

The Honourable Justice K. Feldman) Tuesday the 29th Day
The Honourable Justice E.E. Gillese)
The Honourable Justice Robert P. Armstrong) of June, 2004.

COURT OF APPEAL FOR ONTARIO

BETWEEN:

JUDITH LOGAN

Plaintiff (Respondent)

- 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 (Appellants)

Proceeding under the *Class Proceedings Act, 1992*

ORDER

THIS APPEAL BY THE ATTORNEY GENERAL FOR CANADA from an Order made on a pre-certification motion in a class action proceeding, by the Honourable Mr. Justice Warren K. Winkler of the Superior Court of Justice dated February 13, 2003, allowing the original representative plaintiff to withdraw as representative plaintiff and substituting two other representative plaintiffs, was brought in this Court by the Attorney General for Canada.

THIS APPEAL WAS HEARD at Toronto on November the 12th, 2003 in the presence of counsel for the Attorney General for Canada and of counsel for the Ontario Health Insurance Plan and of counsel for the respondent.

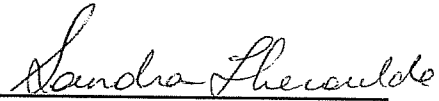
ON READING the materials filed by the parties and on hearing the submission of counsel for the parties aforesaid,

AND FOR REASONS delivered this 29th day of June, 2004,

1. **THIS COURT ORDERS** that the appeal by the Attorney General for Canada from the Order pronounced by the Honourable Mr. Justice Winkler dated February the 13th, 2003, is dismissed.

2. **THIS COURT ORDERS** that the Defendant, the Attorney General for Canada pay to the Plaintiff, Judith Logan, costs in the sum of \$10,000.00 inclusive of GST and disbursements.

THIS ORDER BEARS INTEREST at the rate of 4 per cent per year commencing on June the 29th, 2004.



**Registrar
Court of Appeal for Ontario**

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

JUL 15 2004

PER/PAR: ST

JUDITH LOGAN

- and -

HER MAJESTY THE QUEEN IN RIGHT OF CANADA, as represented by the
MINISTER OF HEALTH, et al.

Plaintiff (Respondent)

Defendants (Appellants)

Court file no. 99 CV 181819 [TORONTO]
Court of Appeal File No. C39725

COURT OF APPEAL FOR ONTARIO
Proceeding commenced at Toronto

ORDER

[Tuesday the 29th of June, 2004]

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