

DEMAND FOR PARTICULARS
Rules of Civil Procedure, (Rule 25.10)

99-CV-181819 [TORONTO]

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

Defendant

DEMAND FOR PARTICULARS

The Attorney General of Canada hereby demands particulars of the Amended Statement of Claim as follows:

1. With respect to paragraphs 18 and 19:
 - (a) The name of the manufacturer of the device that was placed in the right temporomandibular joint of Kevan Drady.
 - (b) The type of device that was placed, namely, was it an interpositional implant, partial or total joint replacement, silicone block or silicone sheeting or some other type of device.
 - (c) The model and serial number of the device.
 - (d) The name(s) and address(es) of the surgeon(s) who performed the surgery.

2. With respect to paragraph 19b:

- (a) The name of the manufacturer of the bilateral Christensen TMJ prosthesis.
 - (b) The type, model and serial number of the device.
 - (c) The name(s) and address(es) of the surgeon(s) who performed the surgery.
3. With respect to paragraph 22b:
- (a) The type, model and serial number of the Vitek Proplast implant.
 - (b) The name(s) and address(es) of the surgeon(s) who performed the surgery.
4. With respect to paragraph 24(i), the names and/or positions of the individual public servants of the Health Protection Branch referred to therein.
5. With respect to paragraph 24(j), the names and/or positions of the persons who discarded or removed information from public records.
6. With respect to paragraph 24.1:
- (a) Clarification of the "evidentiary particulars" said to have been provided to HMQ.
 - (b) Whether this refers to something beyond the plaintiffs' pleading.
 - (c) If so, the evidentiary particulars that are referred to, when were they provided, by whom were they provided and to whom they were provided.
7. With respect to paragraph 25 (e):
- (a) Particulars of any deaths alleged to have occurred as the result of implantation of a TMJ device.

- (b) The name and last place of residence of the deceased.
 - (c) The type and manufacturer of the device that is alleged to have caused the death.

- 8. With respect to paragraph 32.2:
 - (a) Details of the documents that are alleged to have been destroyed or not delivered.
 - (b) The identity of the individual or department alleged to have been the original creator or caretaker of the documents.
 - (c) The type of documents said to have been destroyed.
 - (d) Particulars of the time frame in which these documents are said to have been created and destroyed.
 - (e) Specify the "other pending actions" referred to.

- 9. With respect to paragraph 32.5:
 - (a) The name(s) and/or position(s) of the staff in the Bureau of Medical Devices who made the recommendations referred to.
 - (b) Details as to the context in which the recommendations were made.
 - (c) The person(s) to whom the recommendations were made.

- 10. With respect to paragraph 32.16:
 - (a) The identity of the person(s) within the Bureau (by name and/or position) said to have received the information referred to.
 - (b) The identity of the United States governmental department or agency said to have provided the information.
 - (c) The method of communication.

- 11. With respect to paragraph 33:

- (a) The name and/or position of the person who made the announcement.
 - (b) The date and place of the announcement.
12. With respect to paragraph 35:
- (a) The name and address of the solicitor referred to.
 - (b) The identity of the public servant with whom he is alleged to have communicated (by department, name and/or position).
 - (c) The method of the alleged communication.
13. With respect to paragraph 43:
- (a) Identify the public inquiries referred to.
 - (b) Provide details of the information that is alleged to have been received.
14. With respect to paragraph 55:
- (a) Details of the policies referred to.
 - (b) Dates and places of the advertisements referred to.
15. With respect to paragraph 60.1:
- (a) The names of the Assistant Deputy Ministers and Crown officials referred to.
 - (b) The time frame during which the alleged culling, altering or destroying of records or documents is said to have occurred.
 - (c) Details of the files, records and documents referred to.
 - (d) Details of how these documents relate to this action.

16. With respect to paragraph 60.2:
 - (a) Details of the alleged suppression of information, namely the type of information that is alleged to have been received by HMQ.
 - (b) The time frame during which the information is alleged to have been received.
 - (c) The time frame during which the information is alleged to have been suppressed.

17. With respect to paragraph 92:
 - (a) Particulars of any suicides in Canada alleged to have occurred wholly or partially as the result of failure of an alloplastic TMJ implant.
 - (b) The name and last place of residence of the deceased.
 - (c) The type of device that is alleged to have caused or contributed to the suicide.

18. With respect to paragraph 44 of Appendix A:
 - (a) The name(s) and/or position(s) of the person(s) who ordered the destruction of the documents referred to.
 - (b) The documents that are alleged to have been destroyed.
 - (c) The date(s) and place(s) of destruction.
 - (d) Details of how these documents relate to this action.

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6th day of August 2004

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KEVAN DRADY and KATHRYN ANNE TAYLOR
Plaintiffs

AND HER MAJESTY THE QUEEN IN RIGHT OF CANADA
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**ONTARIO
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Proceeding Commenced at Toronto

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