

COURT OF APPEAL FOR ONTARIO

THE HONOURABLE JUSTICE MILLER)	FRIDAY, THE 13 th DAY
THE HONOURABLE JUSTICE HARVISON YOUNG)	OF OCTOBER, 2023
THE HONOURABLE JUSTICE THORBURN)	
)	

B E T W E E N :

OZ OPTICS LTD.

Plaintiff
(Appellant)

- and -

DIANE LESLEY EVANS and SAMUEL EDGAR SCHWISBERG

Defendants
(Respondents)

ORDER

THIS APPEAL, by the Appellant, Oz Optics Ltd., from the judgment of the Honourable Justice Marie-Andrée Vermette dated October 17, 2022, allowing the Respondents' motions for summary judgment and dismissing the action, was heard and released orally on Friday October 13, 2023, at the Court of Appeal for Ontario, Osgoode Hall, 130 Queen Street West, Toronto, Ontario, M5H 2N5 with the reasons for decision being released on October 16, 2023.

ON READING the Appeal Book and Compendium, Factum, Exhibit Book, and Oral Hearing Compendium of the Appellant and on reading the Factum, Compendium, Book of Authorities, and Oral Hearing Compendium of the Respondent, Diane Lesley Evans, and on also reading the Factum and Compendium of the Respondent, Samuel Edgar Schwisberg, , and on hearing the submissions of counsel for the Appellant, and counsel for each of the Respondents, not called upon, and the decision having been released orally on October 13, 2023, with Reasons for Decision released on October 16, 2023;

1. **THIS COURT ORDERS** that the appeal is dismissed.
2. **THIS COURT ORDERS** that costs are awarded to each of the Respondents, Diane Lesley Evans and Samuel Edgar Schwisberg, from the Appellant, Oz Optics Ltd., in the amount of \$12,500.00, all inclusive as agreed between the parties.

THIS ORDER BEARS INTEREST at the rate of seven per cent (7%) per annum commencing on October 13, 2023.



Court of Appeal for Ontario

Registrar

Marco Bonifaz

ENTERED AT / INSCRIT À TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO:

NOV 2 2023

PER / PAR: *NB*

OZ OPTICS LTD.

Plaintiff (Appellant)

and
DIANE LESLEY EVANS and
SAMUEL EDGAR SCHWISBERG

Defendants (Respondents)

Court File No.: COA-22-CV-0318

COURT OF APPEAL FOR ONTARIO

Proceeding commenced at TORONTO

ORDER

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