

No. 32335

February 21, 2008

Le 21 février 2008

Coram: Bastarache, Abella and Charron JJ.

Coram : Les juges Bastarache, Abella et Charron

BETWEEN:

ENTRE :

Morneau Sobeco Limited Partnership, in its capacity as pension plan administrator of two pension plans sponsored by General Chemical Canada Ltd, a bankrupt and General Chemical Canada Ltd., Salaried Employees Pension Plan (CRA Registration No. 06925205) and the General Chemical Canada Ltd. Bargaining Unit Employees Pension Plan (CRA Registration No. 0695213)

Morneau Sobeco Limited Partnership, en sa qualité d'administratrice de deux régimes de retraite dont General Chemical Canada Ltd, faillie, et le promoteur General Chemical Canada Ltd. Salaried Employees Pension Plan (N° d'inscription de l'ARC 06925205) et General Chemical Canada Ltd. Bargaining Unit Employees Pension Plan (N° d'inscription de l'ARC 0695213)

Applicants

Demandereses

- and -

- et -

Harbert Distressed Investment Fund, L.P., Harbert Distressed Investment Master Fund Ltd. and PricewaterhouseCoopers Inc.

Harbert Distressed Investment Fund, L.P., Harbert Distressed Investment Master Fund Ltd. et PricewaterhouseCoopers Inc.

Respondents

Intimées

JUDGMENT

The application for leave to appeal from the judgment of the Court of Appeal for Ontario, Numbers C45784 and C45800, 2007 ONCA 600, dated September 6, 2007, is dismissed with costs to the respondents Harbert Distressed Investment Fund, L.P. and Harbert Distressed Investment Master Fund Ltd.

JUGEMENT

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de l'Ontario, numéros C45784 et C45800, 2007 ONCA 600, daté du 6 septembre 2007, est rejetée avec dépens en faveur des intimées Harbert Distressed Investment Fund. L.P. et Harbert Distressed Investment Master Fund Ltd.

J.S.C.C.
J.C.S.C.