – Oshawa, Ontario.

2010/06/03 ~ **Meady et al v. Greyhound and OPP al.**

- Involving: - Civil Litigation in relation to the standard of care respecting the actions of police, et al.
- Date of Incident: - December 23<sup>rd</sup>, 2000.
- Retained: - Retained as an “expert” for matters relating to the “standard of care” respecting the actions of police.
- Retained by: - Retained by Christopher Hacio of the firm “Erickson & Partners” on behalf of the plaintiffs Pam Meady et al.
- Presiding Justice: - Mister Justice Terrence Platana.
- Voir Dire: - June 03<sup>rd</sup> 2010 on Behalf of the Plaintiffs – Thunder Bay, Ontario.

**2009/11/19 ~ Dumencu vs. Atherley Arms et al.**

- Involving: - Civil Litigation – Newmarket, Ontario.
- Date of Incident: - July 15<sup>th</sup> 2004.
- Retained: - Retained as an “expert” for matters relating to the “standard of care” as it relates to the actions of staff or persons associated with the tavern “Atherley Arms” in Orillia, Ontario.
- Retained by: - Barbara McFarlane of the firm “Torikin Manes” on behalf of the Plaintiff.
- Presiding Justice: - Mister Justice Peter Howden.
- Testified: - November 19, 2009 respecting “bar security and training with respect to security and persons performing security related services in premises that serve or sell alcoholic beverage” – Newmarket, Ontario.

**2008/11/25 ~ Small vs. University of Western Ontario et al.**

- Involving: - Civil prosecution – London, Ontario
- Date of Incident: - April 2005.
- Retained: - Retained as an “expert” for matters relating to the “standard of care” as it relates to the actions of law enforcement with respect to the investigation of domestic violence.
- Retained by: - Retained by Matthew B. Cohen of the firm “Swadron & Associates” on behalf of the Plaintiff.
- Presiding Justice: - Mister Justice William A. Jenkins.
- Testified: - November 25, 2008 respecting “Police investigations and domestic assaults” – London, Ontario.

2006/09/29 ~ **Reodica Inquest - Coroner's Court - Toronto, Ontario.**

- Matter: - Coroner Inquest Touching the Death of Jeffrey Michael Reodica - Toronto, Ontario.
- Date of Incident: - May 21<sup>st</sup> 2004.
- Retained: - Retained as an "expert" for matters relating to the education and training of police officers and the application of that training as it relates to "sharp edge weapons".
- Retained by: - Retained by Barrie Swadron of the firm "Swadron Associates" on behalf of the Reodica family.
- Presiding Coroner: - Dr. Bonita Porter - Deputy Chief Coroner of Inquests.
- Testified: - September 29/30, 2006 respecting the "education and training of police officers regarding the lawful application of force and the exercise of judgment" - Toronto, Ontario.

2005/09/29 ~ **Ontario Civilian Commission on Police Services (CCOPS) - Directed Discipline Hearing - Police Services Act - Jordan / Batista - Ottawa Police Services**

- Involving: - Ontario Civilian Commission on Police Services - (OCCOPS) Directed Discipline Hearing in relation to the application of force by two Ottawa Police Service police officers in the performance of their duties.
- Date of Incident: - May 29<sup>th</sup> 2003.
- Retained: - Retained as an "expert" for matters relating to the education and training of police officers and the application of that training as it relates to "crowd management" and the application of force in crowd management situations.
- Retained by: - William J. Carroll of the firm "Carroll & Wallace" on behalf of the Ottawa Police Association.
- Before (Trier): - Superintendent (retired) Robert J. Fitches - Ottawa, Ontario.
- Testified: - September 29, 2005 respecting education and training of police officers and the application of that training as it relates to "crowd management" and the application of force in crowd management situations - Ottawa, Ontario.

2004/03/22 ~ **Patrick Shand Inquest - Coroner's Court - Toronto, Ontario.**

- Matter: - Inquest into the death of Patrick Shand – Coroner's Court Toronto, Ontario.
- Involving: - Inquest into “actions and expectations of Security”.
- Date of Incident: - September 14<sup>th</sup> 1999.
- Retained: - Retained as an “expert” by the Coroner's Office - for matters relating to the application of force.
- Retaining Coroner: - Dr. Bonita Porter – Deputy Chief Coroner of Inquests.
- Presiding Coroner: - Dr. David Eden.
- Coroner Ruling: - “Mr. Summerville qualified as “having the expertise regarding the training of persons involved in the security profession that would benefit the inquest jury in understanding the issues and in making useful and practical recommendations”.
- Testified: - March 22<sup>nd</sup> 2004 on behalf of the Coroner's Office – Toronto, Ontario.

1999/09/27 ~ **R. v. Gayle**

- Involving: - Criminal Prosecution – Toronto, Ontario.
- Date of Incident: - September 27, 1999.
- Retained: - Retained as an “expert for matters relating to “prohibited weapons”.
- Retained By: - Attorney General's Office.
- Presiding Justice: - Mister Justice Paul Reinhardt.
- Testified: - March 1999 respecting “prohibited weapons” – Toronto, Ontario.



1999/03/09 ~ **R. v. Solomos**

Involving: - Criminal Prosecution – Whitby, Ontario.

Date of Incident: - March 18<sup>th</sup>, 1998.

Retained: - Retained as an “expert” for matters relating to “spontaneous knife defense, weapon culture and the palming of weapons”.

Retained By: - On behalf of the Defense.

Presiding Justice: - Mister Justice Alfred Stong.

Trial Justice: - Mister Justice Alfred J. Stong.

Justice Ruling: - Sgt. Summerville qualified as an expert in self-defense, use-of- force, spontaneous knife defense, weapon culture and the palming of weapons”.

Testified: - March 03, 1999 on behalf of the Accused – Whitby, Ontario.