



Simcoe, Haliburton, Kawartha Lakes

Reply To: Erik Bornmann
Direct Dial: (705)326-6444, Ext. 59

April 5, 2013

VIA FAX AND EMAIL

Svetlana Danilova and Pavel Danilov
1490 Rankin Way
Innisfil, ON L9S 0C6

and

Robert L. Bigioni
HRG Graham Partners LLP
Barristers and Solicitors
107 – 190 Cundles Road East
Barrie, ON L4N 4S5

Dear Sirs/Madam:

Re: Nikityuk et al ats Danilova et al (Court File # 12 0545SR)

Please find enclosed our client's Affidavit of Documents, served upon you pursuant to the *Rules* and the February 19, 2013 order of Madame Justice Eberhard.

Regards,

COMMUNITY LEGAL CLINIC SIMCOE, HALIBURTON, KAWARTHA LAKES

Per: 

Erik Bornmann
Staff Lawyer

EB/lj
Enclosures

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

SVETLANA DANILOVA AND PAVEL DANILOV

Plaintiffs

-and-

**ALLA NIKITYUK, VALENTIN NIKITYUK, YANA SKYBIN, YOUNG MENS CHRISTIAN
ASSOCIATION operating as YMCA SIMCOE/MUSKOKA AND YMCA SIMCOE/MUSKOKA
NEWCOMER SERVICES**

Defendants

AFFIDAVIT OF DOCUMENTS

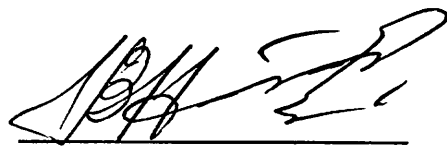
I, Valentin Nikityuk, of the City of Barrie, in the County of Simcoe, the defendant in this action,
MAKE OATH AND SAY:

1. I have conducted a diligent search of my records and have made appropriate enquiries of others to inform myself in order to make this affidavit. This affidavit discloses, to the full extent of my knowledge, information and belief, all documents relating to any matter in issue in this action that are or have been in my possession, control or power.
2. I have listed in Schedule A those documents that are in my possession, control or power and that I do not object to producing for inspection.
3. I have listed in Schedule B those documents that are or were in my possession, control or power and that I object to producing because I claim they are privileged, and I have stated in Schedule B the grounds for each such claim.

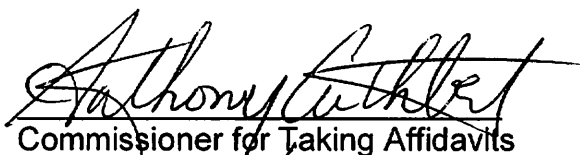
4. I have listed in Schedule C those documents that were formerly in my possession, control or power but are no longer in my possession, control or power, and I have stated in Schedule C when and how I lost possession or control of or power over them and their present location.

5. I have never had in my possession, control or power any document relating to any matter in issue in this action other than those listed in Schedules A, B and C.

SWORN BEFORE ME at the City of)
 Orillia, this 5th day of April, 2013)
 through the interpretation of MARINA)
GOLOVANEVSKY, a person fluent in the)
 Russian and English languages, the)
 said VALENTIN NIKITYUK, having)
 sworn that he had truly, distinctly and)
 audibly interpreted the contents of)
 this document to the deponent, and)
 that MARINA GOLOVANEVSKY did truly)
 and faithfully interpret to the said)
 deponent the oath about to be)
 administered to them.)



VALENTIN NIKITYUK



Commissioner for Taking Affidavits

ANTHONY CHAMBERLAIN
 BARRISTER AND SOLICITOR

MARINA GOLOVANEVSKY
 Interpreter Name

LAWYER'S CERTIFICATE

I CERTIFY that I have explained to the deponent,

- (a) the necessity of making full disclosure of all documents relating to any matter in issue in the action;
- (b) what kinds of documents are likely to be relevant to the allegations made in the pleadings; and
- (c) if the action is brought under the simplified procedure, the necessity of providing the list required under rule 76.03.

April 4, 2013

A handwritten signature in black ink, appearing to read 'Erik Borrmann', is written over a horizontal line. The signature is fluid and cursive.

Erik Borrmann

Lawyer for the Defendants, Alla
Nikityuk and Valintin Nikityuk

Schedule A

Documents in my possession, control or power that I do not object to producing for inspection.

Tab	Date	Description of Document
1.	2002	Handwritten note (in Russian)
2.	October 27, 2004	Sponsorship Agreement
3.	December 17, 2004	Property ownership document (in Russian)
4.	August 15, 2008	Charge/Mortgage: 1490 Rankin Way, Innisfil
5.	March 14, 2011	2010 Income Tax Return Information – Regular: issued by Canada Revenue Agency regarding Alla Nikityuk and Valentin Nikityuk.
6.	October 4, 2011	Correspondence: from YMCA Simcoe/Muskoka ("YMCA") to the Community Legal Clinic-Simcoe, Haliburton, Kawartha Lakes ("the Clinic")
7.	October 14, 2011	Correspondence: from YMCA to the Clinic
8.	October 19, 2011	Continuing Powers of Attorney for Property and Powers of Attorney for Personal Care for Valentin Nikityuk and Alla Nikityuk
9.	October 24, 2011	Correspondence: between the Clinic to YMCA
10.	October 25, 2011	Correspondence: between YMCA to the Clinic
11.	November 2, 2011	Client Report to OW
12.	November 2, 2011	Correspondence: from the Clinic to Equifax
13.	November 8, 2011	Correspondence: from County of Simcoe Social Services to Valentin Nikityuk
14.	November 21, 2011	Correspondence: from the Clinic to YMCA
15.	November 24, 2011	Correspondence: from County of Simcoe Social Services to Valentin Nikityuk
16.	November 25, 2011	Correspondence: from County of Simcoe Social Services to Valentin Nikityuk
17.	November 29, 2011	Correspondence: from County of Simcoe Social Services to Valentin Nikityuk

18.	December 16, 2011	<p>Correspondence: from YMCA to the Clinic</p> <ul style="list-style-type: none"> • Undated Request for Internal Review to County of Simcoe Social Services • December 19, 2011 Correspondence: from Valentin and Alla Nikityuk to County of Simcoe Social Services • December 13, 2011 Correspondence: from YMCA to "To Whom This May Concern" re Alla Nikityuk • December 13, 2011 Correspondence: from YMCA to "To Whom This May Concern" re Valentin Nikityuk • December 13, 2011 Correspondence: between TD Investment Services and YMCA • October 17, 2011 Scotiabank Powerchequing account summary • November 17, 2011 Scotiabank Powerchequing account summary • December 10, 2011 Back Items Inquiry • December 7, 2011 Scotiabank Returned Item Advice (Advice Number: 2595) with returned item • December 7, 2011 Scotiabank Returned Item Advice (Advice Number: 2596) with returned item • November 21, 2011 Correspondence: from the Clinic to YMCA with enclosures • December 6, 2011 Scotiabank Incoming Payment/Transfer • December 12, 2011 Correspondence: from SupportLink Program to "To Whom It May Concern" • December 5, 2011 Legal Aid Ontario Confirmation of Legal Aid Eligibility • December 15, 2011 Correspondence: from Wall-Armstrong & Green to Svetlana Danilova
-----	-------------------	---

19.	December 20, 2011	<p>Correspondence: from YMCA to the Clinic with enclosure:</p> <ul style="list-style-type: none"> • December 15, 2011 Correspondence: from Svetlana Danilova to YMCA
20.	December 22, 2011	<p>Correspondence: from the Clinic to Social Benefits Tribunal with enclosure</p> <ul style="list-style-type: none"> • December 22, 2011 Appeal Form • November 8, 2011 Correspondence: from County of Simcoe Social Services to Valentin Nikityuk • November 24, 2011 Correspondence: from County of Simcoe Social Services to Valentin Nikityuk • November 25, 2011 Correspondence: from County of Simcoe Social Services to Valentin Nikityuk • November 29, 2011 Correspondence: from County of Simcoe Social Services to Valentin Nikityuk • December 20, 2011 Correspondence: from YMCA to County of Simcoe Social Services • December 13, 2011 Correspondence: from YMCA to "To Whom This May Concern" re Alla Nikityuk • December 13, 2011 Correspondence: from YMCA to "To Whom This May Concern" re Valentin Nikityuk • December 13, 2011 Correspondence: from Mike Grube to YMCA • October 4, 2011 – October 17, 2011 Scotiabank Bank Statement (Account # 85092 03966 80) for Valentin Nikityuk and Alla Nikityuk • October 18, 2011 – November 17, 2011 Scotiabank Bank Statement (Account # 85092 03966 80) for Valentin Nikityuk and Alla Nikityuk • November 18, 2011 – December 10, 2011 Back Items Inquiry

		<ul style="list-style-type: none"> • December 7, 2011 Scotiabank Returned Item Advice for Valentin Nikityuk and Alla Nikityuk with returned item • December 7, 2011 Scotiabank Returned Item Advice for Valentin Nikityuk and Alla Nikityuk with returned item • November 21, 2011 Correspondence: from the Clinic to YMCA • November 14, 2011 Correspondence: from Equifax to the Clinic with attached credit files for Alla Nikityuk and Valentin Nikityuk • December 6, 2011 Scotiabank Incoming Payment/Transfer Form • December 12, 2011 Correspondence: Correspondence: from SupportLink Program to "To Whom It May Concern" • December 20, 2011 Correspondence: from YMCA to "To Whom It May Concern" • December 5, 2011 Confirmation of Legal Aid Eligibility Form from Legal Aid Ontario for Valentin Nikityuk • December 15, 2011 Correspondence: from Wall-Armstrong Green to Svetlana Danilova • December 16, 2011 Authorization and Direction, signed by Alla Nikityuk and Valentin Nikityuk to Social Benefits Tribunal • December 22, 2011 Fascimile Confirmation Sheet
21.	December 23, 2011	Correspondence: from Svetlana Danilova to Wall-Armstrong & Green
22.	January 13, 2012	<p>Correspondence: from YMCA to the Clinic</p> <ul style="list-style-type: none"> • December 20, 2011 Correspondence: from County of Simcoe Social Services to Valentin Nikityuk • January 10, 2012 CIBC Transaction Record • October 26, 2011 Correspondence: from Svetlana Danilova to YMCA Canada • December 15, 2011 Correspondence: from Svetlana Danilova to YMCA Simcoe/Muskoka

		<ul style="list-style-type: none"> • December 23, 2011 Correspondence: from Svetlana Danilova to Wall-Armstrong & Green • October 27, 2004 Sponsorship Agreement • January 6, 2012 Correspondence: from Svetlana Danilova to Building Management, Ovenden Place Apts.
23.	January 20, 2012	<p>Correspondence: from YMCA to the Clinic</p> <ul style="list-style-type: none"> • January 17, 2012 Correspondence: from Alla and Valentin Nikityuk to CPC Mississauga
24.	January 27, 2012	<p>Correspondence: from YMCA to the Clinic</p> <ul style="list-style-type: none"> • January 19, 2012 Correspondence: from County of Simcoe Social Services to Social Benefits Tribunal • January 18, 2012 Correspondence from: Svetlana Danilova and Pavel Danilov to Ontario Works Main Administration • January 17, 2012 CIBC Bank Statement (Account # 63-14937) • 3 January 27, 2011 (<i>sic</i>) Authorization and Direction, signed by Alla Nikityuk and Valentin Nikityuk to Ontario Works
25.	February 23, 2012	<p>Submission to Social Benefits Tribunal made on behalf of the Administrator of Ontario Works</p> <ul style="list-style-type: none"> • Appendix A: December 22, 2011 Request for Internal Review • Appendix B: January 11, 2012 Disposition of Internal Reviews • Appendix C: January 11, 2012 Internal Review Decision • Appendix D: January 20, 2012 Request for Internal Review • Appendix E: January 25, 2012 Internal Review Decision • Appendix F: October 25, 2011 Application for Assistance, Form 1 • Appendix G: October 25, 2011 Rights and Responsibilities Form

		<ul style="list-style-type: none"> • Appendix H: October 25, 2011 Declaration of Income Form • Appendix I: November 11, 2011 Letter from Sponsor • Appendix J: Banking information collected by ERO (Fraud) • Appendix K: December 15, 2011 Letter from Sponsor • Appendix L: December 29, 2011 Letter from Sponsor • Appendix M: October 27, 2004 Sponsorship Agreement • Appendix N: October 17, 2011 Appellants' Banking Information • Appendix O: January 17, 2012 Letter from Sponsor • Appendix P: January 18, 2012 Letter from Sponsor • Appendix Q: January 24, 2012 Letter from Sponsor • Appendix R: Case Narrative Notes
26.	March 1, 2012	2011 Notice of Assessment: issued by Canada Revenue Agency regarding Valentin Nikityuk and Alla Nikityuk
27.	April 11, 2012	Scotiabank Incoming Payment/Transfer Form
28.	April 13, 2012	<p>Correspondence: from YMCA to the Clinic</p> <ul style="list-style-type: none"> • Assorted police reports • CIBC Bank Statements (Account # 63-14937) • December 20, 2011 Opening Date of Advantage Card for Valentin Nikityuk • October 19, 2011 Continuing Powers of Attorney for Property and Powers of Attorney for Personal Care for Valentin Nikityuk and Alla Nikityuk

29.	April 13, 2012	<p>Correspondence: from YMCA to the Clinic</p> <ul style="list-style-type: none"> • April 13, 2012 Correspondence: from Women & Children's Shelter of Barrie to whom it may concern • April 13, 2012 Correspondence: from Yulia Malysheva to "To whom it may concern"
30.	May 1, 2012	<p>Correspondence: from YMCA to the Clinic</p> <ul style="list-style-type: none"> • April 12, 2012 Correspondence from Svetlana Danilova and Pavel Danilov to County of Simcoe Social Services • CIBC Bank Statements (Account #63-14937)
31.	May 4, 2012	TD Waterhouse Account Statements for Alla Nikityuk, from October 1, 2009 to October 31, 2011
32.	May 4, 2012	TD Waterhouse Account Statements for Valentin Nikityuk, from October 1, 2009 to October 31, 2011
33.	May 4, 2012	<p>Correspondence: from YMCA to the Clinic</p> <ul style="list-style-type: none"> • TD Waterhouse Tax Free Savings Account Application (Account # 81R108J) for Alla Nikityuk • TD Waterhouse Tax Free Savings Account Application (Account # 81R126J) for Valentin Nikityuk • December 5, 2011 Internal correspondence of TD Wealth Management • April 27, 2012 Correspondence: from Legal Aid Ontario to Valentin Nikityuk • April 12, 2012 Correspondence: from Legal Aid Ontario to Valentin Nikityuk
34.	May 9, 2012	<p>Correspondence: from YMCA to the Clinic</p> <ul style="list-style-type: none"> • April 30, 2012 <i>Danilova et al v. Nikityuk et al</i> Statement of Claim
35.	May 9, 2012	<p>Correspondence: from Fernandes Paralegal Services to the Clinic</p> <ul style="list-style-type: none"> • April 12, 2012 Correspondence: from Svetlana Danilova to County of Simcoe Social Services

		<ul style="list-style-type: none"> • CIBC Bank Account Statement for March 1, 2012 to March 31, 2012 • April 23, 2012 Correspondence: from Fernandes Paralegal Services to NLC Lawyers • March 1, 2012 Correspondence: to Alla Nikityuk and Valentin Nikityuk • December 20, 2011 Opening Date of Advantage Card for Valentin Nikityuk • Online Banking Past Transactions, from April 9, 2011 to April 14, 2012 • Unidentified document in Russian • Investment Income: Alla & Valentin Nikityuk 2011:2 • March 1, 2012 Correspondence: from Fernandes Paralegal Services to NLC Lawyers
36.	May 9, 2012	Correspondence: from YMCA to the Clinic enclosing April 30, 2012 <i>Danilova et al v. Nikityuk et al</i> Statement of Claim
37.	May 9, 2012	Correspondence: from County of Simcoe Office of the Warden to the Clinic
38.	May 11, 2012	<p>Correspondence: from the Clinic to Ontario Works</p> <ul style="list-style-type: none"> • March 1, 2011 CRA Notice of Assessment for Alla and Valentin Nikityuk • January 17, 2012 Correspondence: from Alla and Valentin Nikityuk to CPC • October 22, 2011 Barrie Police Service General Occurrence Report • October 24, 2011 South Simcoe Police Service Occurrence Report • April 13, 2012 Correspondence: from Women & Children's Shelter of Barrie to whom it may concern

		<ul style="list-style-type: none"> • April 13, 2012 Correspondence: from Yulia Malysheva to whom it may concern • October 19, 2011 Continuing Powers of Attorney for Property and Powers of Attorney for Personal Care for Valentin Nikityuk and Alla Nikityuk • October 1, 2009 to October 31, 2011TD Waterhouse Account Statements for Alla and Valentin Nikityuk • May 7, 2012 <i>Danilova et al v. Nikityuk et al</i> Statement of Claim
39.	May 15, 2012	Correspondence: from the Clinic to Social Benefits Tribunal enclosing caselaw
40.	None	This tab was intentionally left blank
41.	May 31, 2012	January 27, 2008 Correspondence: from Pavel Danilov to Alla and Valentin Nikityuk in Russian and translated into English
42.	June 8, 2012	Correspondence: from the Clinic to County of Simcoe Social Services
43.	June 13, 2012	Correspondence: from County of Simcoe Social Services to the Clinic
44.	October 11, 2012	Correspondence: from the NLC Lawyers to the Clinic enclosing proposed Amended Statement of Claim
45.	November 27, 2012	Scotiabank Incoming Payment/Transfer Form
46.	January 30, 2013	Correspondence: from the Clinic to Pavel Danilov and Svetlana Danilova
47.	February 9, 2013	Correspondence: from Pavel Danilov to the Clinic
48.	February 14, 2013	Parcel Register for 1490 Rankin Way, Innisfil
49.	February 15, 2013	Correspondence: from Pavel Danilov to the Clinic enclosing amended Notice of Examination
50.	February 19, 2013	Certificate of Pending Litigation for 1490 Rankin Way, Innisfil

51.	March 16, 2013	Correspondence: from Pavel Danilov to the Clinic
52.	March 21, 2013	Correspondence: from YMCA to the Clinic, enclosing documents described in the correspondence
53.	November 13, 2011	Consent to YMCA to release of information about Alla and Valentin Nikityuk to the Clinic

Schedule B

Documents that are or were in my possession, control or power that I object to producing on the grounds of privilege.

All confidential communications passing between the plaintiff, or an expert retained on behalf of the plaintiff, and the plaintiff's solicitors, where the communications were made in the course of the obtaining or providing of legal advice, and the solicitors were acting in a professional capacity as solicitors.

Schedule C

Documents that were formerly in my possession, control or power but are no longer in my possession, control or power.

Description of Document	Status
<ul style="list-style-type: none">• Russian Banking records for Valentin and Alla Nikityuk for the years 2008-2011	New copies of the documents are being requested and will be produced for inspection once in my possession, control or power.
<ul style="list-style-type: none">• Wire transfer receipts for funds transferred by Valentin Nikityuk to Svetlana Danilova and/or Pavel Danilov in 2008	New copies of the documents are being requested and will be produced for inspection once in my possession, control or power.

DANILOVA et al

-and- NIKITYUK et al

Court File No.

12-0545-SR

Plaintiffs

Defendants

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Barrie

AFFIDAVIT OF DOCUMENTS

**COMMUNITY LEGAL CLINIC
Simcoe, Haliburton, Kawartha Lakes
71 Colborne Street East, P.O. Box 275
Orillia, ON L3V 6J6**

**Lisa Loader LSUC# 35558K
Erik Bornmann LSUC# 60940U**

Tel: 705-326 6444
Fax: 705-326-9757

Lawyers for the Defendants,
Alla Nikityik and Valentin Nikityik