

Court File No.

CV-08-361464CP

**ONTARIO
SUPERIOR COURT OF JUSTICE**



BETWEEN:

CEZANNE BIL.ODEAU and OLGA POUSTOVAR

Plaintiffs

and

MAPLE LEAF FOODS INC

Defendant

Proceedings under the *Class Proceedings Act, 1992, S O 2002, c 6, as amended*

NOTICE OF ACTION

TO THE DEFENDANT:

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the plaintiffs. The claim made against you is set out in the statement of claim served with this notice of action

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a statement of defence in Form 18A prescribed by the Rules of Civil Procedure, serve it on the plaintiff's lawyer or, where the plaintiff does not have a lawyer, serve it on the plaintiff, and file it, with proof of service, in this court office, **WITHIN TWENTY DAYS** after this notice of action is served on you, if you are served in Ontario

If you are served in another province or territory of Canada, or in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days

Instead of serving and filing a statement of defence, you may serve and file a notice of intent to defend in Form 18B prescribed by the Rules of Civil Procedure. This will entitle you to ten more days within which to serve and file your statement of defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

Date: 27 August 2008

Issued By: Sopario

**Address of Court Office:
393 University Avenue
Toronto, ON M5G 1E6**

TO: MAPLE LEAF FOODS INC.
30 St. Clair Avenue West
Suite 1500
Toronto, Ontario
M4V 3A2

CLAIM

- 1 The plaintiffs' claim on their own behalf and on behalf of the members of the class for:
 - (a) An Order certifying this action as a class proceeding and appointing them representative plaintiffs of the class;
 - (b) A Declaration that all of the food products currently listed on the Maple Leaf Foods Recall List are contaminated;
 - (c) A Declaration that the defendant was negligent by manufacturing food products contaminated by listeria;
 - (d) A Declaration that the defendant is strictly liable for the damages caused to consumers who purchased and ingested food products on the Maple Leaf Foods Recall List;
 - (e) Damages in the amount of one hundred million dollars;
 - (f) Pre-judgment interest pursuant to the *Courts of Justice Act, R S O 1980, c 43, s 128*;
 - (g) Costs of this action on a partial indemnity basis;
 - (h) Such further and other relief as this Honourable Court deems just
- 2 The plaintiff, Cezanne Bilodeau, resides in Ottawa, Ontario. She purchased numerous products on the Recall List, which she has consumed, resulting in physical and emotional injuries and economic loss
- 3 The plaintiff, Olga Poustovar, resides in Toronto, Ontario. She purchased numerous products on the Recall List, which she has consumed, resulting in physical and emotional injuries and economic loss
- 4 The plaintiffs bring this action on behalf of all consumers who purchased or consumed a food product in Canada on the Maple Leaf Foods Recall List
- 5 The defendant, Maple Leaf Foods Inc, manufactured and distributed food products contaminated with listeria to numerous retailers across the country
- 6 The plaintiffs and the other class members across the country have purchased and consumed contaminated food products and have sustained damages, including personal injury and economic loss

- 7 The damages sustained by the plaintiffs and the class members occurred as a direct result of the negligence of the defendant. The defendant is also strictly liable for manufacturing contaminated food products.
- 8 The plaintiffs propose that this action be tried in the City of Toronto, in the Province of Ontario.

27 Aug. 2008

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Solicitors for the Plaintiffs

CEZANNE BILODEAU, ET AL.

Plaintiffs

-and- **MAPLE LEAF FOODS INC.**

Defendant

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ONTARIO SUPERIOR COURT OF JUSTICE

Proceedings commenced in TORONTO

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