

2001, 2001. The points attached to settle the form of the order. I have settled the order which shall issue in the event that I am signed by me.

② The parties also wish to check arguments to the question of whether or not the deponent should be required to recross to answer the questions asked or need so reasonable follow up questions are provided by Rule 34.15 (a) or whether the answers provided by affidavit are sufficient. I did not address this point in my reasons released on July 25, 2001.

The record order is, indeed to permit the follow up examination in Rule 34.15 (a) but this remains discretionary. I find it an extraordinary submission that the credibility of these witnesses

Ontario
SUPERIOR COURT OF JUSTICE
Proceeding commenced at Toronto

PLAINTIFFS' RECORD

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would be in case on the question
learned understanding rule and
the motion before Winkler 5.

(2)
The issue is as was there breach of the
b) if so, does that constitute grounds for changing

I do not view the affidavit provided by Mr. Boyle as an improper attempt
to ~~boycott~~ unilaterally determine the mode of examination but rather as
an attempt to provide foreboding answers in a cast of gloomy manner.

Nevertheless the Commission waits on proceeding orally and it has
had been no persuasive argument why this should not be allowed.
The location in the transcripts where questions are shown as answered
shall be identified. If in the view of the Commission it is still
necessary to proceed orally, ~~that~~ the majority may do so and
may ask any reasonable follow up questions within the narrow
ambit of what was asked answered in the first place.

Costs of printing and of the examination, however are
referred to the judge hearing the motion as the entire expense
may turn out to be of no weight or relevance at all. The
end of the day.



Ontario
SUPERIOR COURT OF JUSTICE

MASTER C. MACLEOD) TUESDAY THE 9TH DAY
) OF OCTOBER, 2001.

BETWEEN:

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

Proceeding under the *Class Proceedings Act, 1992*

ENDORSEMENT

1. The parties attended to settle the form of the Order. I have settled the Order which shall issue in the amended for signed by me.
2. The parties also wish to direct argument to the question of whether or not the deponents should be required to re-attend to answer the questions asked as well as reasonable follow up questions as provided by Rule 34.15 (a) or whether the answers provided by affidavit are sufficient. I did not address this point in my reasons released on July 25, 2001.

The usual Order is indeed to permit the follow up examination in Rule 34.15 1(a) but this remains discretionary. I find it an extraordinary submission that the credibility of these witnesses will be an issue on the motion. The issue is:

- a) was there a breach of the deemed undertaking rule, and
- b) if so, does that constitute grounds for denying the motion before Winkler, J.

I do not view the affidavits provided by Mr. Legge as an improper attempt to unilaterally determine the mode of examination but rather as an attempt to provide timely answers in a cost effective manner.

Nevertheless the Crown insists on proceeding orally and there has been no persuasive argument why this should not be allowed. The location in the transcripts where questions are shown as answered shall be identified. If in the view of the Crown it is still necessary to proceed orally, Her Majesty may do so and may ask any reasonable follow up questions within the narrow ambit of what was ordered answered in the first place.

Costs of today and of the follow up examinations, however are reserved to the Judge hearing the motion as the entire exercise may turn out to be of no weight on relevance at the end of the day.

signed: "C. MacLeod, M."