

Federal Court



Cour fédérale

**Date: 20160404**

**Dockets: T-1511-15  
T-1782-15  
T-1783-15**

**Toronto, Ontario, April 4, 2016**

**PRESENT: Case Management Judge Martha Milczynski**

**BETWEEN:**

**APOTEX INC.**

**Applicant**

**and**

**MINISTER OF HEALTH AND ATTORNEY  
GENERAL OF CANADA**

**Respondents**

**ORDER**

**UPON MOTION** in writing on behalf of the The Information Commissioner of Canada filed February 29, 2016, pursuant to Rule 369 of the *Federal Courts Rules* for:

1. An Order, pursuant to Rules 3, 53, and 54 of the *Federal Courts Rules* and Paragraph 42(1)(c) of the *Access to Information Act*, R.S.C. 1985, c. A-1 (the “ATIA” or “Act”), granting the Information Commissioner of Canada leave to be added as a party in the within Application for judicial review initiated by Apotex Inc. (“the Applicant”) under subsection 44(1) of the ATIA;

2. An order, directing that:
  - i. The Information Commissioner of Canada is granted leave to be added as a party in the within proceeding in accordance with paragraph 42(1)(c) of the Access to Information Act, RSC 1985, c. A-1;
  - ii. The Style of cause in the proceeding is amended so as to add the Information Commissioner of Canada as a party, Respondent;
  - iii. Within ten (10) days of the issuance of this Order, the parties shall serve the Information Commissioner with all documents that have served or filed in the proceeding but not yet served upon the Information Commissioner, and that thereafter the Information Commissioner will be served with all further filings;
  - iv. The Information Commissioner is permitted, within ten (10) days after she has received all the documents filed or to be filed in this proceeding, to serve and file a response to any motion pending before the Court within this proceeding at the time of issuance of this Order;
  - v. The Information Commissioner is permitted to serve and file affidavit material in relation to the main Application for judicial review, within twenty (20) days after being served with the Respondents' affidavit material or within 20 days after the expiration of time for the Respondents to do so;
  - vi. The Information Commissioner is permitted to complete cross-examinations on affidavits within twenty (20) days of having served her affidavit material;

- vii. The Information Commissioner is permitted, but not required, to serve and file a Record in the Application for judicial review that includes a memorandum of fact and law, within twenty (20) days after being served with the Respondents' records, or within 20 days after the expiration of time for the Respondents to do so; and
- viii. The Information Commissioner is permitted to make oral representations at the hearing of the Application for judicial review.

**AND UPON** reading the Applicant's Motion Record and a letter dated March 9, 2016 from counsel for the Respondent advising that the Respondent takes no position with regard to motion;

**THIS COURT ORDERS that:**

1. The Information Commissioner of Canada is granted leave to be added as a party in the within proceeding in accordance with paragraph 42(1)(c) of the Access to Information Act, RSC 1985, c. A-1;
2. The Style of cause in the proceeding is amended so as to add the Information Commissioner of Canada as a party, Respondent;
3. Within ten (10) days of the issuance of this Order, the parties shall serve the Information Commissioner with all documents that have served or filed in the proceeding but not yet served upon the Information Commissioner, and that thereafter the Information Commissioner will be served with all further filings;

4. The Information Commissioner is permitted, within ten (10) days after she has received all the documents filed or to be filed in this proceeding, to serve and file a response to any motion pending before the Court within this proceeding at the time of issuance of this Order;
5. The Information Commissioner is permitted to serve and file affidavit material in relation to the main Application for judicial review, within twenty (20) days after being served with the Respondents' affidavit material or within 20 days after the expiration of time for the Respondents to do so;
6. The Information Commissioner is permitted to complete cross-examinations on affidavits within twenty (20) days of having served her affidavit material;
7. The Information Commissioner is permitted, but not required, to serve and file a Record in the Application for judicial review that includes a memorandum of fact and law, within twenty (20) days after being served with the Respondents' records, or within 20 days after the expiration of time for the Respondents to do so; and
8. The Information Commissioner is permitted to make oral representations at the hearing of the Application for judicial review.

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"Martha Milczynski"  
Case Management Judge