

No. 30838

December 15, 2005

Coram: McLachlin C.J. and Binnie and  
Charron JJ.

**BETWEEN:**

Davis & Company, a partnership

Applicant

- and -

3464920 Canada Inc. (formerly known as  
Monarch Entertainment Corporation)

Respondent

**AND BETWEEN:**

Robert C. Strother

Applicant

- and -

3464920 Canada Inc. (formerly known as  
Monarch Entertainment Corporation)

Respondent

**AND BETWEEN:**

Robert C. Strother, Strother Family Trust  
(Trust No. 1) and University Hill Holdings  
Inc. formerly known as 589918 British  
Columbia Ltd. (Company No. 1)

Applicants

Le 15 décembre 2005

Coram : La juge en chef McLachlin et les  
juges Binnie et Charron

**ENTRE :**

Davis & Company, société en nom collectif

Demanderesse

- et -

3464920 Canada Inc. (anciennement  
Monarch Entertainment Corporation)

Intimée

**ET ENTRE :**

Robert C. Strother

Demandeur

- et -

3464920 Canada Inc. (anciennement  
Monarch Entertainment Corporation)

Intimée

**ET ENTRE :**

Robert C. Strother, Strother Family Trust  
(Trust No. 1) et University Hill Holdings  
Inc. anciennement 589918 British Columbia  
Ltd. (Company No. 1)

Demandeurs

- and -

- et -

3464920 Canada Inc. (formerly known as  
Monarch Entertainment Corporation)

3464920 Canada Inc. (anciennement  
Monarch Entertainment Corporation)

Respondent

Intimée

**AND BETWEEN:**

**ET ENTRE :**

3464920 Canada Inc. (formerly known as  
Monarch Entertainment Corporation)

3464920 Canada Inc. (anciennement  
Monarch Entertainment Corporation)

Applicant

Demanderesse

- and -

- et -

Robert C. Strother, Davis & Company, a partnership, Pacific Cascadia Capital Corporation, Sentinel Hill Entertainment Corporation, Sentinel Hill Productions Corporation, Sentinel Hill Productions II Corporation, Sentinel Hill Productions (1999) Corporation, Sentinel Hill Management Corporation, Sentinel Hill 1999-1 Master Limited Partnership, Sentinel Hill 1999-2 Master Limited Partnership, Sentinel Hill 1999-3 Master Limited Partnership, Sentinel Hill 1999-4 Master Limited Partnership, Sentinel Hill 1999-5 Master Limited Partnership, Sentinel Hill 1999-6 Master Limited Partnership, J. Paul Darc, J. Paul Darc and Leslie Marie Darc, Trustees of the Darc Family Trust, and the said Darc Family Trust, Sentinel Hill 1998 Master Limited Partnership, Sentinel Hill 1998-2 Master Limited Partnership, Sentinel Hill Productions No. 5 Limited Partnership, Sentinel Hill Productions No. 7 Limited Partnership, Sentinel Hill 1999 Master Limited Partnership, Sentinel Hill Ventures

Robert C. Strother, Davis & Company, société en nom collectif, Pacific Cascadia Capital Corporation, Sentinel Hill Entertainment Corporation, Sentinel Hill Productions Corporation, Sentinel Hill Productions II Corporation, Sentinel Hill Productions (1999) Corporation, Sentinel Hill Management Corporation, Sentinel Hill 1999-1 Master Limited Partnership, Sentinel Hill 1999-2 Master Limited Partnership, Sentinel Hill 1999-3 Master Limited Partnership, Sentinel Hill 1999-4 Master Limited Partnership, Sentinel Hill 1999-5 Master Limited Partnership, Sentinel Hill 1999-6 Master Limited Partnership, J. Paul Darc, J. Paul Darc and Leslie Marie Darc, Trustees of the Darc Family Trust, and the said Darc Family Trust, Sentinel Hill 1998 Master Limited Partnership, Sentinel Hill 1998-2 Master Limited Partnership, Sentinel Hill Productions No. 5 Limited Partnership, Sentinel Hill Productions No. 7 Limited Partnership, Sentinel Hill 1999 Master Limited Partnership, Sentinel Hill Ventures

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Corporation, Sentinel Hill Alliance Atlantis Equicap Millenium Limited Partnership, Sentinel Hill Productions III Corporation, Sentinel Hill Alliance Atlantis Equicap Limited Partnership, Sentinel Hill GP Corporation, Company No.1, Company No.2, Company No.3, Company No.4, Company No.5, Company No.6, Company No.7, Company No.8, Company No.9, Company No.10, Partnership No.1, Partnership No.2, Partnership No.3, Partnership No.4, Partnership No.5, Partnership No.6, Partnership No.7, Partnership No.8, Partnership No.9, Partnership No. 10, Trust No.1, Trust No.2, Trust No.3, Trust No.4, Trust No.5, Trust No.6, Trust No.7, Trust No.8, Trust No.9 and Trust No.10

Respondents

Corporation, Sentinel Hill Alliance Atlantis Equicap Millenium Limited Partnership, Sentinel Hill Productions III Corporation, Sentinel Hill Alliance Atlantis Equicap Limited Partnership, Sentinel Hill GP Corporation, Company No.1, Company No.2, Company No.3, Company No.4, Company No.5, Company No.6, Company No.7, Company No.8, Company No.9, Company No.10, Partnership No.1, Partnership No.2, Partnership No.3, Partnership No.4, Partnership No.5, Partnership No.6, Partnership No.7, Partnership No.8, Partnership No.9, Partnership No. 10, Trust No.1, Trust No.2, Trust No.3, Trust No.4, Trust No.5, Trust No.6, Trust No.7, Trust No.8, Trust No.9 et Trust No.10

Intimés

JUDGMENT

The applications for an extension of time are granted and the applications by Davis & Company, a partnership and by Robert C. Strother, *et al.* for leave to appeal from the judgment of the Court of Appeal for British Columbia (Vancouver), Number CA030145, 2005 BCCA 35, dated January 21, 2005, are granted with costs to the applicants in any event of the cause.

The application for an extension of time is granted. The application by 3464920 Canada Inc. (formerly known as Monarch Entertainment Corporation) for leave to appeal from the judgment of the Court of Appeal for British Columbia (Vancouver), Number CA030145, 2005 BCCA 35, dated January 21, 2005, is granted. Costs to the applicant in any event of the cause, as against all respondents except with respect to the Darc respondents.

The motion to strike out the reply of applicant 3464920 Canada Inc. to the response of J. Paul Darc, *et al.* is dismissed with costs. The applications by Davis & Company, a partnership and by Robert C. Strother, *et al.* for leave to appeal from the judgment of the Court of Appeal for British Columbia (Vancouver), Number CA030145, 2005 BCCA 385, dated July 25, 2005, are granted with costs to the applicants in any event of the cause.

JUGEMENT

Les demandes de prorogation de délai sont accordées et les demandes d'autorisation d'appel de Davis & Company, société en nom collectif et de Robert C. Strother et autres à l'encontre de l'arrêt de la Cour d'appel de la Colombie-Britannique (Vancouver), numéro CA030145, 2005 BCCA 35, daté du 21 janvier 2005, sont accordées avec dépens en faveur des demandeurs quelle que soit l'issue de l'appel.

La demande de prorogation de délai est accordée. La demande d'autorisation d'appel de 3464920 Canada Inc. (anciennement Monarch Entertainment Corporation) à l'encontre de l'arrêt de la Cour d'appel de la Colombie-Britannique (Vancouver), numéro CA030145, 2005 BCCA 35, daté du 21 janvier 2005, est accordée. Les dépens sont accordés à la demanderesse quelle que soit l'issue de l'appel, et sont payable par les intimés, sauf les intimés Darc.

La requête en radiation de la réplique de la demanderesse 3464920 Canada Inc. à la réponse de J. Paul Darc et autres est rejetée avec dépens. Les demandes d'autorisation d'appel de Davis & Company, société en nom collectif et de Robert C. Strother et autres à l'encontre de l'arrêt de la Cour d'appel de la Colombie-Britannique (Vancouver), numéro CA030145, 2005 BCCA 385, daté du 25 juillet 2005, sont accordées avec dépens en faveur des demanderesses quelle que soit l'issue de l'appel.

The application by 3464920 Canada Inc. (formerly known as Monarch Entertainment Corporation) for leave to appeal from the judgment of the Court of Appeal for British Columbia (Vancouver), Number CA030145, 2005 BCCA 385, dated July 25, 2005, is granted. Costs to the applicant in any event of the cause, as against all respondents except with respect to the Darc respondents.

La demande d'autorisation d'appel de 3464920 Canada Inc. (anciennement Monarch Entertainment Corporation) à l'encontre de l'arrêt de la Cour d'appel de la Colombie-Britannique (Vancouver), numéro CA030145, 2005 BCCA 385, daté du 25 juillet 2005, est accordée. Les dépens sont accordés à la demanderesse quelle que soit l'issue de l'appel, et sont payables par les intimés, sauf les intimés Darc.

C.J.C.  
J.C.C.