

ENDORSEMENT SHEET FOR CIVIL MOTION/APPLICATION

SHORT TITLE OF PROCEEDINGS: Apsimon v. Hategan
COURT FILE NO.: CV-23-91584
BEFORE: Madam Justice S. Corthorn
HEARD ON: September 17, 2024
COUNSEL: Jeff Saikaley and Albert Brunet, for the plaintiff (responding party)
Joseph Kary, for the defendant (moving party)
RELIEF REQUESTED: An order dismissing the plaintiff's claim.

ORDER SIGNED

ON CONSENT

UNOPPOSED

NO ONE APPEARED

ADJOURNED TO a date to be scheduled by counsel with Trial Co-ordination

ENDORSEMENT

[1] The defendant's motion is brought pursuant to s. 137.1 of the *Courts of Justice Act*, R.S.O. 1990, c. c.43. The parties attended a case conference in the latter half of 2023 to address the logistics, including duration of the hearing, for the motion. The presiding associate justice allowed three hours for the hearing.

[2] The motion commenced on September 17, 2024. The submissions from counsel for the moving party were approximately 4.5 hours. It is anticipated that the submissions from counsel for the responding party will take approximately the same amount of time. Those statements are not intended as any criticism of counsel – but rather as a reflection of the time actually required for the hearing of the matter.

[3] At the conclusion of the hearing on September 17, 2024, the court adjourned the motion to be continued on a date to be scheduled by counsel with Trial Co-ordination. The court reviewed with counsel dates in December 2024 and January 2025 on which counsel are available. The dates identified are based on the availability of counsel only. The dates are not a reflection of when the court is available to continue the motion.

[4] Trial Co-ordination has been provided with the list of dates on which counsel are available: December 18, 19 and 20, 2024 and January 8, 9, 10, 15 and 16, 2025. Trial Co-ordination has been directed to reach out to counsel to schedule the continuation of the motion on one of those dates or, if necessary, a later date.



[5] The court directs counsel to communicate with Trial Co-ordination in a timely manner to ensure that a continuation date is identified as soon as reasonably practicable.

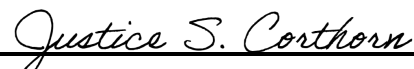
[6] Trial Co-ordination has been informed that (a) the continuation of the motion will be a hybrid hearing, (b) counsel have the option of participating in person or by videoconference, and (c) counsel *shall* inform the court no later than seven days prior to the continuation date as to whether they will attend in person or by videoconference.

[7] The court recognizes that, at the conclusion of the hearing on September 17, 2024, it spoke of the motion continuing by videoconference. On further reflection, the court notes that counsel for the moving party had the opportunity to make their submissions in person. As a matter of procedural fairness, counsel for the responding party has the opportunity to make their submissions in person.

[8] The court is mindful of the expense for the moving party of incurring travel costs for their counsel to attend in person on two separate occasions. Had the motion originally been scheduled for two days (or even if only for a day), cost-effective travel arrangements could have been made by the moving party and their counsel. For that reason, counsel for the moving party has the option to attend in person or by videoconference.

[9] Regarding the requirement to inform the court of the method by which they will be participating in the continuation of the hearing, counsel shall (a) inform Trial Co-ordination, and (b) the presiding judge by sending an email to both Trial Co-ordination and the SCJ Assistants (at their generic email address). The email shall be identified as for the attention of the presiding judge (by name).

Date: September 18, 2024



Madam Justice S. Corthorn