

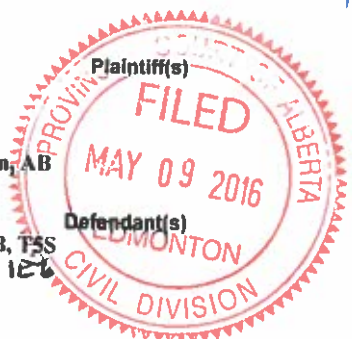
*AMENDED THIS  
5-TH DAY OF DECEMBER  
2017*  
*[Signature]*  
*MICHELLE*

Provincial Court of Alberta  
(Civil)

Action No  
P169 0302948

*DDA*

Dr. Cory Toth Professional Corporation  
Dr. Cory Toth, Neurologist  
209-4885 Kingsway Burnaby V5H 4T2  
www.burnabyneurology.com



and  
Ms. Michelle J. Reeves of Attia Reeves, 10525 Jasper Ave. N.W., Suite 200, Edmonton, AB  
T5J 1Z4  
and  
WESTERN MEDICAL ASSESSMENTS CORP., 17204 106A Avenue, Edmonton, AB, T5S 1E6

Amended Civil Claim

The Plaintiff Claims from the Defendant \$ 2000.00 plus interest according to the Judgement Interest Act  
and costs of this action.

The Claim arose at Calgary, Alberta on or about August 24, 2014  
date

The reasons for the Claim are:

An independent medical exam was performed by myself (a Neurologist) on August 23, 2014 at the request of Western Medical Assessments (WMA) on behalf of a contracted request of Ms. Reeves. Services were rendered and the report requested provided well within the time allotted for this assessment along with an invoice for \$2000.00 at an agreed contracted rate of \$500/h. WMA never paid for the contracted services. Documents show that Ms. Reeves signed an agreement to provide reimbursement for the stated services.  
Despite numerous email requests and phone calls to WMA initiated by myself, WMA never paid for the performed services. Also, despite multiple phone calls with Ms. Reeves, no reimbursement was provided. A demand letter was sent to both parties in March 2016 without response from WMA and with a denial of responsibility from Ms. Reeves.  
The report submitted by myself was used in the medicolegal case for which the client involved-won her case. Therefore, not only was my report received by Ms. Reeves, but it was also used in her legal case. Ms. Reeves stated that there was no deficit within the report.  
Ms. Reeves contends that she will not pay for contracted services due to a public matter involving myself from September 2014. Two technicians working with myself at the Univ. of Calgary provided fraudulent data for a number of scientific experiments, leading to my removal of scientific reports from the scientific literature and reporting in the media. This data involved studies of mouse proteins and mice performance. There was no patient involvement, and my standing as a physician to perform any medicolegal assessments or any patient assessment was never held in question.  
Of all of my reimbursements during all of my years of performing contracted work such as this, Ms. Reeves and WMA are the only parties to withhold payment in any manner and need to pay contracted reimbursement in an ethical and honorable manner

I will be calling 1 witnesses.

I abandon that part of my Claim that exceeds the financial jurisdiction of this Court.

I understand and agree that I cannot recover in this Court or any other Court the part of my Claim that is abandoned.

*per  
429117  
we call  
th Mr Toth  
S*

<i>209, 4885 Kingsway</i> The Plaintiff's address for service is: 1505-5611 Goring St.	City Burnaby	Province/Territory BC	Postal Code V5H 4T2 V5B 0A3	Res. Phone 778-737-8684	Bus. Phone 778-737-6378
The Defendant's address is: Reeves, 10525 Jasper Ave. N.W., #200	City Edmonton	Province/Territory AB	Postal Code T5J 1Z4	Res. Phone	Bus. Phone 780-424-3334
The Defendant's address is: WMA, 17204 106A Avenue	City Edmonton	Province/Territory AB	Postal Code T5S 1E6	Res. Phone 780-433-1191	Bus. Phone 800-290-2189

Dated April 29/16  
at Burnaby, BC, Alberta.

*[Signature]*  
Signature of Plaintiff / Agent / Solicitor  
Dr. C. Toth  
Print Name

The Court's Address is:  
Provincial Court of Alberta (Civil)  
Main Floor, Law Courts  
1A Sir Winston Churchill Square  
97 Street & 102A Avenue  
Edmonton, AB T5J 0R2  
Telephone: 780-422-2508 Fax: 780-427-4348  
Website address: www.albertacourts.ab.ca

Issued by the Provincial Court of Alberta  
on MAY 09 2016  
*[Signature]*  
Clerk of the Provincial Court

Case No.

11690302948

DISP  
D2  
44

Provincial Court of Alberta  
(Civil)

Dr. Cory Toth Professional Corporation

Plaintiff



and  
 Ms. Michelle J. Reeves of Attia Reeves, 10525 Jasper Ave. N.W., Suite 200, Edmonton, AB T5J 1Z4  
 and WESTERN MEDICAL ASSESSMENTS CORP., 17204 106A Avenue, Edmonton, AB, T5S1E6  
 Defendant

Dispute Note  
on behalf of the following parties:

WESTERN MEDICAL ASSESSMENTS CORP., 17204 106A Avenue, Edmonton, AB, T5S1E6  
(c/o Dr. ROGER G. HODKINSON)

1. I dispute the Plaintiff's Civil Claim for the following reasons:

Please see schedule "A"

2. I Counterclaim or Claim a set-off for \$ 5,000.00, for the following reasons:

I will be calling 1 witnesses.

I abandon that part of my Counterclaim that exceeds the financial jurisdiction of this Court.  
I understand and agree that I cannot recover in this Court or in any other Court the part of my Counterclaim that is abandoned.

3. My address for service is:

City	Province	Postal Code	Res. Phone	Bus. Phone
17204-106A Avenue	Edmonton	Alberta	T5S 1E6	780-433-1191 / 780-433-1191

Dated 20th June 2016  
at Edmonton, Alberta.

Signature of Defendant / Agent / Solicitor

Dr R HODKINSON  
Print Name

Western Medical Assessments Corp.

## Schedule "A"

Western Medical Assessments (WMA) disputes for the following reasons:

1. WMA expects all professionals working as providers of medical opinions to disclose details of their professional and personal lives that would be adverse, negative, or contradictory when being selected as an expert.
2. Dr Toth failed to disclose that he had committed a breach of integrity in his relationship with the University of Calgary.
3. In consequence of Dr Toth's failure to disclose, WMA has suffered damages to the company's reputation, which we estimate at \$5,000.00

Dr Toth was found by the University of Calgary to have committed a breach of research integrity and that he manipulated data. Had this information been disclosed to WMA, as it ought to have been, he would not have been selected as an expert for this case. He had an ethical obligation to disclose that he knew, or ought to have known, that he was in breach of integrity. He should have known that his opinion would not be accepted by the court.

**Western Medical Assessments Corporation**



Dr Roger Hodkinson M.A., M.B. (Cantab), FRCPC  
Medical Director  
RGH/paw

ion No. P1690302948

Provincial Court of Alberta (Civil)

Dr. Cory Toth Professional Corporation

DISPN- DI-LHH CTCLM-LHH Plaintiff



and Ms. Michele J. Reeves and Western Medical Assessments Corp. Defendant

Dispute Note on behalf of the following parties: Michele J. Reeves

1. I dispute the Plaintiff's Civil Claim for the following reasons: See attached Schedule "A".

2. I Counterclaim or Claim a set-off for \$ 2,500.00, for the following reasons: Extra costs incurred to try to effect a repair as a result of the release of the report and loss of privilege.

I will be calling 2 witnesses.

I abandon that part of my Counterclaim that exceeds the financial jurisdiction of this Court. I understand and agree that I cannot recover in this Court or in any other Court the part of my Counterclaim that is abandoned

3. My address for service is:

Table with 6 columns: City, Province, Postal Code, Res. Phone, Bus. Phone. Row 1: 200, 10525 Jasper Avenue, Edmonton, Alberta, T5J 1Z4, 780-424-3334, 780-424-4252

Dated June 9, 2016 at Edmonton, Alberta.

Signature of Michele J. Reeves, Signature of Defendant / Agent / Solicitor, Michele J. Reeves, Print Name

## SCHEDULE "A"

1. Michele J. Reeves had no contract with Dr. Cory Toth Professional Corporation, accordingly, there is no privity between the Plaintiff and Michele J. Reeves.
2. The professional report provided to Michele J. Reeves by Western Medical Assessment was disclosed to opposing counsel in accordance with the directions imposed for a Judicial Dispute Resolution. Three days after the disclosure of the said expert report to the opposing counsel, it came to light via national media, that the Plaintiff was required to withdraw research having been found to have to have used "manipulated" data and figures in authored reports. It was reported that he was required to retract nine University of Calgary studies and two reports from medical literature. He resigned after "university investigators confirmed fudged and faked data in nine of his team's studies". (National Post – September 08, 2014)
3. The investigation into the Plaintiff's practice began in May 2013. In March 2014, the investigation Committee concluded its investigation and "the result was a finding of breach of research integrity" (National Post – September 08, 2014); Michele J. Reeves retained the services of Western Medical Assessments on or about August 8, 2014.
4. At no time, was Michele J. Reeves ever advised that the Plaintiff was under investigation for fraudulent practices let alone guilty of a breach of research integrity.
5. As a result of disclosing the report to defence counsel, Michele J. Reeves could not assert privilege.
6. Michele J. Reeves was required to hire, on a rush basis, through Western Medical Assessments, another expert at a cost of \$2,500.00 which costs should be reimbursed or dealt with by set-off.
7. Furthermore, the Plaintiff was aware that he had been under investigation; he was aware that he had numerous papers withdrawn; he was aware that his credibility was completely at issue, having been found only months before to have breached research integrity; he knew or ought to have known his credibility would have been attacked successfully in cross-examination; and he knew or ought to have known he was not fit to be used as an expert and his report was useless, potentially harmful even.

COURT FILE NUMBER P1690302948  
COURT PROVINCIAL COURT OF ALBERTA – CIVIL  
PLAINTIFF DR. CORY TOTH PROFESSIONAL CORPORATION  
DEFENDANT MS. MICHELE J. REEVES OF ATTIA REEVES  
WESTERN MEDICAL ASSESSMENTS CORP.  
DOCUMENT ORDER  
COURT CONTACT INFORMATION 1A SIR WINSTON CHURCHILL SQUARE  
EDMONTON, ALBERTA T5J 0R2  
TEL: 780-422-2508 FAX: 780-427-4348



DATE ON WHICH ORDER WAS PRONOUNCED: DECEMBER 5, 2017  
LOCATION WHERE ORDER WAS PRONOUNCED: EDMONTON, ALBERTA  
NAME OF JUDGE WHO MADE THIS ORDER: JUDGE K. HAYMOUR

UPON THIS MATTER coming before the Court for trial; AND UPON THE APPEARANCE of the Plaintiff by its Representative Cory Toth; AND UPON THE APPEARANCE of the Defendant Ms. Michele Reeves; AND UPON THE APPEARANCE of Mr. Roger Hodgkinson on behalf of Western Medical Assessments Corp; AND UPON THE CIVIL CLAIM being amended by the Court by consent of the parties to reflect the Defendant Michelle J. Reeves being amended to Michele J. Reeves; AND UPON HEARING the evidence of the Plaintiff at trial; AND UPON THE DEFENDANT Reeves applying to dismiss the Claim at the conclusion of the Plaintiff's evidence and the same Application being granted by the Court; AND UPON HEARING the balance of the trial including the evidence of the Defendant Western Medical Assessments Corp:

IT IS ORDERED THAT:

1. The Civil Claim is dismissed in its entirety against both Defendants.
2. The Counterclaims of both Defendants are dismissed as against the Plaintiff.

3. Costs are granted in favour of the Defendant Michele J. Reeves against the Plaintiff in the sum of \$875.00, which is composed of \$800.00 court costs and \$75.00 filing fee.
4. Costs are granted in favour of the Plaintiff as against Western Medical Assessments Corp. in the sum of \$200.00.
5. As the Defendant Michele J. Reeves has consented to offset the costs awarded in paragraph 4 of this Order to the costs awarded to her in paragraph 3 of this Order, the net costs award in this action shall be in the sum of \$675.00 in favour of Michele J. Reeves as against the Plaintiff.



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JUDGE OF THE PROVINCIAL COURT OF ALBERTA

COURT FILE NUMBER P1690302948  
COURT PROVINCIAL COURT OF ALBERTA – CIVIL  
PLAINTIFF DR. CORY TOTH PROFESSIONAL CORPORATION  
DEFENDANTS MS MICHELLE J. REEVES OF ATTIA REEVES AND  
WESTERN MEDICAL ASSESSMENTS CORP.  
DOCUMENT ORDER  
COURT CONTACT INFORMATION 1A SIR WINSTON CHURCHILL SQUARE  
EDMONTON, ALBERTA T5J 0R2  
TEL: 780-422-2508 FAX: 780-427-4348



DATE ON WHICH ORDER WAS PRONOUNCED: APRIL 11, 2017  
LOCATION WHERE ORDER WAS PRONOUNCED: EDMONTON, ALBERTA  
NAME OF JUDGE WHO MADE THIS ORDER: JUDGE J.D. FRANKLIN

UPON THIS MATTER having come for a trial on today's date; AND UPON THE PLAINTIFF, Mr. C. Toth, appearing on his own behalf; AND UPON THE DEFENDANT, Ms Michelle J. Reeves of Attia Reeves, appearing on her own behalf; AND UPON THE DEFENDANT, Western Medical Assessments Corp., appearing by their agents, Mr. R. Hodgkinson, and Ms. A. Calado; AND UPON HEARING the representations made by the parties,

IT IS ORDERED THAT:

1. The Application of the Defendant, Western Medical Assessments Corp. to adjourn the trial is granted.
2. Costs for the adjournment will be determined by the Trial Judge.
3. This matter shall proceed to trial at the Law Courts, #1A Sir Winston Churchill Square, 97 Street & 102A Avenue, Edmonton, Alberta, on December 5 & 6, 2017, in Courtroom No. 263, 2nd Floor, at 9:30 a.m. The trial is scheduled for 2 days.

  
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JUDGE J. D. FRANKLIN  
JUDGE OF THE PROVINCIAL COURT OF ALBERTA