

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

JODI GAWRYLASH, MICHAEL GAWRYLASH, KAY GAWRYLASH and
CHRIS GAWRYLASH

Plaintiffs

and

JAMES M CONNELLY, THE CITY OF HAMILTON, THE DOMINION OF
CANADA GENERAL INSURANCE COMPANY and JOHN DOE

Defendants

**DEFENCE OF CITY OF HAMILTON TO THE CROSSCLAIM OF
DOMINION OF CANADA GENERAL INSURANCE COMPANY**

1. The Defendant, City of Hamilton, denies each and every allegation as against this Defendant as contained in the Crossclaim of the Defendant, Dominion of Canada General Insurance ("Dominion").
2. This Defendant specifically denies the allegations contained at paragraphs 35 to 38 of the Crossclaim of the Defendant, Dominion.
3. This Defendant specifically denies that there is a motor vehicle liability policy responding to this loss on behalf of the City of Hamilton under which the Plaintiffs are entitled to recover and as such, states that Dominion is responsible for the alleged damages of the Plaintiffs, if any liability is attributed to an underinsured driver. This Defendant pleads and relies upon the terms and provisions of the *Insurance Act*, R.S.O.

1990, c.I.8, as amended and all regulations made thereunder, including Regulation 676, R.R.O. 1990, as amended.

4. The Defendant repeats and relies upon the allegations contained in its Statement of Defence and Crossclaim.

5. This Defendant requests that the Crossclaim of the Defendant Dominion as against this Defendant be dismissed with costs payable to this Defendant on a substantial indemnity basis.

November 10, 2014

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AND TO: **JOHN DOE**

Defendant

JODI GAWRYLASH et al.
Plaintiffs

-and- JAMES M CONNELLY et al.
Defendants

Court File No. 14-48443

ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT
HAMILTON

DEFENCE OF CITY OF HAMILTON TO THE
CROSSCLAIM OF DOMINION OF CANADA GENERAL
INSURANCE COMPANY

FILED/RECEIVED

NOV 12 2014

SUPERIOR COURT OF JUSTICE,
AT HAMILTON

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RCP-E 4C (July 1, 2007)