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COURT OF APPEAL FOR ONTARIO

THE HONOURABLE MR. JUSTICE
G.D. FINLAYSON

) WEDNESDAY, THE 24TH DAY

THE HONOURABLE MADAME JUSTICE
K.M. WEILER

) OF NOVEMBER, 1999

THE HONOURABLE MR. JUSTICE
D.R. O'CONNOR

)
)

BETWEEN:

NICHOLS GRAVEL LIMITED

PLAINTIFF
(MOVING PARTY)

- and -

THE CORPORATION OF THE TOWNSHIP OF DELHI,
DAVID ANDERSON and FRANK GELINAS

DEFENDANT
(RESPONDENT)

ORDER

THIS MOTION, made by the Plaintiff (Moving Party) for an Order granting the Moving Party leave to appeal the June 3rd, 1999 Order of the Honourable Divisional Court (Keenan, Somers and Cumming JJ.) dismissing the Moving Party's Appeal from a decision of the Honourable Mr. Justice Cavarzan dismissing the Moving Party's claims for *inter alia*, negligence, injurious falsehood and for an Order quashing the Township of Delhi's Quality Assurance Policy, was heard this day at Toronto, Ontario.

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ON READING the Appeal Book Transcripts and Factums filed by the Plaintiff (Moving Party) and the Respondents,

1. THIS COURT ORDERS that the Motion herein is hereby dismissed with costs.

THIS ORDER BEARS INTEREST at the rate of 6 percent per year commencing on November 24th, 1999.

Sandra Theroude
SANDRA THEROUDE
SIGNING OFFICER
COURT OF APPEAL

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