Court File No.: xxxxxxxx-CP

ONTARIO
SUPERIOR COURT OF JUSTICE

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| THE HONOURABLEJUSTICE [*name*] | )))) |  [*day*], THE  [date] DAY OF [*month*], 20xx |

**BETWEEN:**

 [*names of Plaintiffs]*

Plaintiffs

- and -

[*names of Defendants*]

Defendants

Proceeding under the *Class Proceedings Act*, *1992*

ORDER[[1]](#footnote-2)
(Certification)

**THIS MOTION**, made by the Plaintiffs, for an Order certifying this proceeding as a class proceeding, was heard this day [by judicial videoconference at (*City*)] [at *address of courthouse*], Ontario.[[2]](#footnote-3)

**ON READING** the materials filed by the parties, and upon hearing the submissions of counsel for the parties [or, if not all Defendants argued the motion, “…the Plaintiffs and the Defendants [*names of remaining Defendants*]”]:

1. **THIS COURT ORDERS** that the within action be and is hereby certified as a class proceeding as against [*the Defendants* or *the Defendants (names of those still in the action)*] pursuant to the *Class Proceedings Act, 1992*, S.O. 1992, c. 6.
2. **THIS COURT ORDERS** that the Class is defined as [*definition*] (the “Class Members”).[[3]](#footnote-4)
3. **THIS COURT ORDERS** that [*name(s)*] is/are hereby appointed as the representative plaintiff(s) on behalf of the Class.[[4]](#footnote-5)
4. **THIS COURT ORDERS** that [*name(s) of firm(s)*] are hereby appointed as Class Counsel in this action.
5. **THIS COURT DECLARES** that the following claims are asserted on behalf of the Class: [*list the certified causes of action*].
6. **THIS COURT DECLARES** that the relief sought by the Class is: [*list the types of relief sought in relation to the certified causes of action*].
7. **THIS COURT ORDERS** that the certified common issues are as follows:
	1. [*list the certified common issues*].
8. **THIS COURT ORDERS** that paragraphs [*numbers*] of the Statement of Claim be and are hereby struck out.[[5]](#footnote-6)
9. **THIS COURT ORDERS** that the Litigation Plan attached as Appendix “A” be and is hereby approved.
10. **THIS COURT ORDERS** that, following the final resolution of all appeal proceedings arising from this Order, the Class Members shall be given notice of the certification of this action [and of the opt-out process][[6]](#footnote-7) in substantially the form[s] set out in Appendix “B” (the “Notice[s]”)[[7]](#footnote-8) and the manner set out in Appendix “C”.[[8]](#footnote-9)
11. [*Alternative notice provision*] **THIS COURT ORDERS** that Notice shall be given to Class Members at the time and in the form and manner to be directed by the Court.[[9]](#footnote-10)
12. **THIS COURT ORDERS** that Class Members may opt out of this class proceeding by following the opt-out process set out in the Notice[s], by no later than [*time*] on [*date*].[[10]](#footnote-11)
13. **THIS COURT ORDERS** that any person who opts out of this action in accordance with the provisions for doing so in the Notice[s] and paragraph 12 of this order shall be excluded from the Class and the action.[[11]](#footnote-12)
14. **THIS COURT ORDERS** that within thirty (30) days of the opt-out deadline, Class Counsel shall provide to the Defendant(s) a report containing the names of each person who has validly and timely opted out of the proceeding and a summary of the information delivered by such persons pursuant to paragraph 12 above.
15. **THIS COURT ORDERS** that [*costs provision, if any, regarding the motion and the notice*].

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|  | The Honourable Justice [•] |

1. Prepared by the Ontario Class Action Bench-Bar Liaison Committee as a guide for courts and practitioners. This template should be tailored to suit the particular circumstances of each case. [↑](#footnote-ref-2)
2. If the opt out period has expired, the following recital can be added: “AND ON BEING ADVISED that the opt out period has expired.” [↑](#footnote-ref-3)
3. Include subclasses here if required: “…the certified subclasses are [*definitions*].” [↑](#footnote-ref-4)
4. Identify the representative plaintiff for each subclass if there are subclasses. [↑](#footnote-ref-5)
5. Only if any causes of action or allegations failed to survive the certification process. [↑](#footnote-ref-6)
6. If some defendants have already settled, there will already have been an order certifying for settlement purposes and the opt-out period will already have been triggered and expired. See *e.g. Eidoo v. Infineon Technologies AG,* 2012 ONSC 7299, paras 29-33, *Nutech Brands Inc. v. Air Canada,* [2008] O.J. No. 1065 (S.C.J.), para 20, and *Urlin Rent a Car v. Furukawa Electric*, 2016 ONSC 7965, para. 22. [↑](#footnote-ref-7)
7. Appendix B contains one or more forms of notice, depending on where and how they are to be disseminated. [↑](#footnote-ref-8)
8. Appendix C contains the distribution plan for the Notices. [↑](#footnote-ref-9)
9. Permits the certification order to be issued without waiting for resolution of notice issues. [↑](#footnote-ref-10)
10. This provision should be deleted if some defendants have already settled – in that case there will already have been an order certifying for settlement purposes and the opt-out period will already have been triggered and expired. [↑](#footnote-ref-11)
11. This provision should be deleted if the opt-out period has already expired. [↑](#footnote-ref-12)