

ISIKA OYESHINA AKINFENWA and

VIAMAR SEILLA TRANSPORT INT. ET. AL.

Plaintiff

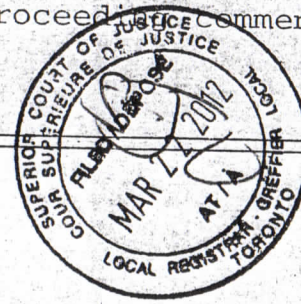
Defendants

CV-11-426929
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Court File No. CV-08-361-00

SUPERIOR COURT OF JUSTICE

Proceedings commenced at Brampton



MOTION RECORD

July 3, 2012. R.A. Odeleye for the plaintiff, C. Hunka for the Δ Viamar and H. Perles for the Δ Caldwell. This matter has been resolved but for the issue of costs. All parties bear some responsibility for the necessity of an appeal to dispose of this matter, however, I conclude that given the positions taken by the CC and the Δ Viamar, the defendant Caldwell should have released the funds to the CC, for earlier in the history of this litigation, which would have significantly reduced the costs. Having regard to the factors set out in Rule 54, I conclude that the CC is entitled to costs unless I find and determine that Caldwell is responsible for the costs, but not the plaintiff.

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