

DATE:20101222
DOCKET: C52799 & C52814

COURT OF APPEAL FOR ONTARIO

O'Connor A.C.J.O.

BETWEEN:

Terri Jean Bedford, Amy Lebovitch and Valerie Scott

Applicants
(Respondents in Appeal)

and

The Attorney General of Canada et al.

Respondents
(Appellant/Respondent in Appeals)

and

The Attorney General of Ontario

Intervener
(Appellant/Respondent in Appeals)

Alan Young and Daniel Sheppard, for the Respondents
Christine Bartlett-Hughes, Jamie Klukach and Meghan Stephens, for the Appellant,
Attorney General of Ontario
Michael Morris and Gail Sinclair, for the Appellant, Attorney General of Canada

Heard: December 21, 2010

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ENDORSEMENT

[1] A meeting was held on Tuesday, December 21 with counsel to resolve certain issues with respect to the management of these appeals. As a result, I make the following directions.

[2] I am satisfied that there is good reason to direct that five judges be assigned to hear these appeals. The appeals are important, complex and the record is voluminous. The Court may be required to reconsider earlier decisions. I am also satisfied that the oral hearing will be lengthy. In my view, the appeals should be assigned a total of 4 days for oral argument but that a fifth day should be set aside in order to accommodate unforeseen issues. Given these circumstances, it is difficult for the Court to accommodate such a lengthy hearing before five judges before the week of June 13, 2011. While this hearing date is later than the expiry date of the stay granted by Justice Rosenberg, it is my hope that the parties can agree to a relatively brief extension until the matter is heard by the full panel. I understand that, assuming the panel reserves its decision, counsel for the respondents will be resisting a further stay of the order pending release of the Court's decision. All counsel agree that given the circumstances, the panel will be in a good position to extend or terminate the stay of the lower court order at that time. If the parties cannot agree to extend the interim stay pending the hearing of the appeal, they may speak to Mr. Kromkamp with a view of obtaining a date for a motion to deal with the issue.

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[3] The parties have already agreed upon the contents of the record and the way certain materials are to be filed. These details have been set out in an order granted by Blair J.A. However, the parties will file sufficient hard copies of factums and compendia for use by the panel at the hearing. Additionally, the parties may file separate supplementary factums in relation to a motion before the panel to extend/terminate any stay pending release of the decision of the court.

[4] Counsel will make efforts to communicate with potential interveners and encourage them to file their motions in early January with a view to having any request for intervention dealt with in the latter part of January or at the beginning of February.

[5] As noted above, the appeals will be scheduled for hearing together for four days commencing June 13, 2011. The parties will file materials according to the follow schedule:

- Appellant Attorney General of Canada – March 1, 2011
- Appellant Attorney General of Ontario – April 1, 2011
- Respondents – May 1, 2011
- Intervenors – May 6, 2011
- Responses to Intervenors – May 20, 2011

The materials may be filed in reference to both appeals rather than needlessly duplicating separate records for each of the two appeals.

[6] If other issues arise between the parties I will meet with them again as necessary.

 A.C.J.O.