

10:00 A.M.

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COUNSEL SLIP

COURT FILE NO CV-15-11148-00CL

DATE OCT. 18, 2018.

NO ON LIST 5

ZEIFMAN PARTNERS INC.

TITLE OF PROCEEDING

✓ AIELLO, DAVID.

COUNSEL FOR:	Stephanie De Carolis + Margaret Sims	PHONE & FAX NOS
PLAINTIFF(S)	for Plaintiff Releasen	
APPLICANT(S)	(T) 416-595-2652	
PETITIONER(S)	(F) 416-595-8645	

COUNSEL FOR:		PHONE & FAX NOS
DEFENDANT(S)	B. Diamond	416 363 3351
RESPONDENT(S)		416 363 8252

October 18/18

Today's motion is adjourned to December 14/18 for 1 hour 45 minutes. The balance of my endorsement is attached.

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This bill should  
not be sent to  
storage.

Harry J.

*Endorsed*

Terms sought

1. Payment by the Defendant to the Plaintiff in the total amount of \$20,193.82 on account of the outstanding cost awards (being \$17,000 awarded pursuant to the Order of Justice McEwen dated July 20, 2018 and \$3,193.82 awarded pursuant to the Order of Justice McEwen dated September 18, 2018) on or before October 25, 2018 at 5 p.m. EST.
2. Payment by the Defendant to the Plaintiff in the amount of ~~\$15,744.89~~ <sup>\$10,500.00</sup> in respect of the Plaintiff's costs thrown away related to the motion for default judgment (which is set out in the Plaintiff's Bill of Costs, attached at Tab 5 of its motion record returnable October 18 2018) on or before Nov 12 2018.
3. A timetable to be set by the Court for the hearing of the Defendant's motion to seek to set aside the noting in default, which motion will be opposed by the Plaintiff.

~~Subject to court availability, the motion must be heard by November 16 2018, - with the Defendant's motion record delivered on or before November 1, 2018 and the Defendant must make himself available for cross examinations on affidavits (if any) on or before November 8, 2018. Should the earlier return date not be available, then we can address a schedule to permit the earliest possible return date.~~

*Motion scheduled for 14*

If the earliest return date is December 12, 2018, then have the Defendant's motion to seek to set aside the noting in default, which motion will be opposed by the Plaintiff, set for December 14, 2018, with the Defendant's motion record delivered on or before November 12, 2018 and the Defendant must make himself available for cross examinations on affidavits (if any) on or before November 28, 2018.

4. On a without prejudice basis to Plaintiff position on the Defendant's motion to set aside (i.e. that the noting in default should not be set aside), all of the following dates set by the Order of the Court dated April 17, 2018 are confirmed by the Defendant and the Defendant undertakes that he will not seek to adjourn or delay these dates:

*Have*

- the deadline for mediation to be completed by March 1, 2019;
- the date set for the pre-trial judicial mediation conference of March 4, 2019; and
- the trial dates scheduled for April 15, 16, 17 and 18, 2019;

*The costs awarded in para 2 above are without prejudice to the Plaintiff requesting substantial disbursements costs from Judge's report*