

Court File No. 04-CV-263730CM2

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

DAVID ORCHARD

Plaintiff

- and -

THE CONSERVATIVE PARTY OF CANADA

Defendant

CONSENT

THE PARTIES hereto by their solicitors hereby consent to an order dismissing this action without costs and certify that the order being consented to does not affect the rights of any person under disability.

Date: _____

Cassels Brock & Blackwell LLP
2100 Scotia Plaza
40 King Street West
Toronto, Ontario M5H 3C2

Arthur Hamilton LSUC#: 39474W
Tel: 416.860.6574
Fax: 416.640.3009

Solicitors for the Defendant

Date: _____

Roach, Schwartz & Associates
Barristers & Solicitors
688 St. Clair Avenue West
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M6C 1B1

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Fax: (416) 657-1511

Peter Rosenthal
Solicitors for the Plaintiff

Court File No. 04-CV-263730CM2

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE JUSTICE) , THE
)
) DAY OF , 2005

BETWEEN:

DAVID ORCHARD

Plaintiff

- and -

THE CONSERVATIVE PARTY OF CANADA

Defendant

ORDER

THIS MOTION, made by Defendant, plaintiff by counterclaim, the Conservative Party of Canada for an order dismissing this action without costs, was read this day at 361 University Avenue, Toronto, Ontario.

ON READING the consents of the parties, filed

1. THIS COURT ORDERS that the within action be and is hereby dismissed, without costs.

MUTUAL RELEASE

IN CONSIDERATION OF the mutual obligations set out in the accepted offer to settle, dated December 15, 2004:

DAVID ORCHARD (hereinafter referred to as "**ORCHARD**", and which term includes his heirs, executors, administrators, successors, assigns, sponsors and designates) on the one hand and **THE CONSERVATIVE PARTY OF CANADA** and the **CONSERVATIVE FUND CANADA** (hereinafter referred to as "**CPC**", which term includes their servants, officers, agents, employees, directors, representatives, members, Leader and Deputy Leader, affiliates, assigns and sponsors and which term further encompasses the Progressive Conservative Party of Canada and the PC Canada Fund, their servants, officers, agents, employees, directors, representatives, members, Leader and Deputy Leader, affiliates, assigns and sponsors) on the other hand hereby release and forever discharge each other of and from all manner of actions, causes of actions, suits, debts, dues, accounts, bonds, covenants, contracts, claims and demands whatsoever which against each the other ever had, now has or can, shall or may hereafter have for or by reason of any cause, matter or thing whatsoever existing up to the present time, and more particularly, but without restricting the generality of the foregoing, any claim which was raised or referred to or which might have been raised or referred to in the action referenced as Court File No. 04-CV-263730CM2 in the Ontario Superior Court of Justice in which Orchard is the plaintiff and CPC is the defendant.

ORCHARD AND CPC expressly acknowledge that the consideration referred to herein shall not in any way be deemed to constitute an admission of any liability by either of them.

ORCHARD AND CPC agree not to make any claim or take any proceeding against any person or corporation who might claim, pursuant to the provisions of any applicable statute or otherwise, contribution or indemnity from either Orchard or CPC.

IN EXECUTING THIS RELEASE, on which it is intended to fully and finally determine each and every claim raised by Orchard in the statement of claim, and each and every claim raised by CPC in its counterclaim in the case referenced as Court File No. 01-CV-263730CM2 Orchard and CPC acknowledge that they may not and will not raise or otherwise refer to the allegations in the statement of claim or counterclaim in any subsequent or further context.

ORCHARD AND CPC expressly declare that they each have been given sufficient time to consider their respective actions and to seek such independent legal or other advice as they deem appropriate with respect to this matter and terms of this document. Orchard and CPC voluntarily accept the said terms for the purpose of making full and final compromise, adjustment and settlement of all claims as aforesaid. Orchard and CPC acknowledge that no representation of fact or opinion, threat or inducement has been made or given by the other to induce the signing of this Mutual Release.

THIS RELEASE SHALL BE DEEMED to have been made and in and shall be construed in accordance with the laws of the Province of Ontario.

IN WITNESS WHEREOF, Orchard and CPC hereby executes this Mutual Release.

DATED this day of January 2004.

SIGNED, SEALED AND DELIVERED

In the presence of:

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)	
Witness)	DAVID ORCHARD

- 3 -

CONSERVATIVE PARTY OF CANADA

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_____ c/s

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Authorized Signing Officer