

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE

JUSTICE P. M. PERELL

~~FRIDAY~~ **FRI** DAY, THE 12th
DAY OF AUGUST, 2011.

BETWEEN:

STEPHANIE GRAHAM and ANGELA MICELI

Plaintiffs

and

IMPERIAL PARKING CANADA CORPORATION, carrying on business as
IMPARK

Defendant

Proceeding under the *Class Proceedings Act, 1992*, S.O. 1992, c.6, as amended

ORDER

THIS MOTION, made by the plaintiffs, Stephanie Graham and Angela Miceli, seeking an Order granting leave for a discontinuance of this action without costs, discontinuing this action and dismissing the plaintiffs' claims without costs, was read this day at the courthouse, 361 University Avenue Toronto, Ontario, M5G 2M2.

ON READING the Motion Record of the plaintiffs, including the affidavit of Yonatan Rozenszajn and exhibits sworn August 8, 2011, and upon reading the minutes of settlement, and upon being advised of the consent of the parties.

1. **THIS COURT ORDERS** that the claims of the plaintiffs, Stephanie Graham and Angela Miceli only, are dismissed without costs;
2. **THIS COURT ORDERS** that leave be granted for a discontinuance of this action on consent, without costs;
3. **THIS COURT ORDERS** that this action is hereby discontinued, on consent and without costs;
4. **THIS COURT ORDERS** that no notice shall be required of the discontinuance of this action or dismissal of the claims of the plaintiffs, Stephanie Graham and Angela Miceli, however, Scarfone Hawkins LLP, solicitors for the plaintiffs, shall be permitted to post a short notice on its website at www.classactionlaw.ca, in the form attached as Schedule "A", stating the facts relating to certification, dismissal and discontinuance without costs.



(Signature of Judge)

Schedule "A"

**NOTICE OF DISCONTINUANCE OF
ONTARIO SUPERIOR COURT OF JUSTICE
COURT FILE NO. CD-09-00379652-00CP
AGAINST IMPERIAL PARKING CANADA CORPORATION
CARRYING ON BUSINESS AS IMPARK**

A lawsuit commenced against Imperial Parking Canada Corporation carrying on business as Impark ("Impark") in the Ontario Superior Court of Justice has been discontinued.

The lawsuit was commenced as a proposed class proceeding under the *Class Proceedings Act*, .S.O., 1992, c. 6.

Graham and Miceli alleged that Impark's violation fees charged at its parking lots in Ontario were improper, unconscionable and unenforceable.

A discontinuance of the lawsuit means that it is not going forward or being pursued.

If you are/were relying on this action to protect your rights, you should seek your own legal advice immediately.

Discontinuance of the action will mean that applicable limitation periods in respect of these claims, which limitation periods had been suspended, will now run again.

STEPHANIE GRAHAM et al.

Plaintiffs

-and- IMPERIAL PARKING CANADA CORPORATION, carrying on
business as IMPARK
Defendant

Court File No. CV-09-00379652-00CP

ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT TORONTO

ORDER

SCARFONE HAWKINS LLP
Barristers & Solicitors
One James Street South
14th Floor
P.O. Box 926, Depot 1
Hamilton, Ontario
L8N 3P9

DAVID THOMPSON
(LSUC # 28271N)
thompson@shlaw.ca
MATTHEW G. MOLOCI
(LSUC # 40579P)
moloci@shlaw.ca

Tel: 905-523-1333
Fax: 905-523-5878

Lawyers for the Plaintiffs

BATES BARRISTERS
Barristers and Solicitors
34 King Street East
12th Floor
Toronto, Ontario
M5C 2X8

PAUL BATES
(LSUC# 22619D)
pbates@batesbarristers.com
ROBERT L. GAIN

rgain@batesbarristers.com

Tel: 416-869-9898
Fax: 416-869-9405

STEPHANIE GRAHAM et al.

Plaintiffs

-and-

IMPERIAL PARKING CANADA CORPORATION, carrying on
business as IMPARK
Defendant

Court File No. CV-09-00379652-00CP

August 12, 2011

This is a motion for leave to discontinue this conditionally certified class action. The conditions for certification have not been satisfied and the parties have agreed to a discontinuance of the action, without costs. Based on my review of the motion record and based on the record from the certification motion I am satisfied that this is an appropriate case for a discontinuance of the action and a dismissal of the plaintiffs' claims. I so order. I have signed the Order.

Paul J.

**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT TORONTO

**MOTION RECORD
(Discontinuance of Action)**

SCARFONE HAWKINS LLP
Barristers & Solicitors
One James Street South
14th Floor
P.O. Box 926, Depot 1
Hamilton, Ontario
L8N 3P9

DAVID THOMPSON (LSUC # 28271N)
thompson@shlaw.ca
MATTHEW G. MOLOCI (LSUC # 40579P)
moloci@shlaw.ca

Tel: 905-523-1333
Fax: 905-523-5878

Lawyers for the plaintiffs

BATES BARRISTERS
Barristers and Solicitors
34 King Street East
12th Floor
Toronto, Ontario
M5C 2X8

PAUL BATES (LSUC# 22619D)
pbates@batesbarristers.com
ROBERT L. GAIN (LSUC# 52936E)
rgain@batesbarristers.com

Tel: 416-869-9898
Fax: 416-869-9405