

COURT OF APPEAL FOR ONTARIO

CITATION: Thistle v. Schumilas, 2020 ONCA 212

DATE: 20200316

DOCKET: C66432

Watt, Hourigan and Trotter JJ.A.

BETWEEN

Jason Michael Thistle

Plaintiff (Respondent)

and

James Schumilas, Jr., WCS Financial Services, Cinaber Financial Inc. and
Bridgeforce Financial Group Inc.

Defendants (Appellant)

Marie Sydney, for the appellant

Sean Zeitz, for the respondent

Heard: November 29, 2019

On appeal from the order of Justice Catrina D. Braid of the Superior Court of Justice, dated December 21, 2018.

COSTS ENDORSEMENT

[1] In our reasons dated February 6, 2020, we allowed the appeal and ordered that the respondent pay the appellant's costs of the appeal in the all-inclusive sum of \$10,000.

[2] We further ordered that the appellant is entitled to his costs of the motion and cross-motion in the Superior Court. We directed that if the parties cannot agree

on the quantum of those costs, they may make brief written submissions to this court. No costs submissions have been filed.

[3] To the extent that there are costs of the action below other than the costs of the motion and cross-motion, the appellant is *prima facie* entitled to those costs given that the respondent's action has been dismissed. If the parties cannot agree on those costs, they may make written submissions to this court on the issues of entitlement and quantum of those costs.

[4] The appellant's costs submissions on all issues shall be served and filed by March 24, 2020 and shall be no more than three pages, plus a bill of costs. The respondent's costs submissions shall be served and filed by March 31, 2020, and shall be no more than three pages, plus a bill of costs. Any reply submissions, which shall be no more than two pages, shall be served and filed by April 6, 2020.

"David Watt J.A."

"C.W. Hourigan J.A."

"G.T. Trotter J.A."