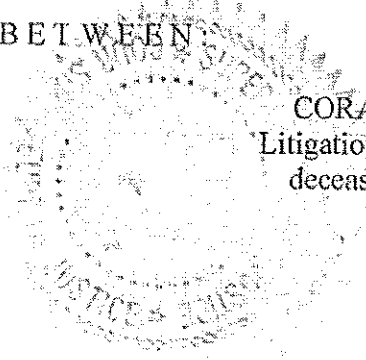


**ONTARIO
SUPERIOR COURT OF JUSTICE**

JUSTICE **G.R. STRATTON**

TUESDAY
) Monday, the 7th day of December,
) 2010
)
)

BETWEEN:



CORALEE SMITH, on her own behalf and as the
Litigation Administrator of the Estate of Ashely Smith,
deceased, DAWNA WARD and HERB GORBER

Plaintiffs

- and -

ATTORNEY GENERAL OF CANADA (in Right of the Ministry of Public Safety),
COMMISSIONER OF THE CORRECTIONAL SERVICE CANADA KEITH COULTER,
DEPUTY COMMISSIONER ONTARIO REGION NANCY STABLEFORTH, WARDEN OF
NOVA INSTITUTION FOR WOMEN ALFRED LEGERE, ACTING WARDEN OF GRAND
VALLEY INSTITUTION FOR WOMEN CINDY BERRY, DEPUTY WARDEN OF GRAND
VALLEY INSTITUTION FOR WOMEN JOANNA PAULINE, ASSISTANT WARDEN OF
GRAND VALLEY INSTITUTION FOR WOMEN LAUNA GRATTON, TRAVIS
McDONALD, KAREN EVES, BLAINE PHIBBS, SHERRY FAIRCHILD, CHARLENE
VENTER, VALENTINO BURNETT, MELISSA MUELLER, LIZ GIBBONS, GAETAN
DESROCHES, KENNETH ALLEN and CORRECTIONAL SERVICES EMPLOYEES JOHN
DOE AND JANE DOE.

Defendants

ORDER

THIS MOTIONS, made by defendants Attorney General of Canada ("AGC"), Keith
Coulter, Nancy Stableforth, Alfred Legere, Laura Gratton, Travis McDonald, Blaine Phibbs,
Sherry Fairchild, Charlene Venter, Valentino Burnett, Melissa Mueller, Liz Gibbons, Gaeton

Desroches, Kenneth Allen, Correctional Service Employees John Doe and Jane Doe, Karen Eves and Joanna Pauline for an Order striking the action as against the individually-named Defendants, was heard this 7th day of December 2010 at Osgoode Hall at 130 Queen Street West, Toronto, Ontario.

ON CONSENT of All Parties To The Motions:

1. **THIS COURT ORDERS** that the motions are hereby dismissed.
2. **THIS COURT FURTHER ORDERS** that costs in the amount of \$ 12,000 shall be paid to the Plaintiffs by the Moving Parties forthwith.

G.R. Shaty J.

W:\General\Doc\S\Smith, Coralee 1070-08\Court\Motion to Strike\Order FINAL FINAL -december.7.10.doc

ENTERED AT / INSCRIT À TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO.:

DEC / 2010

AS DOCUMENT NO.:
À TITRE DE DOCUMENT NO.:
PER / PAR:



CORALEE SMITH et al.

Plaintiffs

-and- ATTORNEY GENERAL OF CANADA et al.

Defendants

Court File No: 09-383001

**ONTARIO
SUPERIOR COURT OF JUSTICE
Proceedings Commenced in Toronto**

ORDER

On Motion to Strike, Returnable December 7, 2010

**FALCONER CHARNEY LLP
Barristers-at-Law
8 Prince Arthur Avenue
Toronto, ON M5R 1A9**

**Julian N. Falconer (L.S.U.C.#29465R)
Jackie Esmonde (L.S.U.C.#47793P)
Tel: (416) 964-3408
Fax: (416) 929-8179**

Lawyers for the Plaintiffs