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May 10, 2012

John C. Field
Hicks Morley Hamilton Stewart Storie LLP
77 King St. W., 39th Floor
Box 371, TD Centre
Toronto, ON M5K 1K8

BY FAX @ 416-362-9680

Dear Sir:

**Re: Cathy Baker and Joe Lucier v. Navistar Canada Inc.; Court File No.
5329/12**

I acknowledge receipt of your correspondence of May 2 and May 4, 2012.

I also acknowledge that the Rules of Civil Procedure **may** permit a defendant to move, under Rule 21.01(3) that the Superior Court has no jurisdiction over a claim before a Statement of Defence is filed, or a motion for certification under the *Class Proceedings Act*. Nevertheless, Rule 21.02 requires that a motion made under Rule 21.01 be made promptly. Further, section 2(3) of the *Class Proceedings Act* mandates that a motion for certification be made within 90 days of the date of the delivery of the nature of intent to defend or the time prescribed for delivery of the Statement of Defence.

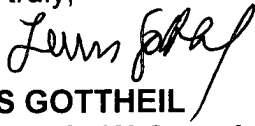
In light of the intent of the Legislature to expedite class action proceedings, my client seeks disclosure forthwith of the specific grounds of your client's motion, preferably in the form of a notice of motion. My client also seeks disclosure of the number of affidavits to be relied upon by your client, and the gist of the facts which your client intend to prove in these affidavits.

This material is necessary to determine (a) whether the Court ought to hear a Rule 21.03(3)(a) motion before a class action certification motion; and if so (b) what the schedule and key dates pertaining to the motion should be.



Your immediate attention to this letter is appreciated.

Yours truly,

A handwritten signature in black ink, appearing to read "Lewis Gottheil". The signature is written in a cursive style with a large, sweeping initial "L".

LEWIS GOTTHEIL
Counsel, CAW-Canada

LG/ww/cope343

cc. B. Chernecki, J. Mitichell, J. Wareham, C. Baker, J. Lucier

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