

Court File No: 99-CV-181819-CPA

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

KEVAN DRADY and KATHRYN ANNE TAYLOR

Plaintiffs

- and -

HER MAJESTY THE QUEEN IN RIGHT OF CANADA
as represented by the MINISTER OF HEALTH,
THE ATTORNEY GENERAL FOR CANADA

Defendants

- and -

BAXTER HEALTHCARE CORPORATION,
BAXTER INTERNATIONAL INC., INAMED CORPORATION,
TMJ IMPLANTS INCORPORATED, DOW CORNING CORPORATION,
MEDTRONIC XOMED SURGICAL PRODUCTS INCORPORATED,
SMITH MEDICAL CANADA INCORPORATED,
BRISTOL MYERS SQUIBB COMPANY,
RELIGIOUS HOSPITALLERS OF SAINT JOSEPH OF THE HOTEL DIEU OF KINGSTON,
MOUNT SINAI HOSPITAL,
UNIVERSITY HEALTH NETWORK (FORMERLY TORONTO GENERAL HOSPITAL),
DR. A.K. WYLLIE, DR. GERALD BAKER and DR. W. DOBROVOLSKY

Third Parties

Proceeding under the *Class Proceedings Act, 1992*

NOTICE OF INTENT TO DEFEND

The third party, Bristol-Myers Squibb Company, intends to defend this action.

Date: December 17, 2004

FASKEN MARTINEAU DuMOULIN LLP
Barristers and Solicitors
66 Wellington Street West
Suite 4200, Toronto Dominion Bank Tower
Box 20, Toronto-Dominion Centre
Toronto, Ontario, Canada
M5K 1N6

Jeffrey S. Leon (LSUC #18855L)
Laura F. Cooper (LSUC #35426A)
Tel: 416 366 8381
Fax: 416 364 7813
Solicitors for the third party, Bristol-Myers Squibb
Company

TO: LEGGE & LEGGE
Barristers and Solicitors
65 St. Clair Ave. E.
Suite 800
Toronto, Ontario M4T 2Y3

John B.J. Legge
Tel: 416 923 1776
Fax: 416 925 5344

Solicitors for the plaintiffs

AND TO: DEPARTMENT OF JUSTICE
Ontario Regional Office
The Exchange Tower
130 King Street West
Suite 3400, Box 36
Toronto, Ontario M5X 1K6

Christopher A. Amerasinghe (LSUC #15521T)
Tel: 416 973 2271
Fax: 416 973 3004

Solicitors for the defendant, The Attorney General of Canada

AND TO: LERNERS LLP
Barristers & Solicitors
2400-130 Adelaide Street West
Toronto, Ontario
M5H 3P5

James Newland
Tel: 416 867 3076
Fax: 416 867 9192

Solicitors for the Ontario Health Insurance Plan

AND TO: STOCKWOODS LLP

Barristers
The Sun Life Tower
150 King Street West
Suite 2512
Toronto, Ontario
M5H 1J9

Donna E. Campbell LSUC #26116R

Tel: 416 593 2490

Fax: 416 593 9345

Solicitors for the third party, Inamed Corporation

AND TO: PALIARE ROLAND ROSENBERG ROTHSTEIN LLP

Barristers
Suite 501
250 University Avenue
Toronto, Ontario
M5H 3E5

Chris G. Paliare LSUC #13367P

Tel: 416 646 4318

Fax: 416 646 4338

Solicitors for the third parties Dr. Gerald Baker and Dr. Walter Dobrovolsky

AND TO: MCCARTHY TETRAULT LLP

Barristers & Solicitors
Suite 4700
Toronto Dominion Bank Tower
Toronto, Ontario
M5K 1E6

Lisa M. Constantine

Tel: 416 601 7652

Fax: 416 601 8246

Solicitors for the third party Dr. A.K. Wyllie

KEVAN DRADY et al. - AND - BAXTER HEALTHCARE CORPORATION et al

HER MAJESTY THE QUEEN IN RIGHT OF CANADA AS REPRESENTED BY THE MINISTER OF HEALTH, THE ATTORNEY GENERAL OF CANADA

Plaintiff(s)

Third Parties

Defendant(s)

Court file No. 99-CV-181819 CPA

ONTARIO SUPERIOR COURT OF JUSTICE

Proceeding commenced at Toronto

NOTICE OF INTENT TO DEFEND

FASKEN MARTINEAU DuMOULIN LLP

Barristers & Solicitors

P.O. Box 20,

Toronto-Dominion Centre,

Toronto, Ontario,

M5K 1N6

Jeffrey S. Leon LSUC #18855L

Laura F. Cooper LSUC #35426A

Phone: (416) 8381

Fax: (416) 3647813

Solicitors for the third party,

Bristol-Myers Squibb Company