

UPDATE

(TORONTO, AUGUST 24, 2010)

On August 23, 2010, the College of Opticians of Ontario attended before Justice Turnbull in Hamilton to listen to the Sentencing Submissions of Mr. Bruce Bergez. Also in attendance were the College of Optometrists of Ontario, the Attorney General, counsel for the individual store operators, and counsel for Eyelogic.

At the outset, Justice Turnbull advised the parties that he intended to hear all of the listed motions before Mr. Bergez was afforded the opportunity to make his sentencing submissions. Counsel for the College asked Justice Turnbull if the order could be re-arranged so that the sentencing submissions could be addressed immediately. The College was concerned that in light of the numerous motions, the sentencing portion would not be completed on that day. Justice Turnbull denied this request and advised that even if the sentencing submissions were completed, he intended to reserve his decision.

Mr. Bergez sought an adjournment to retain legal counsel. All parties objected to this request. Justice Turnbull agreed and denied Mr. Bergez' request for an adjournment. Mr. Bergez was directed to commence his sentencing submissions.

Mr. Bergez advised the court that the years of litigation actually resulted from his mis-interpretation of the decision of Justice Harris. Mr. Bergez submitted that certain sentences in Justice Harris' decision left him with the impression that the Great Glasses model was satisfactory. Justice Turnbull directed Mr. Bergez to several explicit statements in the Harris decision and asked Mr. Bergez how they could have caused any such confusion. Mr. Bergez did not have a satisfactory response.

Mr. Bergez did not provide any plausible explanations as to the decision of Great Glasses to disregard the decisions of Justice Crane, Justice Fedak and the provisions of the RHPA and the Opticianry Act.

In addition to the sentencing submissions, the court ordered that the Eyelogic machines were to be returned to Eyelogic Company (with the proviso that they cannot be returned to the store operators), and that Appleby Optical is no longer a part of the original order (as the Receiver was satisfied that they were no longer part of the Great Glasses family).

Justice Turnbull advised the parties that he would reserve his decision until October 1. He wanted to have time to digest the submissions made by Mr. Bergez. Justice Turnbull advised Mr. Bergez that if he retained counsel by October 1, Justice Turnbull would listen to submissions made by his counsel. Justice Turnbull also stated that if Mr. Bergez wishes to serve any financial documents so as to explain where his fortune has gone, he would receive such documents.



The College of Opticians of Ontario is the professional regulatory body under the RHPA and the *Opticianry Act, 1991* for the 2,400 Opticians who are licensed and registered to practise Opticianry in the Province of Ontario. A list of all Opticians registered with the College and where they practise is available on the College's website at www.coptont.org.

CONTACT: College of Opticians of Ontario at 416-368-3616

Fazal Khan, President ext 202 or 416-845-3937

Caroline MacIsaac-Power, Registrar ext 210

