

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

ROBERT HUNT

Plaintiff

- and -

UNITED PARCEL SERVICE CANADA LTD.

Defendant

Proceeding under the *Class Proceedings Act, 1992*

REPLY

1. Except as expressly admitted in the Statement of Claim or herein, the plaintiff denies each and every allegation contained in the Statement of Defence. The plaintiff continues to rely upon each and every allegation made in the Statement of Claim.¹

2. With respect to paragraphs 7 and 35 of the Statement of Defence, the payments under the MIP constitute wages for purposes of the *CLC*.

3. With respect to paragraphs 8 and 39 of the Statement of Defence, the defendant has not provided a greater right or benefit to the plaintiff or any of the other Class Members. No individual analysis is required.

4. With respect to paragraphs 10, 28, 40, and 54-59 of the Statement of Defence, this proceeding was commenced within the applicable limitation period. Among other things,

¹ Capitalized words have the meanings provided in the Statement of Claim.

the plaintiff and other class members plead and rely upon s. 188 of the *CLC* and the doctrine of discoverability. Further, a rolling limitation period applies to the claims raised in this proceeding.

5. With respect to paragraphs 22-23 of the Statement of Defence, whether or not the defendant paid the plaintiff and other class members their salaries on statutory holidays and/or whether or not they have received personal time off is irrelevant to whether the defendant has satisfied its obligation to provide statutory holiday pay in respect of payments under the SIP and MIP.

6. With respect to paragraph 36 of the Statement of Defence, there is no implied term in the plaintiff's and other class members' employment contracts that payments under the MIP are inclusive of vacation pay and statutory holiday pay. Among other things, such a term is not necessary to give effect to the employment contract, and the defendant has never suggested to the plaintiff and other class members that payments under the MIP are inclusive of such entitlements.

June 12, 2026

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Lawyers for the Defendant

ROBERT HUNT
Plaintiff

-and- **UNITED PARCEL SERVICE CANADA LTD.**
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PROCEEDING COMMENCED AT
TORONTO

REPLY

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