

SUPERIOR COURT OF JUSTICE – ONTARIO

ASSOCIATE JUSTICE BROTT:

Title of Proceedings: LAW v PREINER

Conference date: May 17, 2024

By: Telephone

Counsel:

R. Marinacci – email rmarinacci@bogoroch.com for the plaintiff

R. Mediratta – email – rmediratta@hiroc.com for the defendant Hospital

ENDORSEMENT:

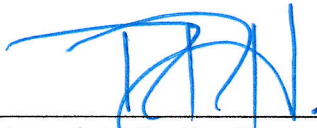
This is a medical malpractice action. The plaintiff requested today's case conference seeking production of the audit report for Ms. Law's hospital chart from Southlake Regional Health Centre from November 7, 2021 to date. The audit report for the period of September 3, 2021 to November 6, 2021 has already been produced.

The defendant asserts that the plaintiff is on a fishing expedition. She outlines the sole issue in the action as whether the care provider caused the death of Ms. Law and accordingly submits that the only material time in issue in the action is the time when the deceased was a patient in the hospital. In her view, if there was a breach of patient privacy, the only relevant time to look at, is for the period between September 3 to November 6.

The plaintiff asserts that the court must focus on the issue of patient privacy and whether the hospital breached its standard of care.

In my view, if the hospital accessed the patient records even after the death of Ms. Law – then those actions go to the alleged breach of patient privacy. The breach of the policies of patient privacy have been clearly pleaded. The policies around patient privacy do not end with the death of a patient. Accordingly, I find that the audit reports for the period from November 7, 2021 to the present are relevant and producible.

Counsel advised that it has taken close to a year to schedule examinations for discovery. They are currently scheduled for June 3, 4, 5, 6, 7 and 10, 2024. Those examinations should not be adjourned and accordingly, the audit reports shall be produced in advance of the scheduled examinations for discovery.



Associate Justice Ronna M. Brott

Note: A copy of this Order shall be sent to counsel.

Note: The Assistant Trial Coordinator for Associate Justice Brott is Ms. Christine Meditskos - Christine.Meditskos@ontario.ca