CITATION: Tetefsky v. General Motors Corporation, 2011 ONCA 246
DATE: 20110330
DOCKET: C52599

COURT OF APPEAL FOR ONTARIO

Armstrong, Juriansz and Watt JJ.A.

BETWEEN

Rhonda Tetefsky, David Bain, Harvey Erlich,
Akiva Medjuk, Daniel Berkovits

Plaintiffs (Appellants)

and

General Motors Corporation, General Motors of Canada, Ltd.,
American Honda Motor Company, Inc., Honda Canada, Inc.
Chrysler Canada, Inc., Chrysler LLC, Nissan North America Inc.,
Nissan Canada Inc., Canadian Automobile Dealers Association,
Ford Canada Inc., Ford Motor Company

Defendants (Respondents)

Proceedings under the *Class Proceedings Act, 1992*

Henry Juroviesky and Eliezer Karp, for the plaintiffs (appellants)

Howard J. Wolch, for the non-party/respondent, JATO Dynamics Limited

Heard and released orally: March 24, 2011

On appeal from the Order of Justice Paul Perell of the Superior Court of Justice, dated March 18, 2010.

ENDORSEMENT

[1] The appellants appeal the order of Justice Perell dismissing their application for pre-certification production of automotive pricing information from JATO Dynamics Ltd. JATO is not a party to the action and the appellants submit that the motion judge applied the wrong test under rule 30.10 of the *Rules of Civil Procedure*. We disagree.

[2] The motion judge referred to the relevant cases decided under the rule and, in particular, the decision of this court in *Ontario (Attorney General) v. Stavro*, *Re The Estate of Harold Edwin Ballard* (1995), 26 O.R. (3d) 39. Counsel submits that the motion judge ignored all but one of the factors articulated by this court in *Ballard Estate*. We disagree.

[3] The motion judge did an appropriate rule 30.10 analysis and exercised his discretion. We see no basis upon which to interfere. The appeal is therefore dismissed.

[4] JATO Dynamics Ltd. shall have its costs of the appeal fixed in the amount of $7,500 inclusive of disbursements and applicable taxes.

"Robert P. Armstrong J.A."
"R. Juriansz J.A."
"David Watt J.A."