

Superior Court of Justice  
Commercial List

**FILE/DIRECTION/ORDER**

Sears Canada Inc  
Plaintiff(s)

AND

ESL Investments Inc et al  
Defendant(s)

Case Management  Yes  No by Judge: McEwan

Counsel	Telephone No:	Facsimile No:

- Order  Direction for Registrar (No formal order need be taken out)
- Above action transferred to the Commercial List at Toronto (No formal order need be taken out)

- Adjourned to: \_\_\_\_\_
- Time Table approved (as follows): \_\_\_\_\_

This endorsement deals with the issue of costs with respect to my July 15, 2019 endorsement in which I dismissed the Moving Parties' motion to strike out portions of the Statement of Claim.

The parties have agreed on quantum. The Moving Parties submit, however, that the issue of

13 Sept 19  
Date

McEwan  
Judge's Signature

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Judges Endorsment Continued

costs should be left to the trial judge.  
J. J. O'Byrne.

The Plaintiff was entirely successful in having the motion dismissed. If the Moving Parties succeed on this issue at trial the issue of costs concerning the oppression claim can be dealt with at that time.

The issue before me was whether the oppression claim should be struck at this time, prior to trial.

Since I held it should not be struck now the Plaintiff is entitled to its costs of the motion payable within 30 days.

McE...