

AFFIDAVIT OF FRANK HORGAN

I, FRANK HORGAN, of the city of Toronto, in the Province of Ontario **MAKE OATH AND SAY:**

1. I am the owner and operator of Amico's Pizza Restaurant, located at 1648 Queen St. West, Toronto, ("Amico's") and as such have knowledge of the matters to which I herein relate.
2. On Sunday June 7th, a Customer in the restaurant, made an inappropriate racial slur while watching the news. This was a Customer who had been coming to the restaurant for years and I had become friends with him, just as I have with literally hundreds of my regular customers. I grew up in Parkdale and love my neighbourhood.
3. Mr. Tyler Daniel, who was on his 3rd shift, in training, was in the kitchen cooking and overheard that Customer making these racial comments. He was offended and insulted by them, and he had every right to be upset.
4. I was not in the restaurant at the time of the incident. Had I been there and heard the comment I would have told the Customer that these comments are unacceptable in my restaurant and would have asked him to apologize immediately.
5. I was advised by my wife, Susan Horgan ("Susan") that she was close enough to hear the racial slur and was totally dumbfounded.
6. After the Customer made his comment, my wife did ask Tyler to make sure the Customer's pizza was made with a thin crust. The order for said

pizza was already in the line to be made. At that time Susan did not know that Tyler had heard the racial comment and was upset by it.

7. After that Customer left the restaurant another customer waiting for his order told my wife how angry he was with the first Customer and that Tyler had heard the comment and was angry as well. I am advised by my wife that she immediately went into the kitchen and apologized to Tyler for the first Customer's comments.
8. After I returned to the store, Tyler, at the end of the shift, told me about the incident. Honestly I didn't know what to do about it other than apologize to Tyler over and over again. I have now had some HR training on how to handle such an incident.
9. After talking to Tyler and apologizing to him I told him "I wouldn't need him tomorrow." The next day was a Monday, which is one of our slowest days, so Tyler was not needed on that day. I didn't fire Tyler, and, in fact, he was scheduled to come in again on Thursday as we were training him to be a cook.
10. On Wednesday, June 10th, Tyler (although not scheduled to work) dropped in to talk to me. He appeared upset, but after our conversation ended, and with my repeated apologies, it seemed like Tyler was satisfied. Immediately after our talk we texted each other a few times and his text at 5:27 p.m. confirms that he accepted my apologies and he graciously agreed to move forward productively. I expected Tyler to come in to work the next day (Thursday) for his scheduled shift.
11. On Thursday I heard from the first Customer. He called to apologize to Tyler and to me. He said he wanted to apologize to Tyler in person as well. Tyler did not come in to work on Thursday. I assumed he was still upset and needed more time before returning to work.

