

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N :

CANWEST MEDIAWORKS INC.

Applicant

- and -

ATTORNEY GENERAL OF CANADA

Respondent

NOTICE OF MOTION

The Canadian Health Coalition, the Canadian Federation of Nurses Unions, Women and Health Protection, the Communications, Energy and Paperworkers Union of Canada, the Canadian Union of Public Employees, Terence Young, the Society for Diabetic Rights and the Medical Reform Group will make a motion to a judge on Wednesday, November 1, 2006 at 10:00 a.m. or as soon after that time as the motion can be heard, at 393 University Avenue, Toronto.

PROPOSED METHOD OF HEARING: The motion is to be heard orally.

THE MOTION IS FOR:

1. An order granting the Moving Parties leave to intervene as added parties in this application with the right, *inter alia*, to adduce evidence and make written and oral submissions on the legal issues in dispute;
2. In the alternative, an order granting the Moving Parties leave to intervene as a friend of the Court; and
3. Such further or other orders as this Court may deem just.

THE GROUNDS FOR THE MOTION ARE:

1. The Moving Parties are opposed to direct-to-consumer drug advertising (hereinafter “DTCA”) and share the view that current controls of such practices in Canada must not only be maintained, but strengthened and more effectively enforced;
2. Each of the Moving Parties has a genuine and direct interest in the subject matter and outcome of this application that is over and above that of the general public;
3. Each of the Moving Parties may be adversely affected if this Court determines that the current regulation of DTCA is unconstitutional;
4. Each of the Moving Parties has particular knowledge and expertise concerning the purposes and consequences DTCA that will enhance this Court’s ability to determine the issues in dispute;
5. The Moving Parties will offer a unique perspective, distinct from that of the parties, and will make a useful and valuable contribution to the issues raised in this application. The Moving Parties will not duplicate or repeat the submissions of the Respondent;
6. If granted leave to intervene as added parties, the Moving Parties will supplement the evidentiary record in order to enhance this Court’s ability to resolve the issues in dispute, but will not duplicate evidence already tendered by other parties;
7. The Moving Parties have joined together and retained the same counsel, and will cooperate with each other and with the parties to ensure that their intervention will not unduly delay the proceedings or prejudice the determination of the rights of the parties.
8. The Moving Parties will adhere to any timetable the Court may fix for adducing evidence and filing submissions;
9. Rules 13 and 37 of the Rules of Civil Procedure; and

10. Such other grounds as counsel may advise and this Honourable Court may permit.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

1. The Affidavit of Terrence Hart Young, sworn August 3, 2006;
2. The Affidavit of Brian Payne, sworn August 2, 2006;
3. The Affidavit of Anne Rochon Ford, sworn July 31, 2006;
4. The Affidavit of Colleen Fuller, sworn August 9, 2006;
5. The Affidavit of Michael McBane, sworn August 9, 2006;
6. The Affidavit of Linda Silas, sworn July 31, 2006;
7. The Affidavit of Gordon Guyatt, sworn September 14, 2006;
8. The Affidavit of Cathy Remus, sworn September 18, 2006; and
9. Such further and other documentary evidence and counsel may advise that this Honourable Court may permit

September 22, 2006

SACK GOLDBLATT MITCHELL LLP
20 Dundas Street West, Suite 1100
Toronto, Ontario, M5G 2G8

Steven M. Barrett (LSUC No. 24871B)
Steven Shrybman (LSUC No. 20774B)
tel: 416-977-6070
fax: 416-591-7333

Solicitors for the Proposed Interveners
Canadian Health Coalition et al.

TO: **TEPLITSKY, COLSON**
Suite 200, 70 Bond Street
Toronto, Ontario
M5B 1X3

Martin Teplitsky
Tel: 416-865-5300
Fax: 416-365-7702

Counsel for the Applicant

AND TO: **DEPARTMENT OF JUSTICE**
(CANADA)
Ontario Regional Office
The Exchange Tower, Box 36
130 King Street West, Suite 3400
Toronto, Ontario
M5X 1K6

Roslyn Levine
Deputy Regional Director and
Senior General Counsel
Tel: 416-973-9201
Fax: 416-973-3004

Counsel for the Respondent