No. 34308

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| December 1, 2011 |  | Le 1er décembre 2011 |
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| Coram: LeBel, Fish and Cromwell JJ. |  | Coram : Les juges LeBel, Fish et Cromwell |
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| BETWEEN:  Sun Indalex Finance, LLC  Applicant  - and -  United Steelworkers, Keith Carruthers, Leon Kozierok, Richard Benson, John Faveri, Ken Wladron, John (Jack) W. Rooney, Bertram McBride, Max Degen, Eugene D’Iorio, Neil Fraser, Richard Smith, Robert Leckie, Fred Granville, George L. Miller, The Chapter 7 Trustee of the Bankruptcy Estates of the US Indalex Debtors and The Monitor FTI Consulting Canada ULC  Respondents  **AND BETWEEN:**  George L. Miller and The Chapter 7 Trustee of the Bankruptcy Estates of the US Indalex Debtors  Applicants  - and -  Sun Indalex Finance, LLC, United Steelworkers, Keith Carruthers, Leon Kozierok, Richard Benson, John Faveri, Ken Wladron, John (Jack) W. Rooney, Bertram McBride, Max Degen, Eugene D’Iorio, Neil Fraser, Richard Smith, Robert Leckie, Fred Granville and The Monitor FTI Consulting Canada ULC  Respondents  AND BETWEEN:  FTI Consulting Canada ULC, in its capacity as court-appointed monitor of Indalex Limited, on behalf of Indalex Limited  Applicant  - and -  Keith Carruthers, Leon Kozierok, Richard Benson, John Faveri, Ken Wladron, John (Jack) W. Rooney, Bertram McBride, Max Degen, Eugene D’Iorio, Neil Fraser, Richard Smith, Robert Leckie, Fred Granville and United Steelworkers  Respondents |  | ENTRE :  Sun Indalex Finance, LLC  Demanderesse  - et -  Métallurgistes unis, Keith Carruthers, Leon Kozierok, Richard Benson, John Faveri, Ken Wladron, John (Jack) W. Rooney, Bertram McBride, Max Degen, Eugene D’Iorio, Neil Fraser, Richard Smith, Robert Leckie, Fred Granville, George L. Miller, The Chapter 7 Trustee of the Bankruptcy Estates of the US Indalex Debtors et Le contrôleur, FTI Consulting Canada ULC  Intimés  ET ENTRE :  George L. Miller et The Chapter 7 Trustee of the Bankruptcy Estates of the US Indalex Debtors  Demandeurs  - et  Sun Indalex Finance, LLC, United Steelworkers, Keith Carruthers, Leon Kozierok, Richard Benson, John Faveri, Ken Wladron, John (Jack) W. Rooney, Bertram McBride, Max Degen, Eugene D’Iorio, Neil Fraser, Richard Smith, Robert Leckie, Fred Granville et Le contrôleur, FTI Consulting Canada ULC  Intimés  ET ENTRE :  FTI Consulting Canada ULC, en sa qualité de contrôleur d’Indalex Limited, au nom d’Indalex Limited  Demanderesse  - et -  Keith Carruthers, Leon Kozierok, Richard Benson, John Faveri, Ken Wladron, John (Jack) W. Rooney, Bertram McBride, Max Degen, Eugene D’Iorio, Neil Fraser, Richard Smith, Robert Leckie, Fred Granville et Métallurgistes unis  Intimés |
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| JUDGMENT  The motion to strike out the affidavit of Jay Swartz from the Application Record of FTI Consulting Canada ULC is granted without costs. The applications for leave to appeal from the judgment of the Court of Appeal for Ontario, Numbers C52187 and C52346, 2011 ONCA 265, dated April 7, 2011, are granted with costs in the cause. |  | JUGEMENT  La requête pour radier l’affidavit de Jay Swartz du dossier de la demande de FTI Consulting Canada ULC est accordée sans dépens. Les demandes d’autorisation d’appel de l’arrêt de la Cour d’appel de l’Ontario, numéros C52187 et C52346, 2011 ONCA 265, daté du 7 avril 2011, sont accordées avec dépens suivant l’issue de la cause. |

J.S.C.C.

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