

**DATE:** January 14, 2005  
**DOCKET:** C42100

**COURT OF APPEAL FOR ONTARIO**

**RE:** **MINISTRY OF CORRECTIONAL SERVICES (Applicant/Appellant)**  
**v. DAVID GOODIS, SENIOR ADJUDICATOR AND**  
**JANE DOE, REQUESTER (Respondents)**

**BEFORE:** **McMURTRY C.J.O., CATZMAN AND LANG JJ.A.**

**COUNSEL:** **Sara Blake**  
**for the appellant**

**William Challis**  
**for the respondent, David Goodis**

**Phil Tunley and Christine Lonsdale**  
**For the Requester, Jane Doe**

**HEARD &**  
**ENDORSED:** **January 14, 2005**

On appeal from the order of the Divisional Court (MacFarland, McCombs and Wilson JJ.) dated January 26, 2004 which dismissed the motion to set aside the order of Justice Blair dated October 24, 2003.

**APPEAL BOOK ENDORSEMENT**

[1] The Divisional Court found that Blair J. sitting as a judge of that court had jurisdiction to control the process of the court and to ensure procedural fairness to all parties. In our view, Blair J.'s order was a discretionary one made within his jurisdiction.

[2] The Divisional Court found no basis for interfering with his order, nor do we. The appeal is therefore dismissed. The Requestor is entitled to her costs fixed in the total amount of \$9,400.00 including the costs of the application for leave to appeal.