

DATE: 20061215
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COURT OF APPEAL FOR ONTARIO

RE: **JENNIFER-ANNE COWLES, JESSE COWLES, a minor by his
Litigation Guardian, Jennifer-Anne Cowles, QUINTO
COWLES, a minor by his Litigation Guardian, Jennifer-Anne
Cowles and ANNE KELLY (Plaintiffs/Respondents) v. DAVID
BALAC, RANKO BALAC and THE AFRICAN LION SAFARI
& GAME FARM LTD. (Defendant-Appellant) – AND – DAVID
BALAC, RANKO BALAC, SLAVKA BALAC and SANDRA
BALAC (Plaintiffs/Respondents) v. AFRICAN LION SAFARI &
GAME FARM LTD. and LIBERTY MUTUAL INSURANCE
COMPANY (Defendant/Appellant)**

BEFORE: **O’CONNOR A.C.J.O., BORINS and ROULEAU J.J.A.**

COUNSEL: **Earl A. Cherniak, Q.C., Kirk F. Stevens and Christine Snow for
the appellant**

**Alan A. Farrer and Craig Brown for the respondents,
Jennifer-Anne Cowles, Jesse Cowles, Quinton Cowles and Anne
Kelly**

R. Donald Rollo for the respondent, Jennifer-Anne Cowles

**Bruce Haines, Q.C. and Douglas Christie for the respondents,
David Balac, Ranko Balac, Slavka Balac and Sandra Balac**

HEARD: **June 12, 2006**

**On appeal from the judgment of Justice Jean L. MacFarland of the Superior Court
of Justice dated January 27, 2005, reported at [2005] O.J. No. 229.**

C O S T S E N D O R S E M E N T

[1] I would order the African Lion Safari & Game Farm Ltd. to pay the following costs of the two appeals as follows:

- (a) \$100,000, inclusive of GST and disbursements to the Cowles respondents represented by Thomson Rogers and the Balac respondents represented by Messrs. Haines and Christie. The parties should agree upon the allocation of the \$100,000 between them, failing which we may be spoken to.
- (b) \$20,000, inclusive of GST and disbursements to Jennifer Anne Cowles with regard to the representation by R. Donald Rollo, Q.C.

“Dennis O’Connor A.C.J.O.”

“Paul Rouleau J.A.”