

CITATION: Yee v. Telus International (Cda) Inc., 2026 ONSC 4633
COURT FILE NO.: CV-25-00735809-00CP
DATE: 20260811

SUPERIOR COURT OF JUSTICE - ONTARIO

RE: ALBEERT YEE, Plaintiff

– and –

TELUS INTERNATIONAL (CDA) INC., (d/b/a/ TELUS DIGITAL EXPERIENCE), JEFF PURITT, VANESSA KANU, and GOPI CHANDE, Defendants

BEFORE: Justice E.M. Morgan

COUNSEL: *Albert Pelletier, Jon Bradford, and Edwina Mayama*, for the Plaintiff

Katherine Kay, Dan Murdoch, Mark Walli and R.J. Reid, for the Defendants

Sam J. Jaworski and Emilie B. Kokmanian, for the British Columbia plaintiffs

HEARD: Cost submissions in writing

COSTS ENDORSEMENT

[1] The Plaintiff was successful in resisting the motion to stay this proposed class action brought by the Defendants under section 5(6)-(8) of the *Class Proceedings Act, 1992*, So 1992, c. 6, as amended (“CPA”): *Yee v. Telus International (Cda) Inc.*, 2026 ONSC 3165. He deserves his costs of the motion.

[2] Counsel for the Plaintiff submits that the motion was hard fought on both sides, with a substantial amount of time consumed researching and addressing an apparently novel procedural issue under the CPA involving the relationship between this action and a parallel action in another province. They seek costs on a partial indemnity basis, including HST, in the amount of \$49,108.90, plus disbursements in the amount of \$808.18.

[3] Counsel for the Defendants submit that the costs claimed by the Plaintiff should be reduced by \$16,530, representing the amount claimed in respect of the cross-examination by Plaintiff’s counsel on the affidavit sworn by Emilie B. Kokmanian. Ms. Kokmanian is a lawyer and a member of the legal team representing the Plaintiff in the parallel British Columbia action. She swore an affidavit describing the B.C. claim, *Middleton v. Telus International*, Court file S-248620, and the procedural history of that action.

[4] Defendants' counsel submit that Ms. Kokmanian's affidavit was tendered by the plaintiff in the BC Action in a separate record without the involvement of the Defendants. The Defendants' only involvement was to have served the plaintiff in the BC Action with the motion materials in accordance with para. 8 of the Canadian Judicial Protocol for the Management of Multijurisdictional Class Actions and the Provision of Class Action Notice (the "Protocol"). Paragraph 8 of the Protocol provides that motions for a stay of proceedings should be provided to counsel in overlapping multijurisdictional class actions in other provinces and territories in Canada.

[5] The Defendants did not solicit Ms. Kokmanian's affidavit. The B.C. plaintiff intervened in this motion on his own initiative, and Ms. Kokmanian's evidence was tendered on his behalf, not on behalf of the Defendants. Plaintiff's counsel cross-examined Ms. Kokmanian thoroughly. While they were within their procedural rights to do so, the cost of doing so cannot be attributed to the Defendants.

[6] Costs are discretionary under section 131 of the *Courts of Justice Act*. I will exercise that discretion here by reducing the costs sought by the Plaintiff by an amount roughly attributable to the cross-examination of Ms. Kokmanian. The balance of the Plaintiff's cost request is otherwise fair and reasonable.

[7] Using round numbers for convenience, the Defendants shall pay the Plaintiff costs in the all-inclusive amount of \$33,500.

Morgan J.

Date: August 11, 2026