

Court File No. 99-CV-181819 CP A

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

KEVIN 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 OF 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

NOTICE OF INTENT TO DEFEND

The third party, Smith Medical Canada Incorporated, intends to defend this action.

December 10, 2004

GOODMAN AND CARR LLP
Barristers and Solicitors
200 King Street West
Suite 2300
Toronto, Ontario
M5H 3W5

Lori Stoltz (LSUC#:30881E)
Tel : 416.595.2300
Fax: 416.595.0567

Solicitors for the third party,
Smith Medical Canada Incorporated

-2-

TO: **DEPARTMENT OF JUSTICE**
Ontario Regional Office
Department of Justice Canada
Ontario Regional Office, The Exchange Tower
130 King Street West, Suite 3400, Box 36
Toronto, ON M5X 1K6

Christopher A. Amerasinghe Q.C.
Tel : 416.973.2271
Fax: 416.973.3004

Solicitors for the defendant,
Her Majesty the Queen in Right of Canada as represented by the Minister of Health The
Attorney General of Canada

AND
TO: **LEGG & LEGGE**
Barristers and Solicitors
65 St. Clair Avenue East
Suite 800
Toronto, ON M4T 2Y3

John B.J. Legge

Tel.: 416.923.1776
Fax: 416.925.5344

Solicitors for the Plaintiffs,
Kevan Drady and Kathryn Anne Taylor

LERNERS LLP
Barristers and Solicitors
2400-130 Adelaide Street West
Toronto, ON M5H 3P5

James Newland

Tel.: 416.867.3076
Fax: 416.867.9192

Solicitors for the Ontario Health Insurance Plan

-3-

PALIARE ROLAND ROSENBERG ROTHSTEIN LLP

Barristers and Solicitors
250 University Avenue, Suite 501
Toronto, ON M5H 3E5

Chris Paliare (LSUC#13367P)
Margaret L. Waddell (LSUC#29860U)

Tel.: 416.646.4329
Fax: 416.646.4301

Solicitors for Dr. Gerald Baker and Dr. Walter Dobrovolsky, Third Party

STOCKWOODS LLP

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

Donna Campbell

Tel.: 416.593.2490
Fax: 416.593.9345

Solicitors Inamed Corporation, Third Party

MCCARTHY TETRAULT LLP

Barristers and Solicitors
Box 48, Suite 4700
Toronto-Dominion Bank Tower
Toronto, ON M5K 1E6

Lisa M. Constantine

Tel.: 416.362.1812
Fax: 416.868.0673

Solicitors for Dr. A.K. Wyllie, Thrid Party

BORDEN LADNER GERVAIS LLP
Lawyers – Patent & Trade-mark Agents
Scotia Plaza, 40 King Street West
Toronto, ON M5H 3Y4

Patrick J. Hawkins

Tel.: 416.367.6065
Fax: 416.361.7052

Solicitors for Religious Hospitaliers of St. Joseph of the Hotel Dieu of Kingston and
Mount Sinai Hospital, Third Party

DUTTON BROCK LLP
Barristers and Solicitors
1700-438 University Avenue
Toronto, ON M5G 2L9

S. Wayne Morris

Tel.: 416.593.4411
Fax: 416.593.5922

Solicitors for Dow Coming Corporation, Third Party

BLANEY MCMURTRY LLP
Barristers and Solicitors
1400-20 Queen Street West
Toronto, ON M5H 2V3

Mirilyn Selznick

Tel.: 416.593.3957
Fax: 416.593.5437

Solicitors for Baxter Healthcare Corporation and Baxter International Inc., Third Party

-5-

FASKEN MARTINEAU DUMOULIN LLP
Barristers and Solicitors
4200 TD Bank Tower
P.O. Box 20, Station Toronto Dominion
Toronto, ON M5K 1N6

Jeff Lyons

Tel.: 416.366.8381
Fax: 416.364.7813

Solicitors for Bristol Myers Squibb Company, Third Party

**MCCAGUE PEACOCK BORLACK
MCINNIS & LLOYD LLP**
Barristers and Solicitors
Suite 2700, 130 King Street West
Toronto, ON M5X 1C7

Peter Yaniszewski

Tel.: 416.860.0037
Fax: 416.860.0003

Solicitors for TMJ Implants Incorporated, Third Party

BORDEN LADNER GERVAIS LLP
Lawyers – Patent & Trade-mark Agents
Scotia Plaza, 40 King Street West
Toronto, ON M5H 3Y4

Patrick J. Hawkins

Tel.: 416.367.6065
Fax: 416.361.7052

Solicitors for University Health Network, Third Party

Medtronic Xomed Surgical Products Inc.
6743 Southpoint Drive
North Jacksonville, Florida USA 32216-0980

DRADY AND TAYLOR -and- THE ATTORNEY GENERAL OF CANADA
Plaintiffs Defendant

-and- BAXTER HEALTHCARE
CORPORATION ET AL
Third Parties

Court File No. 99-CV-181819 CP A

ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT
TORONTO

NOTICE OF INTENT TO DEFEND

GOODMAN AND CARR LLP
Barristers and Solicitors
200 King Street West
Suite 2300
Toronto, Ontario
M5H 3W5

Lori Stolz (LSUC#:30881E)
Tel : 416.595.2300
Fax: 416.595.0567

Solicitors for the third party,
Smith Medical Canada Incorporated

File Number:0404461