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)
(Discontinuance)[[2]](#footnote-3)

THIS MOTION, made by the Plaintiffs, on consent, for an Order approving the discontinuance of the within action, [with/without] costs, and [with/without] prejudice, was heard this day [by judicial videoconference at (*City*)] [at (*address of courthouse)*], Ontario.

**ON READING** the materials filed, including the consent of the parties:

1. **THIS COURT ORDERS** that the within action be and is hereby discontinued [if only as to some Defendants, add “as to the Defendant(s) (*names*)”].
2. **THIS COURT ORDERS** that the discontinuance of this action is a defence to a subsequent action by the Plaintiffs [or, if the action is already certified, “by the Class Members”], against the Defendants [or against the specific discontinued Defendants], arising from or related to the subject matter of the within action.[[3]](#footnote-4)
3. **THIS COURT ORDERS** that Plaintiffs’ counsel [or, if the action is already certified, “Class Counsel”] shall provide notice of the discontinuance of this action in the form set out in Appendix “A” and in the manner set out in Appendix “B”.[[4]](#footnote-5)
4. **[Alternative notice provision]** **THIS COURT DECLARES** that notice of the discontinuance of this action is not required under s. 19 of the *Class Proceedings Act, 1992*, S.O. 1992, c. 6, and is hereby dispensed with.
5. **THIS COURT ORDERS** that there be no costs of this motion.
6. **[Alternative costs provision]** **THIS COURT ORDERS** that the Plaintiffs pay the Defendants [or the specific discontinued Defendant(s)] their costs of this proceeding [fixed in the amount of $●].

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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. This order has alternate language for discontinuances arising before and after certification, and both with and without prejudice to the plaintiffs. [↑](#footnote-ref-3)
3. Omit this provision if the discontinuance is without prejudice. [↑](#footnote-ref-4)
4. If the action is not certified, notice is often disposed of entirely or provided by mail or email to any putative Class Member who has provided this information to Plaintiffs’ counsel in connection with this action, and by posting a copy of this Order and the Notice of Discontinuance on Plaintiffs’ counsel’s website(s). [↑](#footnote-ref-5)