

COURT OF APPEAL FOR ONTARIO

THE HONOURABLE
JUSTICE JURIANSZ

) MONDAY, THE 28TH
) DAY OF MARCH, 2011

B E T W E E N:

ELLEN SMITH

Respondent/Plaintiff
(Respondent on the Motion)

- and -

INCO LIMITED

Appellant/Defendant
(Respondent on the Motion)

Proceeding under the *Class Proceedings Act, 1992*

ORDER

THIS MOTION, brought by Friends of the Earth ("FOE") to intervene as a friend of the court on the appeal returnable May 9, 2011, was heard at Osgoode Hall, 130 Queen Street West, Toronto, Ontario, on March 22, 2011, judgment having been reserved to this day.

UPON READING the motion record of FOE and the Plaintiff/Respondent, the facts of FOE, the Plaintiff/Respondent and the Defendant/Appellant, and upon hearing the submissions of counsel for FOE and the parties,

1. THIS COURT orders that FOE's motion for intervention is dismissed.

2. THIS COURT orders that there shall be no costs of this motion.

ENTERED AT / INSCRIPT A TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO.:

MAR 31 2011

PER / PAR: TD

M. G. Mello

Registrar
Court of Appeal for Ontario.

ELLEN SMITH
Respondent/Plaintiff

v.

INCO LIMITED
Appellant/Defendant

Court of Appeal File No: C52491
Court of Appeal File No. (Motion) M39803

COURT OF APPEAL FOR ONTARIO

Proceeding commenced at Welland

ORDER

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