



Ontario Superior Court of Justice

Divisional Court

DATE: Sept 18th 2019

BEFORE HONOURABLE JUSTICE: AMERS J.

COURT FILE# DC-19-283

Primum Insurance Company

Applicants/Appellants

v.

Owens

Respondents

(Intervenors)

Counsel/Self-rep.	Phone No.	Email
<u>P. BAKER</u>	<u>for App</u>	
<u>C. CAMPOLI</u>	<u>for Resp</u>	

ENDORSEMENT

THIS MOTION SHOULD NOT HAVE BEEN
OPPOSED. WHILE IT COULD HAVE BEEN BROUGHT
SOONER THERE IS NO PREJUDICE CAUSED BY
THE DELAY. THE NOTICE OF APPEAL IS A
PLACEHOLDER TO TOLL THE LIMITATION
PERIOD PENDING THE REVIEW BY THE VICE
CHAIR AT LAT. THIS IS THE PRECISE

ONTARIO



Ontario
Superior Court of Justice

Divisional Court

ENDORSEMENT CONTINUED

PROCESS SUGGESTED IN TAYLOR v AVIVA
2018 ONSC 4473

THE RESP ARGUES THAT APP SHOULD
HAVE MOVED SOONER. BUT THE REVIEW MIGHT
HAVE BEEN RELEASED IN THE INTERIM, THERE
WAS NO HARM IN WAITING. RESP SEEMS
TO TAKE ADVANTAGE OF A SLIP BY
OPPOSING COUNSEL. THE COURT DOES NOT
LOOK UPON SUCH TACTICS WITH FAVOUR.

THERE ARE AMPLE GROUNDS TO REINSTATE
AND STAY THE APPEAL PENDING THE
OUTCOME OF THE REVIEW. I DO NOT
THINK IT APPROPRIATE FOR ME TO EVEN
LOOK AT THE MERITS NOW AS THEY
WILL LIKELY CHANGE ONCE THE REVIEW
DECISION IS RELEASED. THE NATURE OF
APPEAL IS JUST A TECHNICALITY TO
PRESERVE A TIME LIMIT. THE RESP
WASTED TIME AND MONEY ENGAGING ON
A PEACHORNER PROCEESS.

- ORDER SIGNED IN THE FORM SUBMITTED.
THE PARTIES AGREED THAT COSTS OF \$1500
WOULD BE AWARDED TO THE SUCCESSFUL PARTY.
I WOULD HAVE ENTERTAINED A REQUEST
FOR A HIGHER COSTS AWARD.

Page

2 of 2

Judge's Initial

JM