

November 10 2016
Pliszka / Maladwala for Zimmer Defendants (Defendants)
G Marsden for Plaintiffs

The defendants seek leave to appeal the
Order of Revell J dated July 5 2016. That
order dismissed the defendants' motion to
stay the plaintiffs' action against them.

The defendants move under Rule 61.02(4)(a)(b)
to leave to appeal is denied. This was a
discretionary order by a senior leave judge
judge. The outcome of the motion was highly
fact specific. In those circumstances it is not
desirable that leave be granted. Further the
proposed appeal does not raise matters of
general importance beyond the unique +
specific interests of the parties. The decision
does not affect the development of the law or
administration of justice.
The plaintiffs are entitled to costs. The
costs of this motion at \$2500 are
indisputable. The law on a leave motion is

DEL

ONTARIO
SUPERIOR COURT OF JUSTICE
DIVISIONAL COURT

Proceeding commenced at
Milton

MOTION RECORD OF THE DEFENDANTS, ZIMMER
GMBH, ZIMMER, INC. and ZIMMER OF CANADA
LIMITED

(MOTION FOR LEAVE TO APPEAL)

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Setback + the fact ^{that were} already set out in the underlying decision.
This amount is fair + reasonable + is payable by the
Zimmer defendants.

Justice C. Hopkins