

CITATION: Adamo v. Huron Lodge Long Term Care Home, 2026 ONSC 3345
COURT FILE NO.: CV-22-00691183-00CP
DATE: 20260605

SUPERIOR COURT OF JUSTICE - ONTARIO

RE: JOE ADAMO, as litigation administrator for THE ESTATE OF VINCENZO ADAMO, deceased, and JOE ADAMO, personally, Plaintiff

– and –

HURON LODGE LONG TERM CARE HOME and THE CORPORATION OF THE CITY OF WINDSOR, Defendants

BEFORE: Justice E.M. Morgan

COUNSEL: *Joel Rochon, Golnaz Nahyerahmadi, Gary R. Will, Gordon Marsden, Annelis Thorsen, and Pritpal Mann*, for the Plaintiff

Tim Farrell and Jay Skukowski, for the Defendants

HEARD: June 5, 2026

CASE CONFERENCE ENDORSEMENT

[1] Counsel and the parties in this and five other class actions against individual long term care homes have agreed on the terms of a certification Order. The only outstanding point of disagreement is with respect to one paragraph in the order pertaining to the present action. Counsel advise that the balance of the terms of the certification order flow generally from my decision in *Pugliese v. Chartwell et al.*, 2024 ONSC 1135.

[2] Paragraph 3 of the draft Order has been presented to me in two versions. The Plaintiff's proposed version states:

...the claim is related to infection prevention and control at Huron Lodge Long-Term Care Home ("Huron Lodge") in the period leading up to and during the Class Period.

[3] The Defendants' proposed version states:

...the claim is related to infection prevention and control at Huron Lodge Long-Term Care Home ("Huron Lodge") in the 3-week period leading up to and during the Class Period.

[4] The parties agree that the first outbreak of COVID-19 at the Huron Lodge was in December 2020. From the outbreak of the pandemic more generally in March 202 until December 2020, there were no known cases of COVID-19 at the Huron Lodge.

[5] Both parties' counsel agree that one focus of the discoveries in this action will be the adequacy of Huron Lodge's Infection Prevention and Control ("IPAC") measures and its readiness for an infectious disease like COVID-19. Counsel for the Defendants submits that three weeks prior to the first outbreak is an appropriate cut-off date for questions in examinations for discovery, since three weeks corresponds, roughly, with the incubation period for COVID-19. It is Defendants' counsel's view that any questions exploring a time before the three-week mark will lack any causal relevance to any Huron Lodge resident's injury.

[6] Counsel for the Plaintiff submit that the time period leading up to the first infections at Huron Lodge should remain undefined. It is their view that the preparation for the pandemic in the months – or, perhaps, even years – prior to the arrival of the first COVID-19 cases is an issue that is central to their claim of systemic failure on the part of Huron Lodge and other long term care homes.

[7] In my view, both sets of counsel are partly correct.

[8] The state of preparedness for infectious disease control in a long term care home is indeed at issue in this and related claims. The Plaintiff's allegation is that the lack of preparedness is what led to the injuries and deaths that eventually transpired with the COVID-19 pandemic.

[9] On the other hand, the state of preparedness for infectious disease control at a time that predates the first outbreak of the disease or its incubation period is only at issue in the claim if that state of preparedness actually impacted on the outbreaks that lay in the future. After all, the action seeks compensation for actual harm done to the class members, and is not a regulatory inquiry into the overall management of the long term care home.

[10] In order to capture this relevant duality – i.e. IPAC processes that hark back many months before the first outbreak in a given long term care home and whose effects continue to be felt during the outbreak vs. IPAC matters that were a matter of the long term care home's history but that changed by the time the first outbreak came to the home and are not causally connected to the outbreak – the Plaintiff's more flexibly defined period is the better choice. The period open for discovery questions will have to be interpreted and applied with a sense of relevance to the COVID outbreak that actually came to be.

[11] By way of illustration, the training given to nursing and other staff at Huron Lodge, or the configuration of rooms with a view to social distancing, may hark back many months before the first known outbreak, making discovery questions exploring that period of time relevant. By contrast, the number of masks stored on premises at any given time or the availability of other personal protection equipment for Huron Lodge staff may be relevant for the several weeks' incubation period and the outbreak period itself, but not relevant in respect of an earlier time.

[12] Since the version of paragraph 3 of the Order will leave the pertinent time frame undefined, the relevance of any given IPAC matter preceding the first outbreak will have to be assessed in discoveries on a question-by-question basis. Those questions are to be framed with a view to fully

exploring the IPAC issues at the Defendant home while at the same time avoiding an exploration of matters lacking causal connection to the eventual outbreak at the home.

Dated: June 5, 2026

Morgan J.