

S.C.C. Court File No.

**IN THE SUPREME COURT OF CANADA**  
(ON APPEAL FROM THE NOVA SCOTIA COURT OF APPEAL)

B E T W E E N:

**DAWN RAE DOWNTON**

**APPLICANT**  
Respondents

A N D:

**ORGANIGRAM HOLDINGS INC. AND ORGANIGRAM INC.**

**RESPONDENTS**  
Appellants

**NOTICE OF LEAVE TO APPEAL**  
**(DAWN RAE DOWNTON, APPLICANT)**  
(Pursuant to s.40 of the *Supreme Court Act*, R.S.C. 1985, c.S-26)

**TAKE NOTICE** that the Dawn Rae Downton applies for leave to the Supreme Court of Canada, under section 40 of the *Supreme Court Act*, R.S.C. 1985, c. S-26 and Rule 25 of the *Rules of the Supreme Court of Canada*, SOR/2002-156 from the judgment of the Nova Scotia Court of Appeal (Docket Number: CA 485656) made on April 30, 2020, and for an order granting the Applicants leave to appeal from the Court of Appeal Decision, and any further or other order that the Court may deem appropriate.

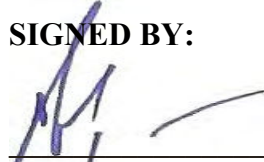
**AND FURTHER TAKE NOTICE** this application for leave is made on the following grounds:

This Application for Leave to Appeal raises the following issues of national and public importance:

- (a) What is the proper approach to the “workable methodology” requirement in the context of tort and personal injury damages, and what are the threshold evidentiary requirements?
- (b) Can an inference of causation be drawn on a motion for certification in the context of contaminants requiring novel methodologies of proof?

**DATED** at Ottawa, ON this 26<sup>th</sup> day of June, 2020.

**SIGNED BY:**



---

**WAGNERS**  
1869 Upper Water Street  
Suite PH 301  
Halifax, NS B3J 1 S9

**Raymond F. Wagner, Q.C.**

**Kate Boyle**

**Nicholas Hooper**

Tel: (902) 425-7330 -

Fax: (902) 422-1233

Email: [raywagner@wagners.co](mailto:raywagner@wagners.co)

[kboyle@wagners.co](mailto:kboyle@wagners.co)

**Counsel for the Applicant**

ORIGINAL TO: **THE REGISTRAR**

COPY TO:

**MCINNES COOPER**  
1969 Upper Water Street  
Suite 1300  
Halifax, NS B3J 2V1

**Jane O'Neill, Q.C.**

**Daniel Wallace**

Tel: (902) 425-6500

Fax: (902) 425-6350

Email: [jane.oneill@mcinnescooper.com](mailto:jane.oneill@mcinnescooper.com)

[daniel.wallace@mcinnescooper.com](mailto:daniel.wallace@mcinnescooper.com)

**Counsel for the Respondents**

---

**SUPREME ADVOCACY LLP**  
340 Gilmour Street, Suite 100  
Ottawa, ON K2P 0R3

**Eugene Meehan, Q.C.**

**Thomas Slade**

Tel.: (613) 695-8855

Fax: (613) 695-8580

Email: [emeehan@supremeadvocacy.ca](mailto:emeehan@supremeadvocacy.ca)

[tslade@supremeadvocacy.ca](mailto:tslade@supremeadvocacy.ca)

**Ottawa Agent for Counsel for the Applicant**

**NOTICE TO THE RESPONDENT OR INTERVENER:** A respondent or intervener may serve and file a memorandum in response to this application for leave to appeal within 30 days after the day on which a file is opened by the Court following the filing of this application for leave to appeal or, if a file has already been opened, within 30 days after the service of this application for leave to appeal. If no response is filed within that time, the Registrar will submit

this application for leave to appeal to the Court for consideration under section 43 of the *Supreme Court Act*.