

SUPERIOR COURT OF JUSTICE

THE HONOURABLE MR. JUSTICE WINKLER )  
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Tuesday, the 3rd day of  
October, 2000



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Woods Smith  
Logan HMO  
Made 22 2001

JUDITH LOGAN

Plaintiff

and

HER MAJESTY THE QUEEN IN RIGHT OF CANADA  
as represented by the MINISTER OF HEALTH,  
THE ATTORNEY GENERAL FOR CANADA,  
REGULATORY INSTITUTION 1, REGULATORY INSTITUTION 2,  
JOHN DOE and JANE ROE

Defendants

ORDER

THIS MOTION, made by Defendants, Her Majesty the Queen in Right of Canada in Right of the Minister of Health and the Attorney General for Canada, to strike portions of the plaintiff's certification motion record, was heard the 2<sup>nd</sup> and 3<sup>rd</sup> days of October, 2000 at 361 University Avenue, Toronto, Ontario.

ON READING the Notice of Motion, Motion Record, Supplementary Motion Record and Factum filed by the Defendants, Her Majesty the Queen in Right of Canada and the Attorney General for Canada, and the Certification Motion Record, Responding Materials and Factum filed

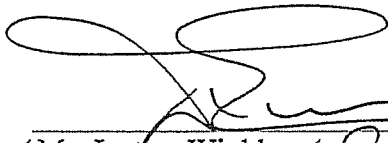


by the Plaintiffs, and on hearing the submissions of counsel for Defendants, Her Majesty the Queen in Right of Canada and the Attorney General for Canada and counsel for the Plaintiffs,

1. **THIS COURT ORDERS** that the videotape of a June 1994 surgery, having been withdrawn by the Plaintiff of its own motion, does not form part of the Certification Motion Record of the Plaintiff.
2. **THIS COURT ORDERS** that the excerpt from the 1996-97 Annual Report of the Information Commissioner for Canada, having been withdrawn by the Plaintiff of its own motion, without prejudice to her right to proffer it at a later stage of the proceedings if a factual foundation is established, and subject to objection by the Defendants and rulings of this Court, does not form part of the Certification Motion Record of the Plaintiff.
3. **THIS COURT ORDERS** that the report of Dr. Charles Olivieri-Munroe, dated February 7, 2000, attached to the affidavit of Judith Logan be struck from the Plaintiff's Certification Motion Record, with leave to file the said report in affidavit form in accordance with the *Rules of Civil Procedure* within 20 days hereof and with an undertaking by the Plaintiff to make the deponent available for cross-examination by the Defendants.
4. **THIS COURT ORDERS** that the report of Dr. R. Pilliar, dated May 4, 2000, be struck from the Plaintiff's Certification Motion Record, with leave to file the said report in affidavit form in accordance with the *Rules of Civil Procedure* within 20 days hereof and with an undertaking by the Plaintiff to make the deponent available for cross-examination by the Defendants.
5. **THIS COURT ORDERS** that the United States House of Representatives Sub-Committee Report, dated June 4, 1992 entitled *Are FDA and NIH ignoring the Danger of TMJ (Jaw) Implants?*, be struck from the Plaintiff's Certification Motion Record.

6. THIS COURT ORDERS that:


- a) an amended Notice of Motion to add further materials to the Certification Motion Record pursuant to Rule 30.1.01(8) of the *Rules of Civil Procedure* be filed by the Plaintiff on or before the 10<sup>th</sup> day of October, 2000;
- b) that any responding materials by the Defendants be filed on or before the 17<sup>th</sup> day of October, 2000;
- c) that the Plaintiff's Factum be filed on or before the 31<sup>st</sup> day of October, 2000;
- d) that the Defendants' Factum be filed on or before the 14<sup>th</sup> day of November, 2000; and
- e) that a date for hearing the said motion be scheduled thereafter.

7. THIS COURT ORDERS that no costs be paid.

  
 Mr. Justice Winkler,  Registrar.

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

MAR 15 2001

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

JUDITH LOGAN

AND

HER MAJESTY THE QUEEN IN RIGHT OF CANADA AS  
REPRESENTED BY THE MINISTER OF HEALTH ET. AL

Plaintiff

Defendants

*(Short title of proceeding)*

**SUPERIOR COURT OF JUSTICE**

Proceeding Commenced at  
Toronto

**ORDER**

Paul J. Evraire, Q.C.  
Department of Justice  
Ontario Regional Office  
The Exchange Tower, 130 King Street West  
Suite 3400, Box 36, Toronto, Ontario  
M5X 1K6

Per: Christopher A. Amerasinghe, Q.C.  
[LSUC # 15521T]  
James Gray [LSUC # 15621J]  
Sadian Campbell [LSUC # 35800T]

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Our File: ORO.2-453883

Solicitors for the Defendants