



Court File No. CV-14-518696

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE )

FRIDAY, THE 23<sup>rd</sup>

MR. JUSTICE MEW )

DAY OF JANUARY, 2015

B E T W E E N:

*(Court Seal)*

FEDERATION OF ONTARIO TRADITIONAL CHINESE MEDICINE  
ASSOCIATION, ONTARIO ACUPUNCTURE EXAMINATION COMMITTEE,  
CANADIAN ASSOCIATION OF ACUPUNCTURE & TRADITIONAL  
CHINESE MEDICINE, COMMITTEE OF CERTIFIED ACUPUNCTURISTS  
OF ONTARIO, JAMES X. N. YUAN, JIA LI, JIN WANG and YONG LANG

Plaintiffs  
(Respondents)

and

COLLEGE OF TRADITIONAL CHINESE MEDICINE PRACTITIONERS AND  
ACUPUNCTURISTS OF ONTARIO and MINISTER OF HEALTH AND LONG  
TERM CARE OF ONTARIO

Defendants  
(Moving Parties)

**ORDER**

**THIS MOTION**, made by the Defendants, the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario (the “College”) and the Minister of Health and Long-Term Care of Ontario (the “Minister”), to set aside the Noting in Default of the Defendants, was heard this day at the Court House, 330 University Avenue, Toronto, Ontario, M5G 1R7.

**ON READING** the Motion Records of the Defendants and the Factum and Brief of Authorities of the College, and on hearing the submissions of counsel for the College, counsel for

the Minister, Mr. Sean Hu, and the Individual Plaintiffs, James X. N. Yuan, Jia Li, Jin Wang and Yong Lang, in the presence of a translator,

1. **THIS COURT ORDERS** that the Noting in Default of the Defendants obtained by the Plaintiffs on January 13, 2015 is hereby set aside;

2. **THIS COURT ORDERS** that there shall be no noting in default of the Defendants until the Defendants' motions to strike the Statement of Claim have been fully and finally determined or on further Order of this Court;

3. **THIS COURT ORDERS** that the Plaintiffs are prohibited from taking any steps in this action until such time as the Defendants' motions to strike the Statement of Claim have been fully and finally determined; *save and except for bringing a motion under rule 15.01(2)*

4. **THIS COURT ORDERS** that the Plaintiffs shall pay costs to the College in the sum of \$12,500, inclusive of disbursements and HST, within thirty (30) days of the date of this Order.

5. **THIS COURT ORDERS** that the Plaintiffs shall pay costs to the Minister in the sum of \$3,500, inclusive of disbursements and HST, within thirty (30) days of the date of this Order.

6. *until the plaintiffs' rule 15.01(2) motion is finally determined, the corporate plaintiffs shall be at liberty to file materials in respect of any motions in this proceeding.*

ENTERED AT / INSCRIT À TORONTO  
ON / BOOK NO:  
LE / DANS LE REGISTRE NO.:

JAN 23 2015

AS DOCUMENT NO.:  
À TITRE DE DOCUMENT NO.:

PER / PAR:

(Signature of Judge)

THE FEDERATION OF ONTARIO TRADITIONAL CHINESE  
MEDICINE ASSOCIATION et al.  
Plaintiffs

-and-

COLLEGE OF TRADITIONAL CHINESE MEDICINE  
PRACTITIONERS AND ACUPUNCTURISTS OF ONTARIO et al.  
Defendants

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PROCEEDING COMMENCED AT TORONTO

**ORDER**

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and Acupuncturists of Ontario