

COURT OF APPEAL FOR ONTARIO

RE: M.J. JONES INC. and MELVIN J. JONES (Plaintiffs
(Respondents)) –and– KINGSWAY GENERAL INSURANCE
COMPANY, DONALD FISH and D.E. FISH & ASSOCIATES
LTD., GARAN, LUCOW, MILLER, P.C. and THOMAS W.
EMERY (Defendants (Appellants)(Respondents))

BEFORE: LANG J.A. (in chambers)

COUNSEL: Peter R. Greene
for the appellants
Garan, Lucow, Miller, P.C. and Thomas W. Emery

John McNeil, Q.C.
for the respondents
M.J. Jones Inc. and Melvin Jones

Victor T. Bulger
for the respondent
Kingsway General Insurance Company

John G. Webster
for the respondents
Donald Fish and D.E. Fish & Associates Ltd.

HEARD: July 14, 2004

ENDORSEMENT ON COSTS

[1] I have received and considered the costs submissions filed by the parties. In my view, the defendants Garan, Lucow, Miller P.C. and Thomas W. Emery, who succeeded in their motion for a stay, are entitled to partial indemnity costs. Those costs, fixed at \$4,000, inclusive of G.S.T. and disbursements, are payable jointly and severally by the plaintiffs M.J. Jones Inc. and Melvin J. Jones and by the defendant Kingsway General Insurance Company.

Signed: “Susan E. Lang J.A.”