



No. S-090663  
Vancouver Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

**BETWEEN:**

CAMBIE SURGERIES CORPORATION, CHRIS CHIAVATTI, MANDY MARTENS,  
KRYSTIANA CORRADO, WALID KHALFALLAH by his litigation guardian DEBBIE  
WAITKUS, and SPECIALIST REFERRAL CLINIC (VANCOUVER) INC.

**PLAINTIFFS**

**AND:**

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

**DEFENDANTS**

**AND:**

DR. DUNCAN ETCHES, DR. ROBERT WOOLLARD, GLYN TOWNSON, THOMAS  
McGREGOR, BRITISH COLUMBIA FRIENDS OF MEDICARE SOCIETY, CANADIAN  
DOCTORS FOR MEDICARE, MARIËL SCHOOFF, DAPHNE LANG, JOYCE HAMER,  
MYRNA ALLISON, and the BRITISH COLUMBIA ANESTHESIOLOGISTS' SOCIETY

**INTERVENORS**

**AND:**

THE ATTORNEY GENERAL OF CANADA

**PURSUANT TO THE *CONSTITUTIONAL QUESTION ACT***

**NOTICE OF DISCONTINUANCE**

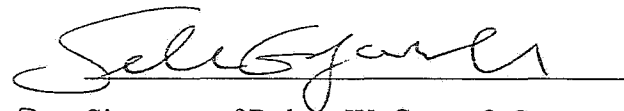
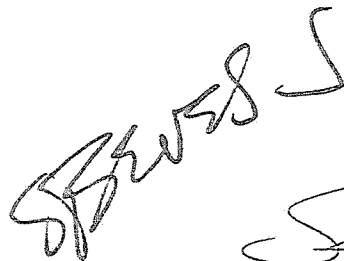
**Filed by:** The Plaintiffs.

TAKE NOTICE that the Plaintiffs, Cambie Surgeries Corporation, Chris Chiavatti, Mandy Martens, Krystiana Corrado, Walid Khalfallah by his litigation guardian Debbie Waitkus, and Specialist Referral Clinic (Vancouver) Inc. discontinue this proceeding against the Defendants Medical Services Commission (the "Commission") and Minister of Health (the "Minister"), by consent, on the following terms:

- 1) The Counterclaims will all be discontinued and a new counterclaim filed, by consent, which will only seek declaratory relief;
- 2) the Attorney General of British Columbia (the "Province") will, for all purposes, stand in place of the Commission and the Minister in the proceedings, including, in particular:
  - a) All examinations for discovery conducted by the Plaintiffs would be treated as discoveries of the remaining Defendant, the Province;
  - b) The Province will not seek to defend on the basis that restrictions on private health care are, or result from, decisions of the Commission or Minister, and therefore are not the responsibility of the Province;
  - c) All expert reports of the Defendants, whether delivered by the Commission or the Minister will be treated as reports of the Province;
  - d) Documents disclosed by the Commission or the Minister will now be treated as documents disclosed by the Province; and
  - e) If the Plaintiffs are awarded costs following the trial, the Province will accept liability for any costs that have been incurred in dealing with matters raised by the Commission or Ministry.

Notice of trial has been filed and this discontinuance is with the consent of all parties of record and by leave of the court

Date: September 21, 2016



for Signature of Robert W. Grant, Q.C.  
[ ] filing party [X] lawyer for filing party

Filed by:

Robert W. Grant, Q.C.  
Gall Legge Grant & Munroe LLP  
Barristers and Solicitors  
10<sup>th</sup> Floor – 1199 West Hastings St.  
Vancouver, BC, V6E 3T5