

CITATION: Holmes v. Sinopoli, 2014 ONSC 2656
COURT FILE NO.: CV-13-490307
DATE: 20140428

SUPERIOR COURT OF JUSTICE – ONTARIO

COMMERCIAL LIST

RE: Mark Holmes, Applicant

AND:

Bruno Sinopoli and Corner Pocket Billiards Club Inc., Respondents

BEFORE: D. M. Brown J.

COUNSEL: K. Borg-Olivier, for the Applicant/plaintiff

R. Dhillon, for the Respondents/defendants

CASE CONFERENCE DATE: April 28, 2014

CASE CONFERENCE MEMORANDUM NO. 1

[1] In this modest-sized oppression application the parties have exchanged pleadings as directed by paragraph 2 of my February 26, 2014 endorsement.

[2] The parties have discussed scope of discovery issues, identifying eight or nine categories of productions. They have agreed that examinations for discovery will take place during the week of June 23, 2014.

[3] Two areas of pre-examination production have raised issues which counsel intend to continue discussing. The first involved production of documents about the affairs of a non-party, Queen Elizabeth Theatre. Although the relevance of those productions can be canvassed on the examination for discovery, I would encourage the parties to try to reach an agreement on the issue prior to the examinations.

[4] The second concerned the disclosure of financial information about the affairs of the respondent corporation. Financial statements have been produced, but the applicant seeks production of some of the underlying documents, especially in connection with transactions for which the applicant contends his consent was required. Again, counsel should discuss this before the examinations, and applicant's counsel may wish to consider providing respondents' counsel with a concrete list of the sort of underlying documentation sought or the specific transactions in respect of which documentation is sought. Disclosure of such documentation prior to the examinations would go a long way to promoting the timely and cost-effective determination of this case.

[5] Counsel shall book a 9:30 a.m. appointment before me for the week of July 7, 2014, at which time they can provide an update of the preparation of this case for hearing and a discussion about hearing dates can occur.

D. M. Brown J.

Date: April 28, 2014