

**CITATION:** Rabbat v. Nadon  
**COURT FILE NO.:** CV-20-83233-CP  
**DATE:** 2021/12/07

**SUPERIOR COURT OF JUSTICE - ONTARIO**

**RE:** ELLINA RABBAT AND N.T., Plaintiffs

-and -

DR. FERNAND GASTON VINCENT NADON a.k.a DR. VINCENT NADON,  
VINCENT NADON MEDICINE PROFESSIONAL CORPORATION,  
and UNIVERSITY OF OTTAWA, UNIVERSITY OF OTTAWA HEALTH  
SERVICES, and 866520 ONTARIO LTD.

**BEFORE:** Regional Senior Justice Calum MacLeod

**COUNSEL:** Sean A. Brown, Candace Mak & Christopher Lupis for the Plaintiffs

Tina Hill, for Dr. Nadon

Jamie A. MacDonald, for the University of Ottawa

Chris T.J. Blom, for U of O Health Services and 866520 Ontario Inc.

**HEARD:** December 7, 2021 – in writing

**ENDORSEMENT**

[1] The motion for certification of this proposed class proceeding was scheduled to be heard today. In advance of the hearing, I was advised that the parties had settled the question of certification and had agreed on a litigation plan. I indicated I would deal with the motion in writing.

[2] I have reviewed the consent to certification and the proposed litigation plan. I am satisfied that the factors set out in s. 5 (1) of the *Class Proceedings Act, 1992*, S.O. 1992, c. 6 (as amended to June 3, 2021) have been addressed and favour certification of this action as a class proceeding.

[3] The proposed class definitions of a patient class and a family class appear appropriate. While there are numerous issues defined as common issues, they are issues that would be applicable to claims by all class members and are far more efficiently answered in a single common issues trial.

[4] A date for the common issues trial will be established through the case management process. I will remain the class proceedings judge for case management purposes and will deal with any motions leading up to the common issues trial.

[5] I have approved and signed the draft order which was submitted along with the consent of the parties. Given the approaching holiday season, the need for translation and publication of the notices, I have fixed the date for opting out of the class proceeding as July 15<sup>th</sup>, 2022.

[6] In the event this date is unworkable for any reason, class counsel may request an amendment. As set out in the order, the court will also entertain proposed amendments to the class definitions or common issues should that appear necessary and appropriate as matters proceed.

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Mr. Justice C. MacLeod

**Date:** December 7<sup>th</sup>, 2021