

Court File No. 00-CV-193186

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

MILOS MARKOVIC, NATASA MARKOVIC
and 1145959 ONTARIO LIMITED carrying on
business as MAESTRO PIZZA PLUS

Plaintiffs

-and-

MIKE ABBOTT, ROBERT CORREA, DANIEL ROSS
CHRIS HIGGINS, ANITA MANCUSO, DARREN COX,
MARK DENTON, PEDRO DIAZ, JOHN MACIEK, THE
TORONTO POLICE SERVICES BOARD, DAVID BOOTHBY,
CHIEF OF POLICE OF THE TORONTO POLICE SERVICE and
THE TORONTO POLICE SERVICE

Defendants

STATEMENT OF DEFENCE OF DEFENDANTS
MIKE ABBOTT, ROBERT CORREA, DANIEL
ROSS, CHRIS HIGGINS, ANITA MANCUSO,
DARREN COX, MARK DENTON, PEDRO DIAZ
and JOHN MACIEK

1. The Defendants Mike Abbott, Robert Correa, Daniel Ross, Chris Higgins, Anita Mancuso, Darren Cox, Mark Denton, Pedro Diaz and John Maciek (the "Defendants") deny the allegations contained in Paragraph 1 of the Statement of Claim.
2. The Defendants have no knowledge regarding the allegations contained in Paragraphs 2-3 of the Statement of Claim.
3. The Defendants admit the allegations contained in Paragraphs 4-7 of the Statement of Claim.
4. The Defendants admit the allegations contained in Paragraphs 8-9 of the Statement of Claim.

5. The Defendants admit the allegation contained in Paragraph 10 of Statement of Claim that certain officers entered the residence located at 41 Kitsilano Crescent in Richmond Hill except the Defendants deny the allegation that officer Robert Correa entered the said premises.

6. The Defendants admit the allegations contained in Paragraph 11 of the Statement of Claim that officer Anita Mancuso seized bank documents, a safety deposit key and \$330 in Canadian funds. The Canadian funds were submitted to the Property Bureau of the Toronto Police Service. The Defendants deny the other allegations contained in Paragraph 11 of the Statement of Claim.

7. The Defendants admit the allegation contained in Paragraph 12 of the Statement of Claim in that officer Mark Denton searched the basement area and seized a safety deposit box key. The Defendants further admit that officer Pedro Diaz searched the basement area and seized jewellery and a black accordeon style file that contained personal papers. The Defendants deny the remaining allegations contained in Paragraph 12 of the Statement of Claim.

8. The Defendants admit the allegations contained in Paragraph 13 of the Statement of Claim in that officer Darren Cox and officer Pedro Diaz searched the premises and seized certain jewellery and personal documents and other items, including debt lists, drug paraphernalia and an amount of Canadian funds that were turned over to the Property Bureau of the Toronto Police Service.

9. The Defendants deny the allegations contained in Paragraph 14 of the Statement of Claim.

10. The Defendants have no knowledge regarding the allegations contained in Paragraph 15 of the Statement of Claim.

11. The Defendants admit the allegations contained in Paragraph 16 of the Statement of Claim.

12. The Defendants deny the allegations contained in Paragraph 17 of the Statement of Claim.

13. The Defendants have no knowledge regarding the allegations contained in Paragraph 18 of the Statement of Claim.

14. The Defendants deny the allegations contained in Paragraph 19 of the Statement of Claim.

15. The Defendants admit the allegations contained in Paragraph 20 of the Statement of Claim.

16. The Defendants have no knowledge whether or not Milos Markovic was in the storage area of his business premises and what he was thinking when the officers entered those premises as alleged in Paragraph 21 of the Statement of Claim. The Defendants deny the remaining allegations contained in the said Paragraph.

17. The Defendants deny the allegations contained in Paragraph 22-23 of the Statement of Claim.

18. The Defendants admit that the storage area of the business premises were searched and otherwise deny the allegations contained in Paragraph 24 of the Statement of Claim.

19. The Defendants deny the allegation contained in Paragraph 25 of the Statement of Claim that Milos Markovic was beaten. The Defendants admit that Markovic was arrested and taken to 53 Division.

20. The Defendants admit the allegation contained in Paragraph 26 of the Statement of Claim that Milos Markovic was taken to Sunnybrook Hospital. The Defendants deny the remaining allegations contained in Paragraph 26.

21. The Defendants have no knowledge regarding the allegations contained in Paragraph 27 of the Statement of Claim.

22. The Defendants deny the allegations contained in Paragraph 28 of the Statement of Claim.

23. The Defendants admit the allegations contained in Paragraph 29 of the Statement of Claim.

24. The Defendants deny the allegation contained in Paragraph 30 of the Statement of Claim as to the amount of money contained in the safety deposit box located at the branch of the Royal Bank in Thornhill. The Defendants admit that officer Mike Abbott emptied the safety deposit box.

25. The Defendants admit the allegations contained in Paragraph 31 of the Statement of Claim.

26. The Defendants deny the allegation contained in Paragraph 32 of the Statement of Claim as to the amount of money contained in the safety deposit box located at the branch of the Toronto Dominion Bank in Richmond Hill. The Defendants admit that officer Rob Correa emptied the safety deposit box.

27. The Defendants deny the allegations contained in Paragraph 33 of the Statement of Claim as to the amount of money reported by officers Mike Abbott and Rob Correa. The Defendants admit that officers Abbott and Correa prepared reports in connection with the search of the safety deposit boxes. The Defendants deny the remaining allegations contained in the said Paragraph.

28. The Defendants admit the allegations contained in Paragraph 34 of the Statement of Claim.

29. The Defendants deny the allegations contained in Paragraph 35 of the Statement of Claim.

30. The Defendants have no knowledge of the allegations contained in Paragraph 36 of the Statement of Claim as to what the Plaintiffs allegedly learned and when they allegedly learned it. Otherwise the Defendants deny the allegations contained in Paragraph 36 of the Statement of Claim.

31. The Defendants admit the allegations contained in Paragraph 37 of the Statement of Claim.

32. The Defendants admit the allegation contained in Paragraph 38 of the Statement of Claim that Milos Markovic was handcuffed and deny the remaining allegations contained in the said Paragraph.

33. The Defendants admit the allegation contained in Paragraph 39 of the Statement of Claim that the business premises were searched but otherwise deny the allegations contained in the said Paragraph.

34. The Defendants admit the allegations contained in Paragraphs 40-41 of the Statement of Claim. The monies referred to in Paragraph 40 of the Statement of Claim were submitted to the Property Bureau of the Toronto Police Service.

35. The Defendants admit the allegations contained in Paragraph 42 of the Statement of Claim that Milos Markovic was arrested and taken to 53 Division. The Defendants deny the remaining allegation contained in the said Paragraph.

36. The Defendants have no knowledge of the allegations contained in Paragraph 43 of the Statement of Claim.

37. The Defendants deny the allegations contained in Paragraphs 44-45 of the Statement of Claim.

38. The Defendants have no knowledge of the allegations contained in Paragraphs 46-49 of the Statement of Claim.

39. The Defendants agree that this matter ought to be tried in the City of Toronto as alleged in Paragraph 50 of the Statement of Claim.

February 14, 2001

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CORREA, et. al.

ONTARIO
SUPERIOR COURT OF JUSTICE
Proceeding commenced at Toronto

STATEMENT OF DEFENCE

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Service of a True Copy hereof admitted
this 14th day of February, 2001.

GOODMAN AND CARR LLP

PER:

Brenda NeSmith
SOLICITORS FOR
The Plaintiffs