CITATION: Van Drunen v. Canadian Nuclear Laboratories, 2026 ONSC 1035
COURT FILE NO.: CV-23-91861
DATE: 2026/03/03

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ONTARIO

SUPERIOR COURT OF JUSTICE

BETWEEN:	
Christina Van Drunen Plaintiff (Responding Party in Motion)	Danesh Rana, for the Plaintiff
– and –	
Canadian Nuclear Laboratories Defendants (Moving Party in Motion)	Kevin MacNeill, for the Defendants
	HEARD: February 12, 2026

REASONS FOR DECISION

JUDGE SOMJI

Overview

[1] The Plaintiff, Christina Van Drunen, was employed at Canadian Nuclear Laboratories ("CNL") for 24 years and resigned on August 31, 2022. On April 12, 2023, the Plaintiff served a Statement of Claim ("Claim") initiating an action against CNL for constructive dismissal on the grounds that gender discrimination and a toxic work environment led to her resignation. She seeks damages of $320,000 for breach of contract and constructive dismissal, as well as general and punitive damages of $175,000. On December 21, 2023, CNL filed a Statement of Defence ("Defence"), but stated that they were preserving their right to bring a motion for particulars.

[2] CNL brings a motion pursuant to Rule 25.11 of the Ontario *Rules of Civil Procedure* R.R.O. 1990, Reg. 194, for an order to strike the Plaintiff's Claim with leave for the Plaintiff to deliver an amended Statement of Claim with full particulars as per Rule 25.06(8). CNL argues that, notwithstanding the fact that they have already filed a Defence, Ms. Van Drunen's allegations of misrepresentation, malice, and bad faith against their client entitle them to full particulars. If the request is granted, CNL seeks leave to file a fresh amended Statement of Defence upon receipt of the amended Statement of Claim and full particulars.

[3] The Plaintiff argues that CNL is not entitled to full particulars. General particulars are set out in the Claim and sufficient additional particulars were provided in May and September 2023 for CNL to know the case to meet. Furthermore, the Plaintiff advised CNL on November 20, 2023, to either bring a motion for particulars or file a Statement of Defence failing which they would move for default. Having chosen to file a Defence, agreed to a litigation timetable, and participated in mediation, CNL is not entitled to further particulars and to delay examinations for discovery.

[4] CNL also requests an order pursuant to Rule 30.06(d) that two documents – A CNL Diversity, Equity, and Inclusion Survey of March 2022 ("DEI Survey") and a CNL Ombudsman Systemic Inquiry Report dated November 2, 2021 ("Ombudsperson Report") addressing reported inequities in the workplace (collectively the "Documents") – be deemed irrelevant and not subject to oral or other discovery in these proceedings.

[5] The Plaintiff opposes the request on the grounds that she is not seeking these Documents at this time, Rule 30.06 does not apply, and having pled these Documents in her Claim, she is entitled to question CNL during discovery and, if refused, determine if she seeks production.

[6] The issues to be decided are:

a. Is CNL entitled to additional particulars at this stage of the proceeding?

b. Is CNL entitled to a court order that would deny the Plaintiff the opportunity to address the Documents or request their production at discovery?

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[7] For the reasons set out below, CNL's motion is dismissed. I find that CNL is not entitled to further particulars or a protective order precluding questioning or discovery of the Documents.

Issue 1: Is CNL entitled to additional particulars at this stage of the proceeding?

[8] CNL moves to strike the Plaintiff's Claim, with leave for the Plaintiff to amend the Claim within 30 days, pursuant to Rule 25.11(b). This provision reads as follows:

> The court may strike out or expunge all or part of a pleading or other document, with or without leave to amend, on the ground that the pleading or other document […] (b) is scandalous, frivolous, or vexatious.

[9] CNL argues that the pleadings are vexatious because they fail to comply with the *Rules* governing pleadings, namely, the requirement for full rather than general particulars pursuant to Rules 25.06(1) and 25.06(8). These provisions read as follows:

> Rule 25.06(1):
>
> Every pleading shall contain a concise statement of the material facts on which the party relies for the claim or defence, but not the evidence by which those facts are to be proved.
>
> Rule 25.06(8):
>
> Where fraud, misrepresentation, breach of trust, malice or intent is alleged, the pleading shall contain full particulars, but knowledge may be alleged as a fact without pleading the circumstances from which it is to be inferred.

[10] CNL argues that notwithstanding the action is for constructive dismissal and breach of employment contract, the Plaintiff alleges in her Claim that CNL's conduct was dishonest, malicious, intentional, and included misrepresentations, and consequently, the Plaintiff is required to furnish full particulars pursuant to Rule 25.06(8). In support of its position, CNL relies on some the allegations within the following paragraphs of the Claim:

i. The outgoing VP, Mr. Griffin, told the Plaintiff that senior leadership would only accept men in senior roles (para. 11(b));

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i. Mr. Griffin misrepresented that the Plaintiff had to compete for a new role and then went on to suggest that even if she did compete, she would never be truly considered (paras. 11(d) and 23(g));

ii. Mr. Griffin made a baseless ethics complaint against her and treated her in a derogatory manner (paras. 11(f), 11(k), and 23);

iii. Mr. Griffin's deputy, Mr. Radford, was dismissive and made derogatory remarks towards her. He and others also failed to address discrepancies in her salary with that of other male colleagues at her level (paras. 11(e) and 23);

iv. Mr. Griffin, Mr. Radford, and members of the leadership team excluded the Plaintiff from high-level meetings which she was to attend as part of her role, diminished her responsibilities in 2020 and 2021, and refused to respond to her requests for clarification about her role at performance meetings (paras. 15 and 20);

v. Mr. Griffin's conduct was intentional, high-handed, malicious and was intended to cause the Plaintiff reputational damage and force her to resign (para. 24);

vi. Mr. Griffin knew or ought to have known that his conduct towards her was inappropriate (para. 17); and

vii. CNL knew or ought to have known that Mr. Griffin was engaging in gender discrimination and creating a toxic workplace and failed to address it (para. 19).

[11] CNL argues that these allegations of misrepresentation and malice warrant full particulars and this, in turn, requires the Plaintiff to identify not only who made the misrepresentations, but when and where each misrepresentation occurred, and what precisely was said. CNL argues that examinations for discovery are not fishing expeditions and CNL counsel should not have to spend excessive hours trying to ascertain the nature and content of the misrepresentations in order to prepare their witnesses for discovery.

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[12] The Plaintiff, on the other hand, argues that Rule 25.06(8) is intended for the torts specified, particularly fraud. In this case, the Plaintiff has not pled the tort of fraud or breach of trust. The mere fact that the pleadings contain a single reference to the term "malice" and various misrepresentations made by senior management to support a claim of constructive dismissal or breach of contract is insufficient to warrant full particulars. More importantly, had CNL viewed full particulars as necessary to plead their case, they should have brought a motion for particulars before filing their Defence especially since they were invited to do so.

[13] I find that even if this case warrants full particulars, CNL is not entitled to further particulars for the following reasons:

[14] First, CNL filed their Defence after requesting further particulars on April 27, 2023, and after receiving additional particulars from the Plaintiff. If CNL was of the view that neither the Plaintiff's Response to Demand for Particulars of May 9, 2023, or Amended Response for Particulars of September 8, 2023, was sufficient to allow them to adequately plead a defence or effectively prepare for discoveries, then CNL ought to have brought a motion for particulars at that time. In fact, the Plaintiff invited them to do so on October 17 and again on November 3, 2023. They chose not to and instead filed their Defence.

[15] CNL argues that while they did file the Defence, they did so in a manner that preserved their right to bring a motion for particulars. I find this approach problematic. The *Rules* are intended to manage parties' expectations and timelines around litigation. If a party files a defence, the plaintiff should be entitled to rely on the responses therein. For this reason, if the defendant cannot meaningfully respond because of deficiencies in a plaintiff's statement of claim, they have an opportunity to seek further particulars and, if still unsatisfied, bring a motion for particulars before the court. To allow a defendant to file a partial defence with the right to file a further defence upon receiving more particulars at an unspecified time in the future would undermine the parties' expectations and timetable for litigation and result in unnecessary delays.

[16] In this case, CNL chose to proceed with filing their Defence after the Plaintiff provided two responses to demands for particulars. In addition, just prior to filing their Defence, CNL agreed on November 21, 2023, to a litigation timetable. Affidavits of documents ("AOD") were

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exchanged on April 18 and 19, 2024. Both parties agreed to early mediation on July 22, 2024, which was not successful. While the Plaintiff expected to then proceed to discoveries as per the timetable, CNL refused in August 2024 to go to discoveries without full particulars. This was the first time since November 2023 that CNL had expressed as part of the litigation timetable that they would be seeking a motion for particulars before going to discovery if mediation failed. CNL also insisted on having a case conference prior to serving its Notice of Motion for Particulars and did not serve such Notice until a year later, in July 2025. The motion was heard in February 2026. CNL's request for further particulars has contributed to a delay of the proceedings by 20 months.

[17] Second, while there are some exceptions where a court has struck a claim and ordered further particulars to be made after a defence has been served, it has done so only where the Statement of Claim is deficient and fails to disclose a reasonable cause of action: *Arsenijevich v. Ontario (Provincial Police*), 2019 ONCA 150, at para. 7*; Potis Holdings v. Law Society of Upper Canada*, 2019 ONCA 618, at para. 14. As noted by the Court of Appeal in *Arsenijevich* at para 7:

> Generally, a defendant should move to strike a claim as disclosing no reasonable cause of action **prior to delivery of a statement of defense**. However, where as in this case, the statement of claim is so **facially deficient and largely incomprehensible**, this step by the respondents is not fatal. In addition, it is evident from the contents of their pleading that the respondents took issue with the legal sufficiency of the appellant's claim. **[Emphasis added; citations omitted].**

[18] CNL has not demonstrated that, notwithstanding that they filed their Defence, the Claim is facially deficient and incomprehensible. On the contrary, I find the Claim and additional particulars of May and September 2023 provided more than sufficient particulars to allow CNL to plead a comprehensive Defence on December 21, 2023. CNL denied the Plaintiff's allegations in its Defence. In doing so, CNL: referred to the Plaintiff's role and responsibilities in the organization and the circumstances around her resignation; asserted that Mr. Griffin discussed the Plaintiff's roles and responsibilities with her and provided guidance and feedback at performance evaluations; explained the reasons for CNL's organizational restructuring in 2020 and 2021 and that this reorganization did not discriminate the Plaintiff, women, or male employees of colour; explained why the Plaintiff was excluded at certain meetings; described why certain people did not have to compete for positions and why certain persons (referring to names and positions) were

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promoted; explained the various harassment policies and codes of conduct governing the workplace; and denied that senior management engaged in the conduct attributed to them by the Plaintiff. It is clear from the Defence itself that CNL had knowledge and sufficient particulars to respond to the allegations.

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[19] Third, I agree with the Defendants' counsel that there is jurisprudence to suggest that even where the specific tort of fraud or breach of trust is not pled, a defendant may be entitled to full particulars if the plaintiff alleges misrepresentation, malice, and bad faith: *Andrin Hillsborough Limited v. Eliaszadeh*, 2021 ONSC 3229, at paras. 23-24; *Metz v. Tremblay-Hall*, 2006 CanLII 34443 (Ont. S.C.). In such cases, there is a concern that defendants should not be left to "connect the dots" to determine the nature and content of the alleged representations: *Dominion Capital LLC v Poli et al*, 2021 ONSC 8397, at para. 18. citing *Reichmann v. Koplowitz*, 2012 ONSC 5063, at para. 10.

[20] However, the threshold of what constitutes "full particulars" will vary in the circumstances of each case and even where there are allegations akin to fraud or misrepresentation, the court should consider the factual matrix in deciding whether to exercise its discretion to order delivery of particulars: *Dominion Capital*, at para. 18; *Reichmann*, at paras. 10-11. Furthermore, it is well accepted that courts are to avoid ordering particulars that constitute a granular level of minutiae and are effectively a substitute for what can otherwise be obtained through oral and documentary discovery: *3 Dogs Daycare Inc. v. Dogtopia Enterprises Canada Inc*., 2021 ONSC 514, at paras. 21(xi), para 30.

[21] CNL's primary complaint at this stage is that it does not know the specific dates, times, and locations of various conversations between Ms. Van Drunen and senior management. Even if one accepts that some of the Plaintiff's allegations are of misrepresentation, I find that the Claim when read together with the particulars provided in May and September 2023, provides the level of required fact disclosure and does not warrant the exercise of the court's discretion to order further particulars.

[22] Below, I address more specifically CNL's outstanding requests for particulars and why I find there is more than sufficient information for the Defendants to understand the

misrepresentations such that they are not left guessing or “connecting dots”. Further details can easily be obtained directly through their own witness and/or oral and documentary discovery.

i. In paragraph 11(a), the Plaintiff alleges that “in her last two years of employment almost all of the hiring for senior positions went to less qualified men.” The Plaintiff has identified the individuals as Darren Radford, Rich Dufour, and Bob Holmes. She has narrowed down the time frame to two years. I find CNL can ascertain from their own employment records and speak with these individuals when they were hired and for what positions. In fact, CNL refers to these persons and their positions in their Defence. The Plaintiff is not required to particularize why she views these men as less qualified and CNL can question her about her views in discovery.

ii. In paragraph 11(b), the Plaintiff alleges that “an outgoing VP” informed her that “senior leadership would only accept men in senior roles.” The Plaintiff has identified Dr. Kathryn McCarthy as the outgoing VP. CNL has sufficient particulars to ask Dr. McCarthy if she ever engaged in such a conversation. The Plaintiff is not required to provide when and where the conversations occurred. Such details can be elicited in questioning.

iii. In paragraph 11(c), the Plaintiff alleges that “all the white men retained their given roles” and “all women and people of colour who were at the director level were told they would have to apply and compete for new roles.” The Plaintiff has provided the names of nine men and women that she is referring to. She has referenced that there was a reorganization where some people at the director level were told they had to compete for their roles. CNL has knowledge of the reorganization and refers to it in the Defence. CNL has sufficient information to speak to the individuals and can question the Plaintiff at discovery about the basis of her allegations. The Plaintiff also refers to a comment made by one female employee that she was told she wasn't going to have the Director role previously committed to her. The thrust of the allegations in 11(c) is about alleged discriminatory hiring practices. That the Plaintiff has not identified the name of one female employee who shared a comment to her is not fatal to the Claim and this detail can be elicited in questioning.

iv. In paragraph 11(d), the Plaintiff alleges that “Mr. Griffin told Ms. Van Drunen she could compete for a new role,” but “Mr. Griffin communicated to someone else that Ms. Van Drunen wouldn't really be considered for that role.” I find that CNL can speak with Mr. Griffin to determine if he every made such remarks to the Plaintiff or anyone else. The precise timing of the comment does not necessarily have to be pled.

v. In paragraph 11(e), the Plaintiff alleges that “Ms. Van Drunen's salary was lower than some of her male colleagues on the same level” and “it took a female VP to notice this and correct this issue.” The Plaintiff has identified Dr. McCarthy as the female VP who corrected this issue. I find that CNL has sufficient particulars and can speak to Dr. McCarthy about whether she addressed Ms. Van Drunen’s salary and/or made a correction to it.

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vi. In paragraph 11(f), the Plaintiff alleges that “Mr. Griffin's deputy was consistently dismissive and derogatory towards Ms. Van Drunen” and “nothing was done to address this issue despite requests from Ms. Van Drunen.” The Plaintiff has identified Mr. Radford as the deputy and referenced emails dated December 15, 2021, and March 9, 2022, and a performance evaluation with Mr. Griffin on/around May 17, 2021, where she raised concerns about Mr. Radford. CNL can address with Mr. Radford if he ever made derogatory remarks towards Ms. Van Drunen, and with Mr. Griffin if these conduct concerns were raised. If CNL is of the view that the emails are not responsive or adequate examples of her allegations, they can cross-examine her accordingly at discovery.

vii. In paragraph 11(g), the Plaintiff alleges a “drastic reduction of the percentage of women in senior leadership roles over the past few years” and that she “raised these concerns on multiple occasions, and nothing changed.” The Plaintiff has provided the names of five individuals with whom she raised concerns and the dates she spoke to them. She also states she submitted a comprehensive report through the corporate Clearview reporting system and raised the issue in an employee diversity survey which was conducted December 2021. I find CNL has sufficient particulars to address with these employees if such concerns were raised by Ms. Van Drunen and if so, what they did or did not do in response. CNL would have access to the Clearview reporting system and the results of the DEI Survey to determine if Ms. Van Drunen reported these issues.

viii. In paragraph 11(h), the Plaintiff alleges that “women were addressed as 'girls' by senior leadership at CNL” and that she “was once told to 'tart up' her work.” The Plaintiff has identified Mr. Radford as having made the remarks. The time and place of the remark need not be particularized and can be the subject of questioning.

ix. In paragraph 11(i), the Plaintiff alleges that “CNL failed to acknowledge International Women's Day” and that “a member of senior leadership only indicated he cared because he 'had a daughter.'” The Plaintiff has identified Lou Riccoboni as having made the comment. Particularizing when and where the conversation occurred is not necessary and can be addressed in questioning.

x. In paragraph 11(j), the Plaintiff alleges that “senior leadership at CNL complained of 'reverse discrimination.'” The Plaintiff has identified Mr. Radford as the individual who made this comment. Particularizing when and where the conversation occurred is not necessary and can be addressed in questioning.

xi. In paragraph 11(l), the Plaintiff alleges that she “felt so threatened at work by the conduct of several of her coworkers that she had several discussions with the Designated Recipient for Violence & Harassment and CNL's Ombudsperson.” The Plaintiff has identified four dates of such meetings, the name of the Ombudsperson, Tricia Gazarek, and the name of the Designated Recipient, Trina Meloche. I find CNL has sufficient particulars to address with these individuals if Ms. Van Drunen ever raised such concerns on the dates she identified or any other dates. Particularizing the names of the coworkers is not necessary and can be the subject of questioning.

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xii. In paragraph 12, the Plaintiff alleges that "CNL's own Ombudsperson confirmed to Ms. Van Drunen there were systemic issues at CNL with regards to cultural diversity and gender equality, which had prompted the Ombudsperson to undertake a formal review of the treatment of women by CNL." The fact that there was a formal review is apparent from the Ombudsperson Report. Ms. Van Drunen has identified that she met with the Ombudsperson on June 28, 2021, January 13, 2022, and in September 2022. CNL would be able to access any reports, letters, notes, and/or emails between Ms. Van Drunen and the Ombudsperson regarding the issues. It is not necessary for the Plaintiff to particularize the details of their conversations which can be explored at discovery.

xiii. In paragraph 15(a), the Plaintiff alleges "being excluded from high-level discussions/meetings which were normally part of her role." The Plaintiff has referenced some meetings and a general reduction in responsibilities. I find CNL has sufficient particulars to address these issues with their own senior management and vis-à-vis the meeting dates provided. Further details can be elicited in questioning.

xiv. In paragraph 15(c), the Plaintiff alleges that "in October 2021 an updated organizational chart severely reduced her responsibilities, despite past promises (express and/or implied) of promotions and increased responsibilities." The Plaintiff has identified Mark Lesinski as having made promises. I find CNL has sufficient particulars to address with Mr. Lesinski if he ever had discussions with Ms. Van Drunen about promotions and responsibilities and if so, whether those promises did or did not materialize and why. Particularizing when and where these conversations occurred is not necessary and such information can be elicited in questioning. CNL can also address the reasoning behind the reorganization with Mr. Lesinski.

xv. In paragraph 15(e), the Plaintiff alleges that "in performance meetings she asked what her performance objectives were, and no guidance/feedback was provided." The Plaintiff has identified Mr. Griffin as the person with whom she had these performance evaluations. I find CNL has sufficient particulars to address with Mr Griffin if these issues were raised. CNL has access to employment related records to determine dates of the evaluations.

[23] For all these reasons, I find that CNL is not entitled to further particulars and the motion to strike the Claim with leave to amend is not granted.

Issue 2: Is CNL entitled to a court order that would deny the Plaintiff the opportunity to address the Documents or request their production at discovery?

[24] CNL requests this court to order that the Documents are irrelevant and not discoverable in these proceedings. CNL argues that in requesting the Documents, the Plaintiff seeks to rely on them to lead similar act evidence and has not met the test set out in *R. v. Handy*, 2002 SCC 56, [2002] 2 S.C.R. 908, for the admissibility of similar act evidence, namely that the documents are

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relevant to an issue at trial and that the probative value outweighs the prejudicial effect. Furthermore, CNL argues that the Documents are not relevant to any issues in the Claim and, consequently, Plaintiff's counsel should not be entitled to question or discover the Documents.

[25] I find that it would be premature to issue a protective order.

[26] First, the Plaintiff is not seeking production of the Documents at this time. They have not brought a production motion. While the Plaintiff asserted that CNL's AOD is deficient, she has not moved for production of the Documents. She bears no burden on this motion.

[27] Second, it would be premature for the court to make a ruling on the admissibility of the Documents as similar act evidence when the Plaintiff is not putting forth such an argument. Neither CNL nor the court is in a position to presume that the Plaintiff's interest in the Documents is solely for the purpose of tendering similar act evidence at trial. As discussed further below, there may be other reasons why the Plaintiff deems all or portions of the Documents relevant to an issue in the Claim and not merely because it might highlight similar claims by others.

[28] Third, CNL seeks a protective order over the Documents pursuant to Rule 30.06(d). That provision states that where a court is satisfied that a relevant document has been omitted from a party's AOD or a claim of privilege has been improperly made over a document….(d) the court may inspect the document for the purpose of determining its relevance or the validity of the privilege claim. However, in this case, CNL is not seeking the court inspect the Documents and rule on its relevance because the Plaintiff has omitted to include it her AOD. On the contrary, CNL is the party in possession of the Documents and is seeking a pre-emptive protective order over them. Rule 30.06(d) does not apply in this context.

[29] Fourth, CNL relies on the case of *Meuwissen v. Perkin*, 2013 ONSC 2732, to argue that this court can rule on the relevance and discovery of documents prior to examinations for discovery. *Meuwissen* was a medical malpractice action involving the death of a child. The plaintiffs alleged that the defendant hospital and doctors had been negligent in other cases and sought discovery of medical and litigation records from other lawsuits involving the hospital and doctors. The court found that discovery of these records would violate the rule against admission

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of similar fact evidence, that the records were not relevant, and that their disclosure would violate the principle of proportionality. The court stated at para. 51:

> The order for production and all the medical reports, including expert reports as well as the transcripts of examinations for discovery in those similar fact cases stretches any reasonable understanding of proportionality. Even if the plaintiffs had been able to establish the relevancy of those documents, which I have already found they did not, and thus the Master erred in law in ordering their production, I find the issue of proportionality was not correctly analysed in relation to the productions she ordered. She correctly applied the principle in relation to the Hospital records but failed to apply the same analysis to the medical reports and the discovery transcripts.

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[30] The distinction from this case, however, is that in *Meuwissen*, the Plaintiff had specifically pled that the skill and competence of the doctor treating the mother and child had been challenged by former patients in the form of lawsuits and complaints that were "strikingly similar" to the claim raised in *Meuwissen:* at para. 7. Furthermore, the Statement of Claim contained a heading within the pleadings called "Prior Similar Facts": at para. 8. It was on this basis that the Plaintiff had sought pre-discovery production of all medical reports and transcripts of examination for discovery in all similar act cases brought against the same doctor. In this case, the Plaintiff has neither requested production of the Documents nor asserted that she seeks the Documents to argue that because others were discriminated against so was she. It is CNL that seeks a pre-emptive order and, accordingly, the onus is on them to justify the basis for such an order.

[31] CNL indicates it seeks a pre-emptive order to preclude questioning or discovery for efficiency reasons because it anticipates such an application will be made when CNL witnesses refuse to answer questions related to the Documents at discovery. However, until such time as the Plaintiff has formulated its questions and clearly articulated its purpose for questioning or production of the Documents, it would be unfair, if not speculative, for this court to make a pre-emptive order. Furthermore, until such time as it is known whether the Plaintiff seeks all or portions of the Documents, it is difficult for this Court to assess in advance the proportionality requirements governing examinations for discovery: Rule 29.2.03(1); see also *Kanani v. Economical Insurance*, 2020 ONSC 7201, at para. 11, citing *Blais v. Toronto Area Transit Operating Authority,* 2011 ONSC 1880, 105 O.R. (3d) 575, at paras. 11-15.

[32] Finally, even if I am incorrect and this court is entitled to make a pre-emptive order refusing questioning or production, I decline to exercise my discretion to do so because I find the Documents, provided to me for inspection, are relevant to the Claim. In determining relevance, I rely on the application of the relevance standard in civil cases set out by Justice Nadeau in *Economical Insurance*, at paras. 9, 10, and 13:

> [9] With respect to relevance in civil actions generally, the parties agree that the scope of discovery is defined by the pleadings, and that only those things that are relevant to the matters at issue are discoverable. I agree that the proper question is whether the pleadings in the particular case define the issues in such a way that the particular question is relevant.
>
> [10] For one fact to be relevant to another, there must be a connection or nexus between the two which makes it possible to infer the existence of one from the existence of the other. One fact is not relevant to another if it does not have real probative value with respect to the latter. Whether a fact is in issue will depend on the cause of action and relief claimed in a Statement of Claim or the defence raised in a Statement of Defence. In this sense, the pre-2010 analysis regarding the use of pleadings as the starting point for a party's disclosure obligation remains the same**. If a document or potential answer is relevant to a disputed fact that is material to either the [cause] of action, relief claimed or defence raised, the document should be produced and the answer given.** However, in some circumstances when the relevance of a document is not clearly apparent from the face of the pleadings, the Court may require the parties to adduce evidence in addition to the pleadings to demonstrate how or why the particular document is relevant as required by the amended version of Rules 30 and 31.
>
> …
>
> [13] It therefore seems abundantly clear that I must be wary, in assessing the case authorities over the years, **not to apply the overbroad and outdated semblance of relevancy test; the post-2010 analysis requires a narrower concept of relevance in production and discovery.** As previously indicated, at issue in these motions is the relevance of Economical's reserve information and documentation. **[Empasis added].**

[33] The subject matter of the action is a constructive wrongful dismissal resulting from gender discrimination and a toxic work environment. The Plaintiff alleges that she was marginalized in her role and that, over time, she spoke to other individuals who validated her experience because they were facing similar issues. One of the people she spoke to was the Ombudsperson who is alleged to have reported to her that there were systemic equity issues at the workplace. These issues

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were sufficient to cause the Ombudsperson to undertake a formal review of cultural diversity and gender equality at CNL. Furthermore, according to the Plaintiff, the Ombudsman reported to the Plaintiff that her findings were "harsh".

[34] The fact that the Plaintiff is not mentioned in the Ombudsman Report is not determinative of relevance. None of the names of the 55 CNL female employees interviewed is referenced in the report. Rather, the Ombudsman Report provides its findings on issues of gender discrimination and harassment, including in areas of recruitment, advancement, and compensation. It also addresses the ability of female employees to meaningfully address these issues with their employer. The findings and recommendations of the Ombudsman Report corroborate and lend credibility to the Plaintiff's allegation of discrimination and toxicity in the workplace. In this respect alone, I find the Ombudsman Report is relevant to the Claim.

[35] Furthermore, depending on if and when the Ombudsman Report was released to CNL senior management, it is relevant to the knowledge and conduct of senior management in responding to these systemic issues. This is significant because the Plaintiff alleges in her Claim that her complaints to senior management of marginalization, degrading treatment, and lack of advancement were not adequately considered, forcing her to resign in August 2023.

[36] For similar reasons, I find the DEI Survey to be relevant to the Claim. The DEI Survey addresses discrimination, recruitment, promotion, advancement, and compensation of CNL employees within the organization, whether employees have experienced discrimination or inequities in their employment, and their ability to address these issues with senior management. These same issues have been raised by the Plaintiff in her Claim, and the DEI Survey corroborates and/or lends credibility to the Plaintiff's allegations. The DEI Survey is also relevant to the issue of knowledge given that the DEI Survey addresses "next steps" that involve educating and training management in areas of discrimination, recruitment, promotion, advancement, and compensation for the purpose of ensuring an equitable work environment.

[37] For all these reasons, CNL's request for a protective order over the Documents is denied. The Plaintiff has referred to the Documents in her pleadings. While the burden in this motion is not hers, I find upon review of the Documents that they are relevant to the Claim. Consequently,

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Plaintiff's counsel should be able to cross-examine the witnesses on the Documents at discovery. Should the Plaintiff seek production and counsel refuse, it will be for CNL to clearly articulate why all, or portions, of the Documents are not relevant to any issue raised in the pleadings. That the content of the Documents suggests others have reported discrimination does not preclude its discoverability. On the contrary, the anonymity and lack of specificity of the complaints alleged by those surveyed in the Documents would make it difficult for the Plaintiff to rely on them for a similar act application as CNL fears it will do.

[38] Finally, even where documents are discoverable, their admissibility and use at trial is subject to evidentiary rules. CNL's concerns about hearsay, anonymity, staleness, and whether the probative value of the Documents is outweighed by any prejudicial effect can be further assessed should the Plaintiff seek to tender the Documents at trial and upon understanding for what purpose. Moreover, even if the Documents are admissible at trial, it will be up to the trial judge to determine what weight, if any, to give to the Documents.

[39] CNL's motion is dismissed.

Costs

[40] The Plaintiff Ms. Van Drunen is the successful party on this motion and presumptively entitled to costs. Costs should follow each step of the proceedings. The parties are encouraged to resolve the issue of costs and if unable to do so, they may forward brief written submissions not exceeding two pages exclusive of Bills of Costs. The Plaintiff shall file their submissions by March 17, 2026, and the Defendant shall file their submissions by March 24, 2026. Costs submissions are to be sent to scj.assistants@ontario.ca and to my attention.

Judge Somji

Released: March 3, 2026

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SUPERIOR COURT OF JUSTICE

BETWEEN:

Christina Van Drunen

Plaintiff
(Responding Party in Motion)

– and –

Canadian Nuclear Laboratories

Defendants
(Moving Party in Motion)

REASONS FOR DECISION

Judge Somji

Released: March 3, 2026