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[2] On June 3, 2008, the Detroit head office of General Motors (GM Corp) announced four plant closures, including the 2009 closure of the Oshawa truck assembly plant. The CAW was incensed for many reasons, not the least of which was the loss of 2,600 jobs at the plant and the tremendous spin-off effect that loss will have on related and/or dependent businesses and all of the families involved. The CAW immediately began taking steps to address its concerns.

[3] The CAW's first step was taken on June 4, 2008 when they blockaded GM Canada's office headquarters in Oshawa. The blockade has continued since then and remained in place as of the date of this hearing. Since it started, the blockade has prevented almost all of the GM Canada's 900 head office employees from entering the building, their place of work.

[4] Additionally, on June 7, 2008, members of the CAW participated in a motorcade in the area of the Oshawa truck assembly plant. GM Canada alleged that the motorcade blocked supply gates, resulting in a 45 minute production stoppage at the truck plant and a car assembly plant.

[5] The blockade and the motorcade led to GM Canada bringing this action and motion. GM Canada has requested an interim injunction and other relief to end the blockade and prohibit future conduct that GM Canada submitted to be illegal.

The Legal Issues

[6] During argument, counsel narrowed the legal issues. The remaining legal issues that must be decided are whether:

- a) GM Canada comes to court with clean hands;
- b) GM Canada will suffer irreparable harm; and
- c) the balance of convenience favours granting the injunction and/or other requested relief.

The "Clean Hands" Issue

[7] A party who requests equitable relief should come to court with "clean hands." The oft-used maxim states, "he who comes to equity must come with clean hands." This means that the court may exercise its discretion not to grant an equitable remedy where the plaintiff has participated in a dishonest or fraudulent act, leading to the necessity of the remedy. As I.C.F. Spry states in *The Principles of Equitable Remedies*,

The discretionary considerations that are taken into account by courts with equitable jurisdiction include not only matters touching the nature of the right to be enforced and the general effects of the grant or refusal of relief, [...] but also matters that touch the propriety of the plaintiff, in view of his prior conduct, in approaching the court for the particular relief that he seeks.