

No. 35214

May 23, 2013

Le 23 mai 2013

Coram: Fish, Rothstein and Moldaver JJ.

Coram : Les juges Fish, Rothstein et Moldaver

BETWEEN:

ENTRE :

Children's Lawyer on behalf of the minors,
Rachel Browne, Hailey Browne, Michelle
Wiley, Jessica Ashmore, Julia Mickus,
Robert Mickus, Olivia Mickus, John
Mickus, Marissa Lee, Erica Lee and on
behalf of the unborn and unascertained
beneficiaries of the Primo Poloniato
Grandchildren's Trust

Children's Lawyer on behalf of the minors,
Rachel Browne, Hailey Browne,
Michelle Wiley, Jessica Ashmore,
Julia Mickus, Robert Mickus, Olivia Mickus,
John Mickus, Marissa Lee, Erica Lee and on
behalf of the unborn and unascertained
beneficiaries of the Primo Poloniato
Grandchildren's Trust

Applicants

Demandeurs

- and -

- et -

Canada Trust Company, Trustee of the
Primo Poloniato Grandchildren's Trust,
John Mori Jr., Marla L. Ashmore
and Teresa O'Neil

Canada Trust Company, Trustee of the Primo
Poloniato Grandchildren's Trust,
John Mori Jr., Marla L. Ashmore
et Teresa O'Neil

Respondents

Intimés

JUDGMENT

The motion for an extension of time to serve and file the application for leave to appeal is granted. The application for leave to appeal from the judgment of the Court of Appeal for Ontario, Number C53262, 2012 ONCA 862, dated December 7, 2012 is dismissed with costs payable from the Trust to the respondents John Mori Jr., Marla L. Ashmore and Teresa O'Neil.

JUGEMENT

La requête en prorogation du délai de signification et de dépôt de la demande d'autorisation d'appel est accueillie. La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de l'Ontario, numéro C53262, 2012 ONCA 862, daté du 7 décembre 2012, est rejetée avec dépens payables par la fiducie aux intimés John Mori Jr., Marla L. Ashmore et Teresa O'Neil.

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