

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N:

B.M.B

Plaintiff

-and-

**MICHAEL FALLONA,
CHRISTOPHER QUINLAN
THE ROMAN CATHOLIC EPISCOPAL CORPORATION OF THE DIOCESE
OF LONDON IN ONTARIO,
BISHOP RONALD PETER FABBRO, and
THE CONGREGATION OF SAINT BASIL**

Defendants

NOTICE OF MOTION

The Plaintiff will make a motion to the court on November 9, 2010, at 10:00 a.m., or as soon after that time as the motion can be heard, at the Court House 80 Dundas Street, London, Ontario.

PROPOSED METHOD OF HEARING: The motion is to be heard

in writing under subrule 37.12.1(1) because it is (on consent, unopposed or made without notice);

in writing as an opposed motion under subrule 37.12.1(4);

orally.

THE MOTION IS FOR

1. An Order requiring the Defendant, Michael Fallona, to provide to the Plaintiff all medical documents with respect to his mental health dating back as far as possible until the present time ;
2. An Order requiring the Defendant, Christopher Quinlan, to provide to the Plaintiff his Affidavit of documents including, but not limited to, his seminary file and personnel file with respect to his employment with the Diocese of London, as well as all medical documents with respect to his mental health dating back as far as possible until the present time;
3. Costs of this motion on a substantial indemnity basis;
4. An Order, if necessary, abridging the time for service, dispensing with service, or validating service of this notice of motion;
5. Such further and other relief as this Honourable Court may deem just; and

THE GROUNDS FOR THE MOTION ARE

1. Rule 29.2, 30, 31, & 37 of the *Rules of Civil Procedure*;
2. The medical documentation regarding these Defendants has not been produced to date despite requests by the plaintiff; and
3. The Plaintiff cannot proceed with the examination for discovery of the defendants without the aforementioned documentation.

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

1. Affidavit of Paul Ledroit sworn on October 22, 2010, and its attachments.
2. Such further evidence as counsel may advise and this Honourable Court admit.

October 22, 2010

Paul M. Ledroit
Ledroit Beckett
630 Richmond Street
London, ON N6A 3G6
Tel: 519.673.4994
Fax: 519.432.1660

Solicitors for the Plaintiff

TO: John M. Banfill Q.C.
Barrister & Solicitor
133 Berkeley Street, 3rd Fl.
Toronto, ON M5A 2X1
Tel: 416-365-0017
Fax: 416-365-0022

Solicitor for the Defendant,
Michael Fallona

AND TO: Susan Adam Metzler
Miller Thomson
40 King Street West, Suite 5800
Toronto, ON M5H 3S1

Solicitors for the defendants, Christopher Quinlan
The Diocese of London, Bishop Fabbro, and
The Congregation of Saint Basil