

No. 31126

January 19, 2006

Coram: McLachlin C.J. and Binnie and
Charron JJ.

BETWEEN:

857486 Ontario Limited

Applicant

- and -

Peachtree II Associates - Dallas, L.P., by it's
general partner 857485 Ontario Limited,
Marco Muzzo, Elio Muzzo, Robert Muzzo,
Alex Muzzo, Barry Percival, Martin
Goldfarb, Jagdish Patel, Ross McKenzie,
Dominic Mesiti, Gary Goldfarb, Larry
Shulman and Benjamin Shishler

Respondents

AND BETWEEN:

869163 Ontario Limited

Applicant

- and -

Torrey Springs II Associates Limited
Partnership, Evergreen Properties No. 26
Inc., Marco Muzzo, Marco Muzzo, Estate
Trustee of the Estate of Elio Muzzo, Robert
Muzzo, Alex Muzzo, Danny Salvatore, Paul
Digenova, Gino Digenova, Mario Digenova,
Nick Cortellucci, Mario Cortellucci, Ross
McKenzie, Dominic Mesiti, Paul Morgan
and Sam Brown and Goldfarb, Shulman,

Le 19 janvier 2006

Coram : La juge en chef McLachlin et les
juges Binnie et Charron

ENTRE :

857486 Ontario Limited

Demanderesse

- et -

Peachtree II Associates - Dallas, L.P., by it's
general partner 857485 Ontario Limited,
Marco Muzzo, Elio Muzzo, Robert Muzzo,
Alex Muzzo, Barry Percival, Martin
Goldfarb, Jagdish Patel, Ross McKenzie,
Dominic Mesiti, Gary Goldfarb, Larry
Shulman et Benjamin Shishler

Intimés

ET ENTRE :

869163 Ontario Limited

Demanderesse

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Torrey Springs II Associates Limited
Partnership, Evergreen Properties No. 26
Inc., Marco Muzzo, Marco Muzzo, Estate
Trustee of the Estate of Elio Muzzo, Robert
Muzzo, Alex Muzzo, Danny Salvatore, Paul
Digenova, Gino Digenova, Mario Digenova,
Nick Cortellucci, Mario Cortellucci, Ross
McKenzie, Dominic Mesiti, Paul Morgan et
Sam Brown and Goldfarb, Shulman, Patel &

No. 31126

Patel & Co.

Co.

Respondents

Intimés

JUDGMENT

JUGEMENT

The application for leave to appeal from the judgment of the Court of Appeal for Ontario, Numbers C42793 and C42794, dated July 4, 2005, is dismissed with costs.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de l'Ontario, numéros C42793 et C42794, daté du 4 juillet 2005, est rejetée avec dépens.

C.J.C.
J.C.C.