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, LLCApplicant- 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 ULCRespondents**AND BETWEEN:**George L. Miller and The Chapter 7 Trustee of the Bankruptcy Estates of the US Indalex DebtorsApplicants- 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 ULCRespondentsAND BETWEEN:FTI Consulting Canada ULC, in its capacity as court-appointed monitor of Indalex Limited, on behalf of Indalex LimitedApplicant- 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 SteelworkersRespondents |  | ENTRE :Sun Indalex Finance, LLCDemanderesse- 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 ULCIntimésET ENTRE :George L. Miller et The Chapter 7 Trustee of the Bankruptcy Estates of the US Indalex DebtorsDemandeurs- etSun 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 ULCIntimésET ENTRE :FTI Consulting Canada ULC, en sa qualité de contrôleur d’Indalex Limited, au nom d’Indalex LimitedDemanderesse- 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 unisIntimés |
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| JUDGMENTThe 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. |  | JUGEMENTLa 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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