

No. S090663
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

CANADIAN INDEPENDENT MEDICAL CLINICS ASSOCIATION, CAMBIE
SURGERIES CORPORATION, DELBROOK SURGICAL CENTRE INC.,
FALSE CREEK SURGICAL CENTRE INC., OKANAGAN HEALTH
SURGICAL CENTRE INC. and ULTIMA MEDICAL SERVICES INC.

PLAINTIFFS

AND:

MEDICAL SERVICES COMMISSION OF BRITISH COLUMBIA, MINISTER
OF HEALTH SERVICES OF BRITISH COLUMBIA and ATTORNEY
GENERAL OF BRITISH COLUMBIA

DEFENDANTS

AND:

SPECIALIST REFERRAL CLINIC (VANCOUVER) INC.

DEFENDANT BY COUNTERCLAIM

ORDER

BEFORE THE HONOURABLE MADAM) FRIDAY, THE 20TH DAY OF
JUSTICE SMITH) NOVEMBER, 2009.

THE APPLICATION of the Applicants, Dr. Duncan Etches, Dr. Robert Woollard, Glyn Townson, Thomas McGregor, British Columbia Friends of Medicare Society (the "BCHC") and Canadian Doctors For Medicare (the "CDM"), coming on for hearing at Vancouver, British Columbia, on the 14th day of October, 2009, and on hearing Joseph J. Arvay, Q.C., and Alison M. Latimer, counsel for the Applicants, and Irwin G. Nathanson, Q.C., and Marvin R.V. Storrow, Q.C., counsel for the Plaintiffs, and Craig E. Jones, counsel for the Defendant Medical Services Commission of British Columbia, Minister of Health Services of British Columbia and Attorney General of British Columbia, and George H. Copley, Q.C., and Jonathan Penner, counsel for Defendant Attorney General of British Columbia, and William S. Clark and Kathleen Kinch, counsel for the Defendant by Counterclaim, AND JUDGMENT BEING RESERVED to this date:

THIS COURT ORDERS that:

1. the application for an order that Dr. Duncan Etches, Glyn Townson and Thomas McGregor be added as party defendants in these proceedings is dismissed;
2. the application for an order that Dr. Woollard be added as a party defendant on his own behalf and as a representative of the doctors who are members of the CDM in these proceedings is dismissed;
3. the application for an order that the BCHC and the CDM be added as party defendants in these proceedings is dismissed;
4. Dr. Duncan Etches, Glyn Townson, Thomas McGregor, Dr. Woollard, the BCHC and the CDM be and hereby are added as intervenors in these proceedings with directions that:
 - a. their legal analysis must be different, or at least offer a different perspective, from the parties' submissions;
 - b. the possibility of leading evidence will not be determined until the proceedings are further advanced and until it is known what evidence the parties themselves intend to bring forward;
 - c. the application for a direction that the Intervenor be given rights of discovery is dismissed; and
 - d. the issue of costs vis-à-vis the Intervenor is deferred until the conclusion of the trial.

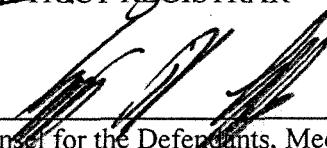
Approved as to form:

Counsel for the Plaintiffs

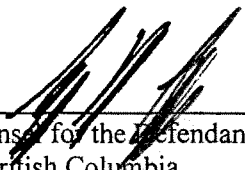
BY THE COURT:




DISTRICT REGISTRAR



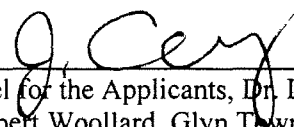
Counsel for the Defendants, Medical Services
Commission of British Columbia, Minister of
Health Services of British Columbia and
Attorney General of British Columbia



Counsel for the Defendant, Attorney General
of British Columbia



Counsel for the Defendants by Counterclaim



Counsel for the Applicants, Dr. Duncan Etches,
Dr. Robert Woollard, Glyn Townson, Thomas
McGregor, British Columbia Friends of
Medicare Society and Canadian Doctors For
Medicare

No. S090663
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

CANADIAN INDEPENDENT MEDICAL CLINICS ASSOCIATION ET AL.

PLAINTIFFS

AND:

MEDICAL SERVICES COMMISSION OF BRITISH COLUMBIA ET AL.

DEFENDANTS

AND

SPECIALIST REFERRAL CLINIC (VANCOUVER) INC.

DEFENDANT BY COUNTERCLAIM

ORDER

Arvay Finlay
Barristers
1350 – 355 Burrard Street
Vancouver BC V6C 2G8
Phone: 604.689.4421
Fax: 604.687.1941
File No. 2658-001



2/3