

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
TRIAL DIVISION

BETWEEN:

SARAH ASIVAK, and DELANO FLOWERS

Plaintiffs

AND:

THE ATTORNEY GENERAL OF CANADA

Defendant

BROUGHT UNDER THE *CLASS ACTIONS ACT*, S.N.L. 2001, C. C-18.1
BEFORE THE HONOURABLE JUSTICE ROBERT A. FOWLER,
CASE MANAGEMENT JUDGE, ON MAY 7 AND 8, 2008

ORDER

UPON HEARING Kirk Baert and Celeste Poltak, counsel for the Plaintiffs and Jonathan D.N. Tarlton and Corinne Bedford, counsel for the Defendant, AND UPON READING the application and the pleadings, AND UPON HEARING the submissions of counsel, IT IS HEREBY ORDERED THAT:

1. the defendant's application to order the plaintiffs to answer the Demand for Particulars prior to the determination of the certification application is hereby denied;
2. the defendant's application to order the plaintiffs to add any further party defendants to this action prior to the determination of the certification application is hereby denied;
3. the certification application shall be heard pursuant to a timetable either agreed to by the parties and/or directed by this court; and
4. the defendant shall pay the plaintiffs their costs of this application on a taxation basis, to be paid forthwith following taxation;
5. this order is made without prejudice to the defendant's ability to bring such applications before the court following the final determination of the certification application.

DATED AT St. John's, Newfoundland and Labrador, this 11 day of December, 2008.

Munira Deleer
Asst Deputy Registrar (A)

Filed | Dec 11/08 | *mh*