Court File No. 03-CV-252945CP

ONTARIO
SUPERIOR COURT OF JUSTICE

THE HONOURABLE JUSTICE CAROLYN J. HORKINS	)))	THURSDAY, THE 2nd DAY OF DECEMBER, 2010

B E T W E E N:

HEATHER ROBERTSON

Plaintiff

- and -

PROQUEST INFORMATION AND LEARNING LLC, CEDROM-SNI INC., TORONTO STAR NEWSPAPERS LTD., ROGERS PUBLISHING LIMITED and CANWEST PUBLISHING INC.

Defendants

Proceeding under the *Class Proceedings Act, 1992*

O R D E R

THIS MOTION, made by the plaintiff Heather Robertson, for an order requiring a further and better affidavit of documents from the defendant ProQuest Information and Learning LLC ("ProQuest"), and for an order requiring ProQuest to make production of all documents listed in Schedule "A" to its affidavits of documents, without redactions, was heard on November 25, 2010 at the Court House at 361 University Avenue, Toronto, Ontario.

ON READING the motion record of the plaintiff and the responding record of ProQuest and on hearing the submissions of counsel for the plaintiff and for ProQuest,

1. **THIS COURT ORDERS** that ProQuest shall provide a further and better affidavit of documents, including documents in the possession, power and control of its subsidiaries, affiliates or entities under its direct or indirect control and including documents in the possession, power and control of ProQuest Information Access ULC and Micromedia Limited, by no later than January 7, 2011.

2. **THIS COURT ORDERS** that ProQuest shall include in its further and better affidavit of documents, at a minimum, the following categories of documents:

(a) communications with authors, assignees or publishers in respect of any matter in issue in this proceeding, including communications with respect to copyright or licensing works published in Canada, complaints or objections regarding publication electronic media and information about the identity of freelance authors;

(b) records of works that were available at any time after January 1, 1996 on an electronic database or which were licensed to another party to be available on an electronic database, the author of those works, the number of occasions that those works were accessed, downloaded, saved or printed by users and the revenue that ProQuest (including its predecessors-in-interest) generated from permitting its users to access, download, save or print such works;

(c) documents relating to ProQuest's activities in Canada including, without limitation, all documents relating to ProQuest's corporate and contractual arrangements with its subsidiaries, parent, affiliates and companies under its direct or indirect control and in particular with ProQuest Information Access ULC and Micromedia Limited; and

(d) internal documents, including correspondence, memoranda, minutes of meetings and other notes that discuss any matter in issue in this litigation including the potential breach of author copyright and whether publishers had the right to license the electronic rights to ProQuest, its subsidiaries, parent, affiliates or companies under its direct or indirect control and in particular ProQuest Information Access ULC and Micromedia Limited.

3. **THIS COURT ORDERS** that ProQuest shall produce, without redactions, all documents listed in Schedule "A" of its Affidavit of Documents, Supplementary Affidavit of Documents and any further and better affidavit of documents provided pursuant to this order, by no later than January 7, 2011.

4. **THIS COURT ORDERS** that ProQuest shall pay to the plaintiff costs of this motion in the amount of $6,500, inclusive of all fees, disbursements and GST, by no later than January 2, 2011.

THIS ORDER bears interest at a rate of 2% from the date of this judgment.

ENTERED AT / INSCRIT À TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO.:
DEC 10 2010
AS DOCUMENT NO.:
À TITRE DE DOCUMENT NO.:
PER / PAR:

Justice C. Horkins

Horkins J.

ROBERTSON v. **PROQUEST INFORMATION AND LEARNING LLC, et al**

Plaintiff | Defendants

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Proceeding commenced at Toronto

O R D E R

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