

DATE: 20040712
DOCKET: C40455

COURT OF APPEAL FOR ONTARIO

RE: HILLTOP GROUP LIMITED, LORNE WILSON and JOANNE WILSON (Plaintiffs (Respondents)) – and – FRANK KATANA, LJUBICA KATANA, DAMIJAN GRUDEN, MILA GRUDEN, M.A.K. SHOES INC., SNELCREST GARDENS INC., MELLOW GARDENS DEVELOPMENT INC., 797820 ONTARIO LIMITED and THE KATANA FAMILY TRUST (Defendants (Appellants))

AND BETWEEN: M.A.K. SHOES INC., SNELCREST GARDENS INC., MELLOW GARDENS DEVELOPMENT INC., and 797820 ONTARIO LIMITED (Plaintiffs by Counterclaim (Appellants)) – and – HILLTOP GROUP LIMITED, LORNE WILSON and JOANNE WILSON and RAY DIBATTISTA, LUIGI GAMBIN, WEST MAYFIELD DEVELOPMENTS LTD. and DIBATTISTA*GAMBIN DEVELOPMENTS LIMITED (Defendants by Counterclaim (Respondents)) – and – THE KATANA FAMILY TRUST (Plaintiff by Counterclaim) – and – HILLTOP GROUP LIMITED, LORNE WILSON and JOANNE WILSON (Defendants by Counterclaim)

BEFORE: ABELLA, MOLDAVER and GOUDGE J.J.A.

COUNSEL: V. Ross Morrison
for Snelcrest Gardens Inc.

Robert D. Malen
for Hilltop Group Ltd.

**HEARD AND
ENDORSED:** July 9, 2004

On appeal from the Order of Justice F.E. McWatt of the Superior Court of Justice dated July 22 and 25, 2003.

APPEAL BOOK ENDORSEMENT

[1] Without expressing any view of the correctness of the judgment appealed from, on consent, in view of the disposition of the related appeals, the appeal is allowed in accordance with the consent terms set out in the draft order filed.