

Court File: 04-159-DV

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
DIVISIONAL COURT**

THE HONOURABLE  
MR. JUSTICE J. KENT

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)  
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)  
FRIDAY, THE 23<sup>rd</sup> DAY  
OF SEPTEMBER, 2005

BETWEEN:

THUAN DUONG

Plaintiff (Appellant)

- and -

TAALMAN ENGINEERED PRODUCTS LTD.

Defendant (Respondent)

- and -

METRO TORONTO CHINESE AND SOUTHEAST ASIAN LEGAL CLINIC

Intervenor

- and -

THE ADVOCATES' SOCIETY

Intervenor

- and -

SOUTH ASIAN LEGAL CLINIC FOR ONTARIO

Intervenor

- and -

THE ATTORNEY GENERAL OF ONTARIO

Intervenor

**JUDGMENT**

**THIS APPEAL** was heard this day at the John Sopinka Courthouse, in the City of Hamilton,

Ontario.

ON READING the appeal book, factum, the Appellant's fresh evidence motion, and the material filed by the Intervenor, the Attorney General of Ontario, and upon hearing the submissions of counsel for the Appellant, and the submissions of Mr. Martin Taal, who appeared on behalf of the Respondent, Taalman Engineered Products Ltd., and the submissions of counsel for the Intervenor, the Attorney General of Ontario, who made a joint submission on behalf of all the Interveners,

1. **THIS COURT ORDERS AND ADJUDGES** that leave be and is hereby granted for Mr. Martin Taal to appear and make submissions at the hearing of the within appeal on behalf of the Respondent, Taalman Engineered Products Ltd.

2. **THIS COURT FURTHER ORDERS AND ADJUDGES** that leave be and is hereby granted for the Appellant to file the fresh evidence contained in the Appellant's motion record for consideration in the within appeal.


3. **THIS COURT FURTHER ORDERS AND ADJUDGES** that the Appellant's request for a fee waiver for the filing cost of the Appellant's fresh evidence motion, made pursuant to s. 4.4 of the *Administration of Justice Act, R.S.O. 1990, c. A.6, as amended*, be and is hereby granted.

4. **THIS COURT FURTHER ORDERS AND ADJUDGES** that the trial Judgment be and is hereby set aside, and the following Judgment substituted in its place:

- (a) The Respondent shall pay to the Appellant a further nine weeks salary, for a total gross amount of Four Thousand Five Hundred and Thirty Six Dollars (\$4,536.00), less applicable statutory deductions.
  
- (b) The Respondent shall pay the Appellant Four Hundred and Seventy Five Dollars (\$475.00) for his costs of trial on the small claims court scale.

5. **THIS COURT FURTHER ORDERS AND ADJUDGES** that this Judgment shall carry post-judgment interest at the rate of four per cent (4.0%) per year.

  
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ENTERED AT HAMILTON  
IN Book No. 192  
as Document No. 198  
on NOV 29 2005  
by: 

**PAALMAN ENGINEERED PRODUCTS LTD.**  
Defendant (Respondent)

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**ONTARIO  
SUPERIOR COURT OF JUSTICE  
DIVISIONAL COURT**

Proceeding commenced at Hamilton

**JUDGMENT**

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Solicitor for the Plaintiff (Appellant)

**THUAN DUONG**  
Plaintiff (Appellant)