

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE)
JUSTICE D.K. GRAY) THURSDAY , THE 26th
DAY OF FEBRUARY , 2015

BETWEEN:

1291079 ONTARIO LIMITED

Plaintiff

- and -

SEARS CANADA INC. and SEARS, ROEBUCK AND CO.

Defendants

Proceeding under the *Class Proceedings Act, 1992*

ORDER

THIS MOTION, for an order that the within proceeding be dismissed on a without costs basis as against the defendant, Sears, Roebuck and Co., was heard this day at the Courthouse, 491 Steeles Ave. E., Milton, Ontario.

ON READING the materials filed, and on hearing the submissions of counsel for the plaintiff and counsel for the defendants,

1. **THIS COURT ORDERS** that the within proceeding be dismissed on a without costs basis as against the defendant, Sears, Roebuck and Co.
2. **THIS COURT ORDERS** that notice of the dismissal to the class members is to be included in the notice of certification.
3. **THIS COURT ORDERS** that the style of cause is hereby amended as follows:

Court File No. 3769/13 CP

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

1291079 ONTARIO LIMITED

Plaintiff

- and -

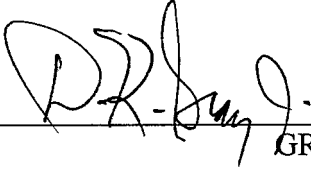
SEARS CANADA INC.

Defendant

Proceeding under the *Class Proceedings Act, 1992*

4. **THIS COURT ORDERS** that the plaintiff is hereby granted leave to amend its statement of claim in the form attached hereto as Schedule "A".

5. **THIS COURT ORDERS** that the defendant, Sears Canada Inc., be permitted to deliver an amended statement of defence within 30 days after service upon them of the amended statement of claim, if so advised.



GRAY, J.

77-54

FEB 27 2015

**SUPERIOR COURT OF JUSTICE
MILTON**