COURT OF APPEAL FOR ONTARIO

CITATION: Jafarzadehahmadsargoorabi v. Sabet, 2012 ONCA 391
DATE: 20120608
DOCKET: C54737

Rosenberg, MacPherson and Cronk JJ.A.

BETWEEN

Saeid Jafarzadehahmadsargoorabi

Plaintiff (Appellant)

and

Naghmeh Sabet

Defendant (Respondent)

Jeffrey D. Landman, for the appellant

A.S. Halpert, for the respondent

Heard and released orally: June 6, 2012

On appeal from the judgment of Justice Lois B. Roberts of the Superior Court of Justice, dated November 10, 2011.

ENDORSEMENT

[1]   The appellant appeals the judgment of Roberts J. dated November 10, 2011 staying the appellant's action against the respondent in Ontario. On a motion brought by the appellant, the motion judge ordered a stay on three bases: (1) issue estoppel – the Quebec Superior Court had already decided the jurisdictional issues relating to the parties' dispute; (2) jurisdiction – neither party

had a real and substantial connection with Ontario; and (3) *forum non conveniens* – Quebec is clearly the more appropriate forum for resolution of the issues raised by the appellant's Ontario action.

[2]   The appellant challenges all three of these conclusions. He says that the motion judge made legal errors relating to the doctrines of collateral attack and attornment to jurisdiction. He also contends that the motion judge did not properly weigh the relevant factors relating to *jurisdiction simpliciter* and *forum non conveniens* set out in *Club Resorts Ltd. v. Van Breda*, 2012 SCC 17.

[3]   In our view, this appeal can be resolved on the basis of *forum non conveniens*. The motion judge carefully and comprehensively analyzed the relevant factors from *Van Breda* and concluded that "[t]he established factors overwhelmingly favour the defendant's position that Quebec is clearly the more appropriate forum." We agree.

[4]   The appeal is dismissed. The respondent is entitled to her costs of the appeal fixed at $11,070 inclusive of disbursements and applicable taxes.

"M. Rosenberg J.A."
"J.C. MacPherson J.A."
"E.A. Cronk J.A."