

ONTARIO COURT OF JUSTICE

HER MAJESTY THE QUEEN

against

SHAWN CASSISTA

PROCEEDING

BEFORE HIS WORSHIP JUSTICE OF THE PEACE M. HUDSON

on May 27, 2011, at MISSISSAUGA, Ontario

OFFENCE: s. 2(1)(a) - The Compulsory Automobile Insurance Act

APPEARANCES:

J. Quirt, Ms.

S. Cassista, Mr.

Prosecutor

In Person, Defendant

(1)
Table of Contents

Ontario Court of Justice

TABLE OF CONTENTS

Transcript Ordered: July 27, 2012

Transcript Completed: July 18, 2012

Ordering Party Notified: July 9/12

FRIDAY, MAY 27, 2011

MS. QUIRT: I think we can address line six, Shawn Cassista.

CLERK OF THE COURT: I'm sorry, line six?

MS. QUIRT: Yes.

CLERK OF THE COURT: Is Shawn Cassista here?
You're Shawn Cassista?

THE COURT: He is before the court. Good morning,
just say your name, sir?

MR. CASSISTA: I am the commoner.

THE COURT: I didn't get that, sir.

MR. CASSISTA: I am the commoner known as Shawn Allan(ph)that exists the family and I am here as the authorised agent for the artificial person which is on--which is the name on record.

THE COURT: I just--let me get that straight. I don't like to be confused so let me just ask you to repeat what you just said, okay?

MR. CASSISTA: Sure.

THE COURT: All right, so you can enlighten me.

MR. CASSISTA: I....

THE COURT: There's an information before the court in the name of Shawn Cassista.

MR. CASSISTA: That's right.

THE COURT: Are you Cassista?

MR. CASSISTA: That is a legal entity name in which I am the authorised agent for.

THE COURT: Okay. So you are agent for Shawn Cassista?

MR. CASSISTA: That's right.

THE COURT: And what was your instructions on behalf of Shawn Cassista?

MR. CASSISTA: My instructions are to get full disclosure on the matter at hand.

THE COURT: Okay. And, Madam Crown, you have disclosure ready for this person?

MS. QUIRT: I don't have a package in front of me today so I have no indication as to when disclosure has been provided; whether it has been provided; at this time Andre, who is responsible for disclosure is not in the office today...

THE COURT: Okay.

MS. QUIRT: ...so I don't have that information. I see that the motion is before the court requesting the disclosure so I'm sure that it would be no problem to follow up on that if it has not yet been disclosed.

THE COURT: All right and for the record, agent for Mr. Shawn Cassista, what is your name just for the record?

MR. CASSISTA: I am the commoner called Shawn Allan(ph) of the Cassista family.

THE COURT: You are Shawn Allan(ph)?

MR. CASSISTA: That's correct. You can refer to me as Shawn.

THE COURT: I just to--the law, it has to be clear.

MR. CASSISTA: Okay, no problem, just call me Shawn, that's fine.

THE COURT: So you're Shawn Allan(ph) and you're here on behalf of Shawn Cassista, as agent.

MR. CASSISTA: That's right.

THE COURT: Clear enough?

MR. CASSISTA: I'm Shawn.

THE COURT: And you're seeking adjournment by way of motion in order to get disclosure for the matters before the court.

MR. CASSISTA: Yeah, I need to get the actual documents.

THE COURT: The adjournment will be granted on your motion. What is the date of return, Madam Crown?

MS. QUIRT: This is a--do you have the officer's number, Madam Clerk?

CLERK OF THE COURT: Zero one two three four.

MS. QUIRT: Your Worship, if we could just have a moment? We're just going to check on the platoon of that officer in order to ensure that he will be available on the next trial date.

THE COURT: All right, just have a seat, Mr. Allan(ph), you can sit right there.

MR. CASSISTA: Are we adjourning the motion to get the disclosure or the trial date?

THE COURT: The adjournment, what you're seeking is, let me put it in common terms, extra time before you come to trial so you can get the disclosure, is that what you're looking for?

MR. CASSISTA: Well, yeah, I mean....

THE COURT: The adjournment is to give you time to get the disclosure.

MR. CASSISTA: Right.

THE COURT: And then you can come to trial once you have received the disclosure, organise yourself and acquaint yourself with what the disclosure is.

MR. CASSISTA: Okay, but just for the record, that I have been waiting for quite some time for the

disclosure documents. I've been in communication with them for a few months.

THE COURT: Okay.

MR. CASSISTA: I'm not sure if I'm going to have enough time to actually get the disclosure and you know prepare a case, so I mean, I guess....

THE COURT: Well, the dates are in January of 2012, so you'll have lots of time. The trial dates now are backed up to 2012.

MS. QUIRT: A year from now.

MR. CASSISTA: It is now?

THE COURT: Yes, it is now in 2012, so you'll have adequate time, hopefully.

MR. CASSISTA: Okay. Okay, yes, that's fine. I wanted to clarify.

THE COURT: Yes, you'll have adequate time.

MR. CASSISTA: All right.

THE COURT: All right. Now, don't go away yet, sir?

MR. CASSISTA: No.

THE COURT: All right. Thank you.

COURT REPORTER'S NOTE:

Another matter is spoken to at this time: duly recorded but not transcribed.

MS. QUIRT: And if we return....

THE COURT: Let's go back to Mr. Allan(ph) for Mr. Cassista. And you've found dates, Madam Crown?

MS. QUIRT: I have.

THE COURT: Okay.

MS. QUIRT: January 4th available?

CLERK OF THE COURT: Yes.

THE COURT: All right, so January 4th will be the day, Mr. Allan(ph), you can make note of that.

MR. CASSISTA: For the trial.

THE COURT: Fourth day of January, yes, sir, 2012. Time of day.

CLERK OF THE COURT: One thirty in M4.

THE COURT: One thirty p.m. in courtroom M4 and that will be in this building and the matter will be set for trial on that day. The crown is aware of your request for disclosure. I encourage you to follow up on that, sir, so that you can get it on time and have adequate time to review and get legal advice if you do require that.

MR. CASSISTA: Okay, so 1:30 p.m.

THE COURT: All right, 1:30 p.m. the 4th of January, 2012, courtroom M4.

MR. CASSISTA: M4 and the disclosure....

MS. QUIRT: That will be made available at some point if you follow up with the crown's office.


THE COURT: Could you give him a time when he can call so that....

MS. QUIRT: Perhaps three to four weeks just....

MR. CASSISTA: Okay, so if I don't hear from you in the next month call because I have been calling and faxing and I have not heard any response whatsoever.

THE COURT: All right. Thank you.

5
THIS IS TO CERTIFY THAT
the digitally recorded evidence
taken by M. Dilena-Cuzzetto
has been transcribed by myself to
10 the best of my skill and ability.


15
20
25
30
Jean Court,
Court Reporter