

NOV 21 2008

Leave to appeal is refused with  
costs fixed at \$1,500.00  
inclusive of GST and disbursements.

*Mr. Perry J.A.*  
*K. [unclear] J.A.*  
*[Signature] J.A.*

Andrea Heward et al. and Eli Lilly & Company and Eli Lilly Canada  
Plaintiffs and Inc. Defendants

Court of Appeal File No. M36601  
Divisional Court File No. 181/07  
Court File No. 05-CV-283309CP

**COURT OF APPEAL FOR ONTARIO**

Proceeding commenced at Toronto

**APPELLANTS' MOTION RECORD FOR  
LEAVE TO APPEAL**

**OSLER, HOSKIN & HARCOURT LLP**  
Box 50, 1 First Canadian Place  
Toronto, Ontario, Canada M5X 1B8

David S. Morrill (LSUC #: 24532F)  
Tel: (416) 862-6723

Sonia Bjorkquist (LSUC#: 38973L)  
Tel: (416) 862-5876

Craig Lockwood (LSUC#: 46668M)  
Tel: (416) 862-5988

Fax: (416) 862-6666

Solicitors for the Defendants