

Court File No. 04/CV/2451

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

PEGGY JANE DAVIS

Plaintiff

- and -

CLIVE METCALF et al.

Defendants

STATEMENT OF DEFENCE

1. The defendant admits the allegations contained in part of paragraphs 2, 4, 9 and 10 of the Statement of Claim.

2. The defendant denies the allegations contained in paragraphs 2 and 3, part of paragraphs 5, 6 and 7, part of paragraph 10 and paragraphs 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49 and 50 of the Statement of Claim

3. The defendant has no knowledge of: part of paragraphs 2, 8, 9 and 10, paragraphs 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33 and 34 of the Statement of Claim.

4. The defendant, 1035507 Ontario Inc. (hereinafter "1035507") denies it conspired with any party to charge a criminal rate of interest on any loans.

5. The customers of Stop N' Cash had the option of taking or declining insurance coverage. At all material times it was the belief of the defendant, 1035507 that the customers were insured through the Barbados Insurance Company.

6. The fact is that customers of Stop N' Cash had no capacity to borrow or cash cheques. The defendant provided such facility to the customers. Any charges levied by the defendant, 1035507 did not exceed the criminal interest rate of the *Criminal Code*.

7. The defendant, 1035507 denies that the nature of the claim is not within the *Class Proceedings Act* and should not be certified.

8. Wherefore the action should be dismissed with costs.

Dated September 28, 2004

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Solicitors for the Defendant,
1035507 Ontario Inc.

PEGGY JANE DAVIS

and

CLIVE METCALF et al.

Plaintiff

Defendants

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**Proceeding Commenced at
Windsor.**

STATEMENT OF DEFENCE

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