

Federal Court



Cour fédérale

Date: 20250626

Docket: T-2008-23

Toronto, Ontario, June 26, 2025

PRESENT: Mr. Associate Judge Michael D. Crinson

BETWEEN:

**CHIEF GREGORY BURKE,
REPRESENTATIVE PLAINTIFF
ON BEHALF OF A CLASS OF PLAINTIFFS**

Plaintiff (Class)

and

**HIS MAJESTY THE KING IN RIGHT OF CANADA
AND THE ATTORNEY GENERAL OF CANADA**

Defendants

ORDER

WHEREAS the Plaintiff has commenced a proceeding seeking certification of this action as a class proceeding pursuant to Rule 334.15 of the *Federal Courts Rules*, SOR/98-106;

WHEREAS Rule 334.15(2) requires that a motion for certification include a notice of motion, affidavit(s), and memoranda of fact and law;

WHEREAS the Plaintiff has requested permission to file the notice of motion and affidavit(s) separately from the memorandum of fact and law to facilitate efficient preparation of

the certification motion, including the completion of cross-examination on affidavit(s) and other pre-certification steps;

WHEREAS the Defendants have consented to this request, and the Court finds it just, expeditious, and least expensive to permit a deviation from Rule 334.15(2) pursuant to the Courts authority under Rule 385(1)(a) to give directions for the determination of the proceeding;

WHEREAS the Court is satisfied that a tailored filing schedule will promote the fair and efficient resolution of the certification motion without prejudice to any party;

AND UPON being satisfied the order should be issued substantially in the form, submitted;

THIS COURT ORDERS that:

1. The following represents the contemplated certification steps and corresponding deadlines for their completion in this action:

	Step/Action (Certification Application)	Deadline
1.	The Plaintiff shall serve and file his notice of motion and affidavit in support in relation to the certification motion	By July 25, 2025
2.	Cross Examination on Plaintiff's affidavit(s)	By August 25, 2025
3.	Undertakings from the cross examination of the Plaintiff's affiant to be answered	By September 12, 2025
4.	The Defendants shall file and serve their affidavit in relation to the certification motion	By September 24, 2025
5.	Cross Examination on Defendants' affidavit	By October 24, 2025

6.	Undertakings from the cross examination of the Defendants' affiant to be answered	By November 14, 2025
7.	Case Management conference (if necessary to deal with objections, procedural issues and scheduling of a certification motion)	On November 21, 2025 by Zoom, commencing at 12 noon EST (10 am MT) for a duration not exceeding one hour.
8.	The Plaintiff shall file and serve its memorandum of fact and law	By January 15, 2026
9.	The Defendants shall file and serve their memorandum of fact and law	By March 13, 2026
10.	The Plaintiff shall file and serve its reply memorandum of fact and law	By March 27, 2026

2. At least two days before each case management conference the parties shall by joint letter provide the Court with notice of any proposed agenda items accompanied by a brief statement of each parties' position on each agenda item.
3. The parties may, without further Order of the Court, amend the dates in this schedule, provided:
 - a. The change of date is on the written consent of all parties;
 - b. The amended dates will not change or impact any scheduled dates for filing documents with the Court or any scheduled hearing dates; and
 - c. The Court is promptly informed of the proposed change of date.
4. This order is made without costs.

"Michael D. Crinson"
Associate Judge