

**TO: Purchasers in the World Centre Project (Class Litigants)**

**Landy, Marr & Associates - Kings Land Developments Inc. Class Action**

**NEWSLETTER No. 4**

**(January 29, 2003)**

This Newsletter advises the Class Litigants of the progress and latest developments in this action.

### **1. Trial Date**

We attended before Mr. Justice Nordheimer on Monday January 27, 2003. All Counsel advised the Court that this action was estimated to be a 5 week trial. Justice Nordheimer fixed the trial for a year from now. The trial is fixed to commence **February 9, 2004**. Due to the length of trial early trial dates were not available. We successfully thwarted attempts by counsel for Mr. Beber to delay the trial to an even later date.

### **2. Other significant Pre-trial events**

In the coming few months we will deliver our experts' reports.

The Court will also schedule a pre-trial for later in 2003. 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 memorandum for the pre-trial judge outlining the positions of the their 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 on what the likely outcome of the case would be, if he had heard the case before him.

You can also access information on the file and newsletters by visiting our website at: [www.landymarr.com](http://www.landymarr.com).

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