

# COURT OF APPEAL FOR ONTARIO

CITATION: Hategan v. Frederiksen, 2022 ONCA 715

DATE: 20221018

DOCKET: M53697 (C69160)

Lauwers, Roberts and Trotter JJ.A.

BETWEEN

Elisa Romero Hategan

Plaintiff (Appellant/Moving Party)

and

Elizabeth Moore Frederiksen and Bernie Farber

Defendants (Respondents/Responding Party)

Joseph Kary, for the moving party

Mark J. Freiman, for the responding party, Bernie Farber

Lillianne Cadieux-Shaw, for the respondent, Elizabeth Moore Frederiksen<sup>1</sup>

Heard: October 14, 2022

On appeal from the judgment of Justice Jane Ferguson of the Superior Court of Justice, dated February 3, 2021 with reasons reported at 2021 ONSC 874.

## REASONS FOR DECISION

[1] Following the close of the moving party's submissions, we dismissed the review motion of Simmons J.A.'s July 15, 2022 order granting security for costs for the respondent Farber's costs and ordering the moving party to pay costs of

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<sup>1</sup> Ms. Cadieux-Shaw appeared by videoconference and made no submissions.

\$1,200 to the respondent Farber ("the motion costs"). The moving party failed to show any reversible error in Simmons J.A.'s thorough reasons or decision, with which we entirely agree.

[2] The moving party must post security for costs and file with this court proof of her posting of the security for costs and payment of the motion costs ordered by Simmons J.A. within 30 days of the release of these reasons, failing which her review motion of Pardu J.A.'s March 14, 2022 order will be automatically dismissed by the Registrar of this court.

[3] We fix the costs of the respondent Farber for this review motion in the amount of \$1,200 and of the motion before Hoy J.A., reserved to this panel in her August 22, 2022 endorsement, also in the amount of \$1,200 ("the other motion costs").

[4] In addition to the security for costs and the motion costs ordered by Simmons J.A., the moving party must also pay the other motion costs to the respondent Farber and file proof of such payment with this court within 30 days of the release of these reasons, failing which her review motion of Pardu J.A.'s order will be automatically dismissed by the Registrar of this court.

[5] Provided the moving party posts the security for costs and the motion costs ordered by Simmons J.A. and the other motion costs ordered by this court within the 30-day deadline, she may then schedule the review motion of Pardu J.A.'s

March 14, 2022 order in accordance with Hoy J.A.'s August 22, 2022 endorsement.

"P Lauwers J.A."  
"L.B. Roberts J.A."  
"Gary Trotter J.A."