

201001H0091

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
COURT OF APPEAL

BETWEEN:

THE ATTORNEY GENERAL OF CANADA

APPELLANT

AND:

SARAH ASIVAK and JAMES ASIVAK


RESPONDENTS

ORDER

THIS MOTION FOR LEAVE TO APPEAL AND THE APPEAL, of the Order of the Honourable Mr. Justice Fowler dated June 7, 2010 certifying this action as a class action pursuant to the *Class Actions Act*, S.N.L. 2001, c. C-18.1, was heard November 9 and 10, 2010, at St. John's, Newfoundland and Labrador, with written reasons released December 21, 2011.

ON READING the pleadings and proceedings herein, the Order and reasons given thereof by Justice Fowler dated June 7, 2010, and the facts of the parties, upon hearing the submissions of the Appellant and Respondents, and for the written reasons delivered this day,

1. **THIS COURT ORDERS** that leave to appeal the order of Justice Fowler dated June 7, 2010 is hereby granted.
2. **THIS COURT ORDERS** that the Appellant's appeal of the order of Justice Fowler dated June 7, 2010 is hereby dismissed with no order as to costs.



Debbie Brennan
Deputy Registrar

