

Class Proceedings Committee

Opinion on the Merits

I. Overview

- *Provide a brief summary of the nature of this litigation*

II. Theory of the Plaintiff's Case

a) The Facts

- *Set out the key facts the plaintiff must and can establish to succeed*
- *Attach extracts from relevant documents*
- *Indicate what facts are uncontroverted, and what facts are in dispute*

b) Statutory Framework

- *Give brief overview of statutory framework or context*
- *Provide text of relevant statutes and regulations*

c) Case Law

- *Set out leading cases plaintiff is relying upon*
- *Provide relevant extracts from cases*

III. Theory of the Defendant's Case

a) Facts

- *Set out the key facts the defendant will be relying upon*
- *Attach extracts from relevant documents*

b) Case Law

- *Set out leading cases the defendant will be relying upon*
- *Provide relevant extracts from cases*

c) Statutory Defences

- *Set out statutory defences available to defendant*
- *What will defendants say is the relevant limitation period?*

IV. Multiple Defendants

- *If there are multiple defendants, is the case against each defendant identical?*
- *If not, how do the cases against each defendant differ?*

V. Opinion

- *Based on counsel's objective assessment of the facts and the law, and all anticipated defences, what is the prospect for success at trial against EACH defendant?*