

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE) WEDNESDAY, THE 10TH DAY OF
MR. JUSTICE FEDAK) OCTOBER, 2007

BETWEEN:

COLLEGE OF OPTOMETRISTS OF ONTARIO

Applicant

- and -

SHS OPTICAL LTD., DUNDURN OPTICAL LTD. and
JOHN DOE, all carrying on business under the name
GREAT GLASSES; JOANNE MARIE BERGEZ and
BRUCE BERGEZ

Respondents

- and -

COLLEGE OF OPTICIANS OF ONTARIO

Intervenor

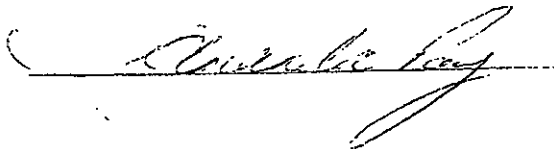
ORDER

THIS MOTION, made by the Applicant, the College of Optometrists of Ontario, for orders required to carry out the mandatory orders made by the Honourable Mr. Justice Crane in his Judgment dated November 24, 2006, for an Order that the Respondents, Bruce Bergez and Joanne Marie Bergez, shall jointly and severally be liable to pay a fine of \$50,000.00 a day for every day after November 24, 2006 until the date of the Order, for an Order prohibiting the Respondents from dispensing eyeglasses or contact lenses at any Great Glasses store, for an Order that the Respondents shall not dispense eyeglasses unless an optician who holds a current certificate of registration from the College of Opticians of Ontario is physically present within each and every Great Glasses store during business hours in order to do the dispensing and for an Order requiring that the Respondents ensure that all optical outlets operating under the name of Great Glasses shall cease advertising to the public the availability of "Free Eye Tests" and shall remove the offer of a "Free Eye Test" from all store signs;

AND THE CROSS-MOTION, made by the Respondents, SHS Optical Ltd., Dundurn Optical Ltd., and John Doe, all carrying on business under the name Great Glasses, Joanne Marie Bergez and Bruce Bergez, for an Order striking paragraph 1 and paragraph 2(a) of the Applicant's Notice of Motion dated April 18, 2007, for an Order staying the Applicant's motion and for an Order expunging the affidavits filed on behalf of the Applicant and the Intervenor in their motion materials from the court file in this proceeding were heard this day at the John Sopinka Court House, 45 Main Street East, Hamilton, Ontario.

ON READING the Motion Record and Factum of the Applicant and the Cross-Motion Record and the Factum of the Respondents, and on hearing submissions made by counsel for the parties,

1. **THIS COURT ORDERS** that the cross-motion of the Respondents is dismissed.
2. **THIS COURT FURTHER ORDERS** that the Respondents, Bruce Bergez and Joanne Marie Bergez, shall be jointly and severally liable to pay a fine of \$50,000.00 for each and every day from November 25, 2006 to the date of this Order in the amount of \$16,000,000.00.
3. **THIS COURT FURTHER ORDERS** that if the parties are unable to settle the matter of costs, short written submissions are to be made within 30 days from the date of this Order.



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ENTERED AT HAMILTON
IN Book No. 202
as Document No. 77
on: Nov 21 07
by: [Signature]

College of Optometrists of Ontario
Applicant and Respondents
SHS Optical Ltd et al.
Respondents

Court File No: 05-18863

**ONTARIO
SUPERIOR COURT OF JUSTICE**
Proceeding commenced at Hamilton

ORDER

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