

LOCAL

Business owner defends himself in contempt case

BY STEVE BUIST

The man behind the Great Glasses empire told court yesterday that his stores have been given the authority to prescribe eyeglasses from an Alberta doctor who has turned himself into a machine.

Bruce Bergez explained how the Great Glasses stores are complying with Ontario regulations that require eyeglasses and contact lenses to be prescribed by either a physician or optometrist.

Bergez was defending himself in a civil contempt of court case launched by the College of Optometrists of Ontario. The college is alleging Bergez and the Great Glasses stores have been violat-

ing an earlier court decision from 2003 that ordered the chain to comply with Ontario legislation that governs opticians, optometrists and physicians.

The overwhelming majority of Great Glasses customers receive an eye examination that's conducted on a machine known as the Eyelogic system, which generates a printout that's used as the prescription to prepare the glasses.



Bergez

The Eyelogic machine was invented by Alberta ophthalmologist Dr. Alan Dyer. Bergez said that because the machine was invented by a doctor, the printouts it generates can be considered proper prescriptions from a physician.

By extension, Bergez argued, Dyer has delegated his authority to prescribe to the people at Great Glasses who use the Eyelogic machines.

"He is allowed to reproduce himself in the form of a computer program," Bergez told Ontario Superior Court Justice David Crane.

Bergez also noted that he does not have disdain for the court, despite the suggestions of the College of Optometrists.

"I have the utmost respect for the court," Bergez said. "I don't have respect for those who are trying to tear apart my business model."

Bergez's defence got off to a rocky start in the first few minutes when he tried to introduce seven volumes of documents that hadn't previously been presented to the court, the College of Optometrists or the College of Opticians.

Bergez, who has no formal legal training, is representing himself in this case. After a recess to sort the matter out, the judge ruled that the documents couldn't be entered. Later, Bergez attempted to make submissions on behalf of his wife, Joanne, and the three cor-

porations that are also named in the contempt case. But Justice Crane quickly stopped Bergez and told him that since he's not a lawyer, he's only allowed to represent himself. Bergez seemed surprised to learn that his wife and the three companies are considered unrepresented in the eyes of the court. Prior to Bergez's defence, the College of Optometrists concluded its presentation by asking the judge to impose a fine of \$5 million plus the costs of the college if Bergez is found guilty of contempt.

Justice Crane has reserved his decision for a later date.

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Judge bars woman from Norvasc trial

BY CHRISTINE COX

An Ontario Court judge has excluded a spectator from a trial, because of a risk that she could taint the evidence of a key witness – her husband – who has yet to testify.

It is common for witnesses to be excluded from the courtroom but rare for other members of the public to be barred.

Justice Richard Jennis took the unusual step yesterday and excluded Bina Mehta, who had been taking notes at the trial of pharmacist Abadir Nasr.

Nasr has pleaded not guilty to a 12-count indictment alleging that he defrauded the public and pharmaceutical manufacturer Pfizer Products Inc. by selling "fake" and unauthorized Norvasc, a cardiovascular drug.

Nasr is the former owner of the King West Pharmacy. The RCMP raided the pharmacy June 15, 2005, and seized a counterfeit version of Norvasc.

Mehta's husband, Bhash Mehta, will be testifying at the trial. He had continued to work two days a week at the King West Pharmacy after selling the business to Nasr in August 2004.

Yesterday was the sixth day of the trial. The woman told the judge she was taking notes for her own purposes and had not been discussing the evidence with her husband.

Jennis made the exclusion order after hearing legal arguments from defence counsel Dean Paquette, who asked for the order, and assistant Crown attorney Cheryl Gzik, who opposed it.

Jennis said the woman's spouse will be a significant Crown witness, she had been taking notes, and had stated in court that the notes were not necessary because she has a good memory.

"I find that there is a real possibility that the evidence of Bhash Mehta may be tainted and affect the fairness of the trial," the judge said in his ruling.

The only witness who took the stand yesterday was Melissa Klad, 27, an experienced pharmacy technician who worked at King West Pharmacy.

Klad said she was aware of a sign that said, "Don't order any Norvasc. Ask Abs!" She testified she couldn't recall what conversation she had with Nasr about it, but believed the reason was that the store had a significant supply of Norvasc and it was expensive to order. Nasr never indicated where that supply of Norvasc came from.

She told court she never had any concerns about the Norvasc that she was dispensing and she was shocked when the police showed up.

The trial resumes Tuesday.

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Latin bash aids poor in Guatemala

Need some inspiration to get into the Halloween spirit?

A group of community activists has organized a Latin Halloween Bash tomorrow night to raise money and lend support to poor women in Guatemala.

Proceeds will go to support Nuestra Voz (Our Voice), a collective of Guatemalan women tackling poverty in their towns and across their country by improving education and opportunities for women.

Organizers advise bash-goers bring their dancing shoes and a hearty appetite to the Steelworkers hall, 350 Kenilworth Ave. N. Doors open at 8 p.m.

The food will be prepared by Mexican chefs who will see to it that the hot sauce is on the side.

There will be a silent auction and prizes for best costumes. Tickets are \$25 in advance, \$30 at the door. Call 905-543-8059.

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