Court File No. 07-CV-341169 PD3

***ONTARIO***

**SUPERIOR COURT OF JUSTICE**

B E T W E E N:

\_

Plaintiff

and

\_

Defendants

**COSTS OUTLINE**

The Defendant, \_ provides the following outline of the submissions to be made at the hearing in support of the costs the party will seek if successful:

| Fees (as detailed below) | $ | 3385.50 |
| --- | --- | --- |
| Estimated lawyer's fee for appearance | $ | 740.00 |
| Disbursements (as detailed in the attached appendix) | $ | 127.00 |
| Total | $ | 4252.50 |

The following points are made in support of the costs sought with reference to the factors set out in subrule 57.01(1):

**• the amount claimed and the amount recovered in the proceeding**

| The Plaintiffs seek total damages of $3,000,000.00. |
| --- |

**• the complexity of the proceeding**

| The undertakings aspect of this motion is straightforward. The refusals aspect required the defendants to prepare written legal arguments as part of their motion. |
| --- |

**• the importance of the issues**

| The outstanding and requested documents are important and necessary for the court and the defendants to assess the Plaintiffs’ claims. It would be unfair to require the parties to proceed to trial without the outstanding documents. |
| --- |

**• the conduct of any party that tended to shorten or to lengthen unnecessarily the duration of the proceeding**

| The Defendants submit that the Plaintiff’s failure to answer undertakings and the unreasonable position taken in refusing proper questions unnecessarily lengthened the duration of the proceedings.  The Defendants submit that it was unreasonable for the Plaintiff to bring a cross-motion on these facts. |
| --- |

**• whether any step in the proceeding was improper, vexatious or unnecessary or taken through negligence, mistake or excessive caution**

| Other than the position taken with respect to this motion, there has been no apparent misconduct by any party. |
| --- |

**• a party's denial of or refusal to admit anything that should have been admitted**

| Other than the position taken with respect to this motion, there has been no apparent misconduct by any party. |
| --- |

**• the experience of the party's lawyer**

| \_, Called to the Bar in October, 2002. |
| --- |

**• the hours spent, the rates sought for costs and the rate actually charged by the party's lawyer**

| FEE ITEM  *(e.g. pleadings, affidavits, cross-examinations, preparation, hearing, etc)* | PERSONS  *(identify the lawyers, students and law clerks who provided services in connection with each item together with their year of call, if applicable)* | HOURS  *(specify the hours claimed for each person identified in column 2)* | PARTIAL INDEMNITY RATE  *(specify the rate being sought for each person identified in column 2)* | ACTUAL RATE\* |
| --- | --- | --- | --- | --- |
| Review status of undertakings and refusals; review transcripts regarding two days of examination for discovery; update undertakings and refusals charts; draft motion materials for undertakings and refusals. | \_ | 12.9 | 148.00 | 185.00 |
| Received and reviewed Plaintiff’s cross motion; prepared responding record. | \_ | 4.4 | 148.00 | 185.00 |
| Communications with Counsel regarding cross-motion. | \_ | 1.0 | 148.00 | 185.00 |

*\* Specify the rate being charged to the client for each person identified in column 2. If there is a contingency fee arrangement, state the rate that would have been charged absent such arrangement.*

• any other matter relevant to the question of costs

|  |
| --- |

LAWYER’S CERTIFICATE

I CERTIFY that the hours claimed have been spent, that the rates shown are correct and that each disbursement has been incurred as claimed.

| Date: |  |  |  |
| --- | --- | --- | --- |
|  |  |  | \_ |

| June 4, 20\*\* | **\_ Defence Firm**  Litigation Counsel  \_  \_  \_  \_ (\_) |
| --- | --- |
|  | Tel: (416) |
|  | Fax: (416) |
|  |  |
|  | Lawyers for the Defendant, \_  . |

| TO: | **\_ Law Firm**  Barristers and Solicitors  \_  \_  \_  \_  \_  Tel: (416)  Fax: (416)  Lawyers for the Plaintiffs,  \_ |
| --- | --- |

RCP-E 57B (July 1, 2007)

| \_ et al. | -and- | \_ et al. |
| --- | --- | --- |
| Plaintiffs |  | Defendants |

|  | Court File No. 07-CV-55555PD |
| --- | --- |
|  | ***ONTARIO***  **SUPERIOR COURT OF JUSTICE**  PROCEEDING COMMENCED AT  TORONTO |
|  | **COSTS OUTLINE** |
|  | \_ Defence Firm  Litigation Counsel  \_  \_  \_  \_ ()  Tel: (416)  Fax: (416)  Lawyers for the Defendant, \_  RCP-E 4C (July 1, 2007) |