

BAYVIEW LANDMARK CLASS ACTION

NEWSLETTER No. 2 (January 10, 2005)

A pre-trial in this matter has been scheduled for one-half day commencing at **2:15 p.m. on Thursday, March 3rd, 2005.**

The Pre-trial will be held before Mr. Justice Colin Campbell. A pre-trial conference is an informal meeting between counsel for the parties and a Judge, who will not be the Judge at the trial should the action proceed to trial. Prior to the pre-trial, counsel for each party prepares separate written memoranda for the pre-trial Judge outlining the positions of the clients. The purpose of the pre-trial is to discuss all of the issues in the action, and to canvass the possibility of settlement, or at least narrow the issues for trial. While the opinion of the pre-trial Judge is not binding on the parties, it certainly is persuasive, particularly if the Judge is experienced. After hearing submissions from each counsel, the Judge typically gives his opinion as to the likely outcome of the case if he would have been the trial Judge.

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