

2010 CarswellOnt 6684,

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Achampong v. Toronto Police Services Board

Achampong et al, Plaintiffs and Toronto Police Services Board et al, Defendants

Rocco Achampong, Sandra Alwazani and Adonis Lopez, Plaintiffs and Toronto Police Services Board, Javier Salermo Paneque, Egidio Roseto, Sean Malley and Chief William Blair, Defendants

Ontario Master

Master Robert Muir

Judgment: September 1, 2010
Docket: Toronto CV-09-372444

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Counsel: D. Elman, for Moving Party

S. Pieters, for Achampong

Subject: Civil Practice and Procedure

Civil practice and procedure --- Costs — Particular orders as to costs — General principles.

Civil practice and procedure --- Costs — Particular items of costs — Disbursements — General principles.

Rules considered:

Rules of Civil Procedure, R.R.O. 1990, Reg. 194

R. 15.04(8) — referred to

Master Robert Muir:

No one appearing for the other plaintiffs as of 1:05 a.m. Order to go in form of draft order signed by me. Mr. Pieters on behalf of Mr. Achampong takes no position in respect of the relief sought in paragraph 1 of the draft order. The defendants seek their costs of this action and this motion against the plaintiffs Achampong and Lopez and of this motion against Achampong. In [my] view the defendants are entitled to costs. It is reasonable and just in the circumstances that the plaintiffs Alwazani and Lopez pay the defendants' costs of this motion and the action fixed in the amount of \$ 1000.00 each

inclusive of taxes and disbursements and that the plaintiff Achampong pay the defendants' costs of this motion fixed in the amount of \$ 500.00 inclusive of taxes and disbursements, in any event of the cause.

Master Robert Muir:

THIS MOTION, made by the Defendants for an Order dismissing the actions of Rocco Achampong, Sandra Alwazani and Adonis Lopez for failure to comply with Rule 15.04(8), was read this day at Toronto, Ontario.

ON READING the Motion Record of the Defendants and on hearing the submissions of counsel for the Defendants,

1. *THIS COURT ORDERS THAT* the actions of Sandra Alwazani and Adonis Lopez are hereby dismissed with costs of the action and motion herein in the amount of \$ 1000.00 each.
2. *THIS COURT FURTHER ORDERS THAT* Rocco Achampong pay costs of this motion to the Defendants in the amount of \$ 500.00 in any event of the cause.
3. *THIS COURT FURTHER ORDERS THAT* the action of Rocco Achampong proceed in accordance with the following timetable:

<i>Steps to be completed</i>	<i>By which party</i>	<i>Date to be completed by</i>
Affidavit of Documents	Plaintiff	October 15, 2010
Examinations for Discovery	Both	February 13, 2011
Answers to Undertakings	Both	April 13, 2011
Motion for Undertakings	Both	May 11, 2011
Mediation	Both	July 30, 2011

4. *THIS COURT FURTHER ORDERS THAT* the this action be set down for trial by September 1, 2011.

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