

*ONTARIO*  
SUPERIOR COURT OF JUSTICE

THE HONOURABLE JUSTICE CULLITY ) WEDNESDAY, THE 2<sup>ND</sup>  
)  
) DAY OF APRIL, 2008

BETWEEN:

KATHRYN ANNE TAYLOR

Plaintiff

- and -

THE ATTORNEY GENERAL FOR CANADA

Defendant

- and -

UNIVERSITY HEALTH NETWORK  
(formerly Toronto General Hospital)  
and DR. W. DOBROVOLSKY

Third Parties

**ORDER**

THIS MOTION, made by the Plaintiff for an Order granting leave to amend the Statement of Claim and Reply herein to accord with this Honourable Court's Reasons on Certification as to several liability; an Order requiring that any Claim by the Defendant against the Third Parties be asserted, if at all, in a separate proceeding to be conducted independently of this action; in the alternative, an Order staying the Third Party Proceedings until the disposition of the main action; an Order approving the Litigation Plan, Notice to the Class, and Notice Program; and an Order with respect to the payment of the Notice Program,

AND THIS MOTION, made by the Attorney General for Canada, for an Order striking paragraphs from the Plaintiff's Fresh as Amended Statement of Claim and Fresh as Amended Reply,

were heard on April 1<sup>st</sup> and 2<sup>nd</sup>, 2008, at 361 University Avenue, Toronto, Ontario, in the presence of counsel for the Plaintiff and Defendant,

**ON READING** the Motion Record, Factum, and Book of Authorities of the Plaintiff all dated 20 March 2008; the Factum and the Book of Authorities of the Attorney General of Canada both dated 28 March 2008 for use at the Plaintiff's motion; the Motion Record, Memorandum of Fact and Law, and Book of Authorities of the Attorney General of Canada dated 13 and/or 14 March 2008, the Responding Motion Record, Factum, and Book of Authorities of the Plaintiff all dated 20 March 2008 for use at the Defendant's motion filed herein,

**ON HEARING** the submissions of counsel aforesaid,

And from Reasons released April 1<sup>st</sup> and 2<sup>nd</sup>, 2008,


1. **THIS COURT ORDERS** that leave is granted to the Plaintiff to file the Further Fresh as Amended Statement of Claim and Further Fresh as Amended Reply, attached hereto as Schedules A and B, respectively;
2. **THIS COURT ORDERS** that the new Litigation Plan proposed by the Plaintiff and attached as Schedule C is approved subject to changes made at the hearing on April 1, 2008 with adjustments to be made for steps to be taken, or completed, as the parties may agree or, failing agreement, as may be determined at case conferences;
3. **THIS COURT ORDERS** that in view of the Order made striking the Attorney General's Third Party Claims, the relief requesting an Order requiring that any Claim by the Defendant against the Third Parties be asserted, if at all, in a separate proceeding to be conducted independently of this action and in the alternative, an Order staying the Third Party Proceedings until the disposition of the main action are moot;

4. **THIS COURT ORDERS** that the Defendant's motion to strike paragraphs from the Plaintiff's Fresh as Amended Statement of Claim and Fresh as Amended Reply is dismissed;
5. **THIS COURT ORDERS** that the English and French versions of the Notice proposed by the Plaintiff are approved and attached as Schedules D and E, respectively;
6. **THIS COURT ORDERS** that the Crown shall pay an amount not to exceed \$200,000 to Legge & Legge, in Trust, to be used towards the court approved Notice Program;
7. **THIS COURT ORDERS** that the Plaintiff will reimburse the Defendant for any portion described in paragraph 6 of this Order which was unused for the Notice Program; and
8. **THIS COURT ORDERS** that the costs of this motion are to be fixed following receipt of written submissions.

ENTERED AT / INSCRIT À TORONTO  
ON / BOOK NO.  
LE / DANS LE REGISTRE NO.

OCT 21 2008

AS DOCUMENT NO.:  
À TITRE DE DOCUMENT NO.:  
PER / PAR:

  
Justice  
Superior Court of Justice