

Court File No.: 07-CV-339254CP

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE  
JUSTICE CONWAY

)  
)  
)

TUESDAY, THE 4TH  
DAY OF MARCH, 2014

B E T W E E N :

**DENNIS F. CAPONI**

Plaintiff

- and -

**THE CANADA LIFE ASSURANCE COMPANY,  
A.P. SYMONS, D. ALLEN LONEY AND JAMES R. GRANT**

Defendants

Proceeding under the *Class Proceedings Act, 1992*

**ORDER**

**THIS CASE CONFERENCE** was heard this day at Osgoode Hall, 130 Queen Street West, Toronto.

**ON HEARING** the submissions of counsel for the parties,

1. **THIS COURT ORDERS** that the parties adhere to the timetable attached to this order as Schedule "A" and that each party shall carry out the steps applicable to them by the date provided.

2. **THIS COURT ORDERS** that the timetable may be varied by mutual consent of the parties.

3. **THIS COURT ORDERS** that the Plaintiff may serve and file a trial record without prejudice to the parties' rights to bring any further motions.

4. **THIS COURT ORDERS** that the long trial coordinator shall, forthwith, schedule a date for the common issues trial and place this matter on the long trial list in Toronto.

  
Conway J.

## SCHEDULE "A"

<b>Litigation Timetable</b>	
<b>Date</b>	<b>Event</b>
April 15, 2014	Defendants to deliver revised Statements of Defence, if any <sup>1</sup>
May 9, 2014	Plaintiff to deliver revised Reply to any amendments, if any <sup>2</sup>
April 30, 2014	Parties shall provide notice in writing of any experts whose qualifications are not accepted, or there are objections to admissibility of any part of a report, and provide the nature of the objection
By end of July, 2014	Discoveries to be conducted, if any, on amendments to pleadings
June 30, 2014	Parties to deliver Requests to Admit, if any
September 15, 2014	Parties to respond to Requests to Admit Facts
By end of September, 2014	1 <sup>st</sup> Pre-trial
90 days before start of trial	Parties to identify the documents they will propose to have admitted into evidence and marked as an exhibit at trial
60 days before start of trial	Each party to identify those documents for which authenticity is not admitted
60 days before the start of trial	Parties to finalize proposed groupings or categories of documents for joint document brief and authorities for joint "Key Authorities" brief.
60 days before the start	Parties to exchange high level summary of anticipated evidence to

<sup>1</sup> Subject to the Defendants' consent to filing of the Amended Statement of Claim. If consent is not received, the issue of the amendments and timetable for pleadings will be dealt with at a further case conference.

<sup>2</sup> Subject to the Defendants' consent to filing of the Amended Statement of Claim. If consent is not received, the issue of the amendments and timetable for pleadings will be dealt with at a further case conference.

of trial	be given by each fact witness that may be called to give evidence at trial. <sup>3</sup>
30 days before the start of trial	Parties to advise of any additional unanticipated witnesses in response to opposing parties' list of witnesses and a high level summary of anticipated evidence to be given by each additional fact witness. <sup>4</sup>
30 days before the start of the trial	Final pre-trial
TBD – SCHEDULED BY TRIAL TEAM	Trial (Estimated duration of 2-3 weeks)

---

<sup>3</sup> This does not constitute an undertaking to call any particular fact witness at trial nor is a party prohibited from calling additional unanticipated witnesses should the need arise, for whom high level summaries of evidence will be provided within a reasonable time prior to the calling of that witness.

<sup>4</sup> This does not constitute an undertaking to call any particular fact witness at trial nor is a party prohibited from calling additional unanticipated witnesses should the need arise, for whom high level summaries of evidence will be provided within a reasonable time prior to the calling of that witness.

**ONTARIO**

**SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Toronto

Proceeding under the *Class Proceedings Act, 1992*

**ORDER**  
**(CASE CONFERENCE - MARCH 4, 2014)**

**KOSKIE MINSKY LLP**

20 Queen Street West, Suite 900, Box 52  
Toronto, ON M5H 3R3

**Jonathan Ptak LSUC # 45773F**

Tel: (416) 595-2149

Fax: (416) 204-2903

**Jody Brown LSUC # 58844D**

Tel: 416-595-2709

Fax: 416-204-2815

Lawyers for the Plaintiff