

LISA CAVANAUGH et al.  
Plaintiffs

-and- GRENVILLE CHRISTIAN COLLEGE et al.  
Defendants

Court File No. 08-CV-347100CP

February 18, 2009.

The defendants show that the defendants Mary Haig and the Diocese move for an order pursuant to Rule 36.01 and for related relief. The defendants Mary Haig and the Diocese did not appear on the motion, although duly served. Hearing held from counsel for the moving parties and for the plaintiffs and hearing reviewed the motion record. I am satisfied that the circumstances require an order under Rule 36.01 but on terms as set out below. I therefore make the following order, which the moving parties shall serve on all parties:

- (1) The Defendants shall have until February 25, 2009 to serve and file any motions to challenge the Plaintiffs' Statement of Claim, such motions to be made returnable on March 2, 2009 at 9:30 a.m;
- (2) If the Plaintiffs' statement of claim is struck out in whole or in part and if the Plaintiffs are granted leave to amend, their amended pleading shall be delivered by March 13, 2009;
- (3) Subject to any order made on March 2, 2009, the Defendants shall deliver their statement of defence by April 3, 2009 and all parties shall exchange affidavits of documents by April 27, 2009;
- (4) Mr Haig will be examined pursuant to Rules 36.01 and 36.02 and that examination shall take place on June 1-5, 2009 in Barrie at Mr. Haig's place of residence or as agreed by his state of health. (over)

ONTARIO  
SUPERIOR COURT OF JUSTICE  
PROCEEDING COMMENCED AT  
TORONTO

MOTION RECORD

ADAIR MORSE LLP  
Barristers & Solicitors  
One Queen Street East  
Suite 1800  
Toronto ON M5C 2W5

Geoffrey D. E. Adair, Q.C. (11419F)  
Thomas J. McEwen (26280M)  
Tel: 416.863.1230  
Fax: 416.863.1241

Lawyers for the Defendants,  
Grenville Christian College, Charles Farnsworth, Betty Farnsworth and J. Alastair Haig

RCP-E 4C (July 1, 2007)

(5) during Mr. Haig's examination if objections to his evidence are made on grounds of relevance or admissibility other than an objection based on privilege, the objection shall be made on the record but Mr. Haig will then answer the question. The admission of the evidence will then be determined by the trial judge;

(6) the costs of the Rule 36(a) examination are in the cases save that the defendant Haig will pay the costs of answering and recording his examination;

(7) there shall be no order as to costs for this motion

Penell, J.