

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

JAMIE SMITH, ALANA DALTON, JAMIE McDONALD
and IRENE SALES INC., OPERATING AS THE HARTLEY HOUSE

Plaintiffs

- and -

THE CORPORATION OF THE MUNICIPALITY OF BROCKTON,
THE BRUCE-GREY-OWEN SOUND HEALTH UNIT, STAN KOEBEL,
THE WALKERTON PUBLIC UTILITIES COMMISSION and
HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO

Defendants

- and -

IAN D. WILSON ASSOCIATES LIMITED,
DAVIDSON WELL DRILLING LIMITED, EARTH TECH (CANADA) INC.,
CONESTOGA-ROVERS & ASSOCIATES LIMITED,
B.M. ROSS AND ASSOCIATES LIMITED,
GAP ENVIROMICROBIAL SERVICES INC.,
A & L CANADA LABORATORIES EAST, INC.,
DAVID BIESENTHAL and CAROL BIESENTHAL

Third Parties

Proceeding under the *Class Proceedings Act, 1992*

SUPPLEMENTARY MOTION RECORD

(to be heard by Mr. Justice Winkler on February 16, 2004 in Walkerton)

GIFFEN LEE LLP
500-50 Queen Street North
Kitchener, ON N2H 6P4

Bruce L. Lee
Tel: (519) 578-4150
Fax: (519) 578-8740

Plan Counsel

SUPPLEMENTARY MOTION RECORD INDEX

<u>Document</u>	<u>Tab No.</u>
Affidavit of Kimberley Chalmers, sworn the 6th day of February, 2004	1
Exhibit "A" - Materials regarding adult male applicant who has filed a late application	A
Exhibit "B" - Materials regarding adult female applicant who has filed a late application	B

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

JAMIE SMITH, ALANA DALTON, JAMIE McDONALD
and IRENE SALES INC., OPERATING AS THE HARTLEY HOUSE

Plaintiffs

- and -

THE CORPORATION OF THE MUNICIPALITY OF BROCKTON,
THE BRUCE-GREY-OWEN SOUND HEALTH UNIT, STAN KOEBEL,
THE WALKERTON PUBLIC UTILITIES COMMISSION and
HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO

Defendants

- and -

IAN D. WILSON ASSOCIATES LIMITED,
DAVIDSON WELL DRILLING LIMITED, EARTH TECH (CANADA) INC.,
CONESTOGA-ROVERS & ASSOCIATES LIMITED,
B.M. ROSS AND ASSOCIATES LIMITED,
GAP ENVIROMICROBIAL SERVICES INC.,
A & L CANADA LABORATORIES EAST, INC.,
DAVID BIESENTHAL and CAROL BIESENTHAL

Third Parties

Proceeding under the *Class Proceedings Act, 1992*

SUPPLEMENTARY AFFIDAVIT OF KIMBERLEY CHALMERS

I, KIMBERLEY CHALMERS, of the City of Waterloo, in the Regional Municipality of Waterloo, Province of Ontario, MAKE OATH AND SAY:

1. I am the Branch Manager of the Walkerton Compensation Plan Office in Walkerton, Ontario, and as such I have knowledge of the matters to which I hereinafter depose. The Walkerton Compensation Plan (the “Plan”) is administered by my employer Crawford Adjusters Canada Inc. (the “Administrator”).
2. This Supplementary Affidavit relates to a Motion for directions to be brought before the Honourable Mr. Justice W. Winkler on Monday, the 16th day of February, 2004 at the Court House in Walkerton, Ontario. This Motion seeks directions regarding certain applications for compensation under the Walkerton Compensation Plan made for the first time after the First Claim Deadline of January 2, 2002, as well as directions to ensure confidentiality of information provided to the Court to assist the Court in respect of the said Motion for directions.
3. Subsequent to the preparation of the Motion material served in connection with the said Motion for directions, further late applications were received from two adults, husband and wife, and their two minor children. The children's applications have been accepted for evaluation and are under review by the Administrator. The adults have been advised their applications are late, and they have also been advised of the February 16th motion in Walkerton for directions regarding late applications. A copy of the Motion Record Index and Notice of Motion was provided to them, as well as the telephone number of Mr. William Dermody, Independent Advice Counsel. Attached as Exhibits “A” and “B” to this my Supplementary Affidavit are the relevant materials received by the Administrator regarding these two recently received late applications. I confirm the notes and records prepared by representatives of the Administrator and contained in Exhibits “A” and “B” are accurate, truthful, and reflect the Administrator's understanding of the positions of these late applicants.
4. I have requested that Plan Counsel serve a Supplementary Motion Record, including this Affidavit and Exhibits, on Sutts, Strosberg, LLP, Mr. Harvey T. Strosberg, Class

Counsel Representative; Reuter Scargall LLP, Mr. Randy Bennett, Assistant to the Court, and McCarthy Tétrault LLP, Mr. F. Paul Morrison, solicitors for the Province of Ontario, to assist them in their preparation for the Motion for directions, and also to send a copy of this Affidavit (without Exhibits) to counsel for the Children's Lawyer, counsel for the Public Guardian & Trustee, and to Mr. William P. Dermody, Applicants' Independent Advice Counsel. The Administrator shall also be seeking directions to ensure the protection of the confidentiality of the information which is provided to the Court in respect of these two most recent late applications to assist the Court in respect of this Motion for directions.

5. This Supplementary Affidavit is made in support of a Motion for directions regarding the handling of late applications under the Plan and for no other or improper purpose.

SWORN BEFORE ME at the City)
of Kitchener, in the Regional)
Municipality of Waterloo, this)
6th day of February, 2004.)

Kimberley Chalmers
Kimberley Chalmers


A Commissioner, etc.