

N° 31854

Le 5 juillet 2007

Coram : Les juges Bastarache, LeBel et Fish

**ENTRE :**

Elliot C. Wightman, Phillip P. Aspinall,  
René M. Aubry, John D. Ball, Jean Beaudry,  
Marcel Bertrand, Roman Boyko, K. Steven  
Clarke, Claude Couvrette, Allan S.  
Cunningham, Georges Fournier, Jean  
Fournier, Gilles Gagnon, Ian Gergovich,  
Pierre Gill, André A. Giroux, Michael J.  
Hayes, Iain D. Hume, Sebastien Iannitello,  
Robert Janody, Pierre Lamoureux, Jean-G.  
Lanctot, Denis Langelier, Bernard Lauzon,  
Michael F. Macey, Zygmunt, Marcinsky,  
Jean-Guy Martin, Zarin M. Mehta, Lucien  
H. Morin, John A. Morrison, Marcel  
Quevillon, Pierre Seccareccia, Gérald  
Séguin, Robert G.A. Simioni, Bernard R.  
Smith, Herbert O. Spindler, Jacques  
St-Amour, Norah K. Taylor, Michael  
Whitworth, François Bernier, Michel  
Bédard, William G.K. Boden, Adrien  
Dionne, Denis Girard, Jaquelin Léger,  
Jacques Marquis, Marc E. Martel, Normand  
Massé, Jean Pelletier, Christian Rousseau,  
Marc Sheedy, Lionel Vézina, Robert G.  
Glenny, Robert M. Bosshard, Sean R. Casey,  
R. Ian Cowan, Evan E. Owen, Harold D.  
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Wichman, Weston E. Suchard, Spencer H.  
Clark, Robert B. Lemon, Allan A.  
McDermid, Ian D. McIntosh, John M. Savel,  
David W. Smith, J. A. Abbott, A. Joel  
Adelstein, Trevor J. Ambridge, David H.

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Copeland, Justin Fryer, Ronald P. Gratton,  
Barry J. Hunt, Frank J. Killoran, C. Roy  
Krake, Peter K. Lane, John E. Lawrence,  
Dennis Lister, Gerard A. Luijkx, Roderick  
W. Maclean, Mary K. McGurran, David J.  
Moore, William E. Patterson, David V.  
Richards, D. E. Smith, John M. Ryan, A. W.  
Keith Anderson, Daniel J. Block, R. L.  
Brintnell, William D. Burch, M. R. Harle,  
Barry L. James, Donald A. MacLean, John  
A. MacNutt, M. J. Majeau, Allan D. Martin,  
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Pirrot, J. F. Preston, Kenneth D. Rawson,  
Dale F. Robarts, N. David St. Peter, J. M.  
Tweedle, R. L. Williamson, Peter Lucas,  
Gary D. Powroznik, Eric S. Z. Andrew,  
Rodney C. Bergen, Lenard F. Boggio, John  
H. Bowles, David P. Bowra, Craig G.  
Bushell, Edward G. Byrd, W. John Dawson,  
A. R. Drinkwater, Darryl R. Eddy, John P.  
Fairchild, H. Harowitz, Thomas G.  
Jamieson, Rodney B. Johnston, John C. Kay,  
Patricia J. Lajoie, John E. Larsen, Ledford  
G. Lilley, Martin A. Linsley, Derek M.

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Fairchild, H. Harowitz, Thomas G.  
Jamieson, Rodney B. Johnston, John C. Kay,  
Patricia J. Lajoie, John E. Larsen, Ledford  
G. Lilley, Martin A. Linsley, Derek M.

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Melville, Robert A. Paterson, P. Pourdad, C. Douglas Proctor, Clayton G. Shultz, Bruce R. Sinclair, David R. Sinclair, Peter J. Speer, Roderick M. Wanless, Allan W. Neale, Henning E. Norgaard, Brian K. Pawluck, John D. Peters, D. H. Williams, Robert H. Bruce, J. Hap Wright, Elaine S. Sibson, Gary R. Stafford, Marcus A. Wide, Peter D. Leblanc, Hugh R. Tidby, Lawrence Cosman, R. Dale Urquhart, Peter Wilshaw, L. Glenn Wittrien, Charles M. Follett, James A. Kirby, Neville W. Ralph, Ronald J. Walsh, John M. Mulligan, David G. Arsenault C. Mary H. Best, Brian W. Cameron, Irwin W. Ellis, Ralph H. Green, J. Walter MacKinnon, Michael L. O'Brian et Coopers & Lybrand-Chartered Accountants

Demandeurs

- et -

J.I. Dunn, G.T. Gaudette, D.W. Kempen, M.A. McEachen, National Trust Company, Royal Trust Corporation of Canada, DaimlerChrysler Canada Inc, Canada Trust Company et CIBC Mellon Trust Company

Intimés

**ET ENTRE :**

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Applicants

- and -

J.I. Dunn, G.T. Gaudette, D.W. Kempen, M.A. McEachen, National Trust Company, Royal Trust Corporation of Canada, DaimlerChrysler Canada Inc, Canada Trust Company and CIBC Mellon Trust Company

Respondents

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Ward Carney, Charles E. English, Frederick F. Abbott, Brock D. Cairns, Michael A. Copeland, Justin Fryer, Ronald P. Gratton, Barry J. Hunt, Frank J. Killoran, C. Roy Krake, Peter K. Lane, John E. Lawrence, Dennis Lister, Gerard A. Luijkx, Roderick W. Maclean, Mary K. McGurran, David J. Moore, William E. Patterson, David V. Richards, D. E. Smith, John M. Ryan, A. W. Keith Anderson, Daniel J. Block, R. L. Brintnell, William D. Burch, M. R. Harle, Barry L. James, Donald A. MacLean, John A. MacNutt, M. J. Majeau, Allan D. Martin, Dale S. Meister, F. M. Partington, John R. Pirot, J. F. Preston, Kenneth D. Rawson, Dale F. Robarts, N. David St. Peter, J. M. Tweedle, R. L. Williamson, Peter Lucas, Gary D. Powroznik, Eric S. Z. Andrew, Rodney C. Bergen, Lenard F. Boggio, John H. Bowles, David P. Bowra, Craig G. Bushell, Edward G. Byrd, W. John Dawson, A. R. Drinkwater, Darryl R. Eddy, John P. Fairchild, H. Harowitz, Thomas G. Jamieson, Rodney B. Johnston, John C. Kay, Patricia J. Lajoie, John E. Larsen, Ledford G. Lilley, Martin A. Linsley, Derek M. Melville, Robert A. Paterson, P. Pouredad, C. Douglas Proctor, Clayton G. Shultz, Bruce R. Sinclair, David R. Sinclair, Peter J. Speer, Roderick M. Wanless, Allan W. Neale, Henning E. Norgaard, Brian K. Pawluck, John D. Peters, D. H. Williams, Robert H. Bruce, J. Hap Wright, Elaine S. Sibson, Gary R. Stafford, Marcus A. Wide, Peter D. Leblanc, Hugh R. Tidby, Lawrence Cosman, R. Dale Urquhart, Peter Wilshaw, L. Glenn Wittrien, Charles M. Follett, James A. Kirby, Neville W. Ralph, Ronald J. Walsh, John M. Mulligan, David G. Arsenaault C. Mary H. Best, Brian W. Cameron, Irwin W.

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N° 31854

Ellis, Ralph H. Green, J. Walter  
MacKinnon, Michael L. O'Brian et Coopers  
& Lybrand-Chartered Accountants

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Coopers & Lybrand-Chartered Accountants

Demandeurs

Applicants

- et -

- and -

J.I. Dunn, G.T. Gaudette, D.W. Kempen,  
M.A. McEachen, National Trust Company,  
Royal Trust Corporation of Canada,  
DaimlerChrysler Canada Inc, Canada Trust  
Company et CIBC Mellon Trust Company

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M.A. McEachen, National Trust Company,  
Royal Trust Corporation of Canada,  
DaimlerChrysler Canada Inc, Canada Trust  
Company and CIBC Mellon Trust Company

Intimés

Respondents

- et -

- and -

Richter & Associés Inc. et al. et  
Fontainebleu Apartment Ltd. et al.

Richter & Associés Inc. et al. and  
Fontainebleu Apartment Ltd. et al.

Intervenantes

Intervenors

## JUGEMENT

## JUDGMENT

Les demandes d'autorisation d'appel des arrêts de la Cour d'appel du Québec (Montréal), numéro 500-09-017191-065, datés du 6 décembre 2006 et du 8 janvier 2007, sont rejetées avec dépens en faveur des intimés.

The applications for leave to appeal from the judgments of the Court of Appeal of Quebec (Montréal), Number 500-09-017191-065, dated December 6, 2006 and January 8, 2007, are dismissed with costs to the respondents.



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