

Date: 20080813

Docket: T-1087-05

Citation: 2008 FC 945

BETWEEN:

4059573 CANADA INC

and

MONDO GROUP INC.

Plaintiffs

and

PIERRE PELLETIER

and

DANIEL DUMAIS

and

J.P. DOUMAK TEXTILES INC.

and

COSTCO CANADA INC.

and

IMPORTATIONS JEREMY D. INC.

and

MARK CHEVRIER

Defendants

ASSESSMENT OF COSTS – REASONS

DIANE PERRIER, ASSESSMENT OFFICER

[1] This is an assessment in writing of the bill of costs of the defendants Pierre Pelletier and Daniel Dumais following the order of the Court issued on October 2, 2006, dismissing the plaintiffs' action with costs.

[2] On November 2, 2007, letters were sent to counsel for the plaintiffs and to counsel for the defendants Pierre Pelletier and Daniel Dumais fixing a timetable for filing written representations. As of today, we have not received any written representations from the parties. I am now ready to assess the costs on the basis of the documents in the docket.

[3] The assessable fees were allowed at \$1,158.10 (\$1,026 + \$51.30 GST + \$80.80 QST). The fees were allowed as follows: item 6 – appearance on July 21, 2005 (3 units x \$120 x .25 minutes), item 8 – preparation for the examination of Pierre Pelletier on November 18, 2005 (3 units x \$120), item 9 – attending on examination of Pierre Pelletier on November 18, 2005 (3 hours) (3 units x \$120 x .60 hours), item 25 - services after judgment (1 unit x \$120) and item 26 – assessment of costs (2 units x \$120). I changed item 6 – appearance in Court on July 21, 2005, since the hearing only lasted 15 minutes according to the summary of the hearing. I made a similar change to item 9 since the examination of Pierre Pelletier only lasted 3 hours. I also changed items 25 and 26 to reflect the minimum number of units allowed for each of these items in the Tariff.

[4] The defendants Pierre Pelletier and Daniel Dumais are claiming double costs based on the offer to settle that they served on the plaintiffs on July 18, 2005. We must refer to Rule 420(2) of the *FCR*, which states that if the plaintiff is not successful against the defendant, the defendant is entitled to double party-and-party costs from the date of service of the offer to the date of the judgment, in this case the Court order dated October 2, 2006, but not double disbursements. I allowed \$1332 for double costs, but I omitted items 25 and 26 since they occurred after the Court order of October 2, 2006, which ended the case.

[5] The disbursements are allowed at \$115.31 for the transcript of Pierre Pelletier's examination and the photocopies since they were established by the affidavit of Louis-Charles Landreville, and they seem reasonable to me. However, I did not allow GST and QST since these taxes are already included in the amounts claimed.

[6] The bill of costs submitted by the defendants Pierre Pelletier and Daniel Dumais in the amount of \$3,139.68 is allowed at \$2,605.41. A certificate of assessment will be issued in this amount.

Montréal, Quebec
August 13, 2008

Diane Perrier
ASSESSMENT OFFICER

Certified true translation
Mary Jo Egan, LLB

FEDERAL COURT

SOLICITORS OF RECORD

COURT DOCKET: T-1087-05

BETWEEN:

4059573 CANADA INC and MONDO GROUP INC. Plaintiffs

and

**PIERRE PELLETIER and DANIEL DUMAIS and J.P.
DOUMAK TEXTILES INC. and COSTCO CANADA INC.
and IMPORTATIONS JEREMY D. INC. and MARK
CHEVRIER**

Defendants

ASSESSMENT OF COSTS IN WRITING

REASONS OF DIANE PERRIER, TAXATION OFFICER

DATED: AUGUST 13, 2008

SOLICITORS OF RECORD:

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