



**ONTARIO
SUPERIOR COURT OF JUSTICE**

Electronically issued : 17-Aug-2021
Délivré par voie électronique : 17-Aug-2021
Toronto

THE HONOURABLE MR.) FRIDAY, THE 13TH
)
JUSTICE MOHAN SHARMA) DAY OF AUGUST, 2021

BETWEEN :

PRO PROPERTY (LONDON) INC.

Plaintiff

- and -

VITO FRIJIA, SOUTHSIDE CONSTRUCTION MANAGEMENT LIMITED, FICEL
MARKETING CORP., RON ELLIS, TEAM OF '72 REPRESENTATION INC.,
SUMMIT SERIES CELEBRATION INC. and ROBERT BLACK

Defendants

AND BETWEEN :

ROBERT BLACK

Plaintiff by Counterclaim

- and -

PETER DAVID MUNRO and PRO PROPERTY (LONDON) INC.

Defendants by Counterclaim

AND BETWEEN :

SOUTHSIDE CONSTRUCTION MANAGEMENT LIMITED, VITO FRIJIA and
SUMMIT SERIES CELEBRATION INC.

Plaintiffs by Counterclaim

- and -

PETER DAVID MUNRO and PRO PROPERTY (LONDON) INC.

Defendants by Counterclaim

JUDGMENT

THIS MOTION, made by Vito Frijia, Southside Construction Management Limited, Summit Series Celebration Inc., Ron Ellis and Team of '72 Representation Inc., for:

- (a) an order dismissing this action;
- (b) an order granting summary judgment to the defendant by counterclaim, Southside Construction Management Limited (“Southside”), against Pro Property (London) Inc. (“Pro Property”) on Southside’s counterclaim for:
 - (i) \$750,000.00, plus prejudgment interest from June 7, 2012;
 - (ii) a declaration that Southside holds a first in priority security interest in certain hockey jersey “Numbers” which were signed by most of the members of Team Canada '72, and for an order that Southside is at liberty to deal with such collateral in any lawful manner in which it chooses;
- (c) an order dismissing Robert Black’s crossclaim against the moving parties, and an order dismissing the crossclaim of Team of '72 Representation Inc. and Ron Ellis against Black, should Pro Property’s action be dismissed;
- (d) an order for costs of this motion and this action on a substantial indemnity basis;
- (e) such further or other order as seems just,

AND THIS MOTION, also made by Robert Black for an order dismissing this action, and for costs, was heard this day, at 330 University Avenue, Toronto, Ontario M5G 1R7 by Zoom video conference.

ON READING THE affidavit of Vito Frijia sworn May 3, 2021, the affidavit of Ron Ellis sworn May 3, 2021, the affidavit of Patricia Soper sworn May 3, 2021, the affidavit of Mark Frijia sworn the 4th day of August, 2021, as well as the affidavit of Robert Black sworn on May 10, 2021, and the factums of the moving parties, and on hearing the submissions of the lawyer for Vito Frijia, Southside Construction Management Limited, Summit Series Celebration Inc., Ron Ellis and Team of '72 Representation Inc., and the lawyer for Robert Black, no lawyer appearing for Pro Property (London) Inc. and Peter David Munro, or Fichel Marketing Inc., although properly served as appears from the affidavit of service of Patricia Soper sworn the 5th day of May, 2021 and the affidavit of service of Samantha Crosby sworn the 10th day of May, 2021,

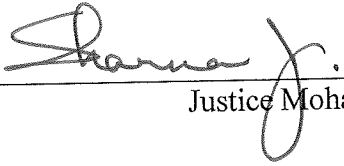
1. **THIS COURT ORDERS** that the action of Pro Property (London) Inc. is hereby dismissed.
2. **THIS COURT ORDERS** that the defence of Peter David Munro and Pro Property (London) Inc. to the counterclaim of Southside Construction Management Limited, Vito Frijia and Summit Series Celebration Inc. dated April 12, 2013 is hereby struck out.
3. **THIS COURT ORDERS** that Pro Property (London) Inc. shall pay Southside Construction Management Limited the sum of \$750,000.00, plus prejudgment interest from the 7th day of June, 2012 at the rate of 1.3 per cent per year, being the further sum of \$89,539.73, all being a total of \$839,539.73.
4. **THIS COURT ORDERS** that Vito Frijia, Southside Construction Management Limited and Summit Series Celebration are no longer bound by, and are released

from, their undertaking dated January 18, 2013 not to deal with or dispose of, in any way, the personal property described in Schedule “A” hereto.

5. **THIS COURT ORDERS AND DECLARES** that Southside Construction Management Limited holds a perfected security interest in the personal property described in Schedule “A” hereto.
6. **THIS COURT ORDERS** that Southside Construction Management Limited is at liberty to exercise any rights and remedies it has in law with respect to its security interest in the personal property described in Schedule “A” hereto.
7. **THIS COURT ORDERS** that:
 - (a) the crossclaim of Ron Ellis and Team of '72 Representation Inc. against the defendant Robert Black; and
 - (b) the crossclaim of Robert Black against all of the other defendants,are hereby dismissed.
8. **THIS COURT ORDERS** that Pro Property (London) Inc. and Peter David Munro shall pay Vito Frijia, Southside Construction Management Limited, Summit Series Celebration Inc., Ron Ellis and Team of '72 Representation Inc. their costs of this action and this motion, fixed in the amount of \$355,032.78, inclusive of disbursements and HST.
9. **THIS COURT ORDERS** that Pro Property (London) Inc. and Peter David Munro shall pay Robert Black his costs of this motion and this action, fixed in the amount of \$62,095.67, inclusive of disbursements and HST.

THIS JUDGMENT BEARS INTEREST at the rate of 2 per cent per year from its

date.



Justice Mohan Sharma

SCHEDULE "A"

Jersey Numbers (signed on the Numbers) autographed by the following players from Russia and Team Canada '72:

TEAM RUSSIA

#20 Vladislav Tretiak 100

TEAM CANADA '72

#1 Ed Johnson	72 signed Numbers
#3 Pat Stapleton	72 signed Numbers
#4 Bobby Orr	99 signed Numbers
#5 Brad Park	72 signed Numbers
#6 Ron Ellis	72 signed Numbers
#7 Phil Esposito	70 signed Numbers
#8 Rod Gilbert	72 signed Numbers
#10 Dennis Hull	72 signed Numbers
#11 Vic Hadfield	73 signed Numbers
#12 Yvan Cournoyer	72 signed Numbers
#14 Wayne Cashman	72 signed Numbers
#15 Red Berenson	72 signed Numbers
#16 Rod Seiling	72 signed Numbers
#17 Bill White	79 signed Numbers
#18 Jean Ratelle	72 signed Numbers
#19 Paul Henderson	79 signed Numbers
#20 Peter Mahovlich	70 signed Numbers
#21 Stan Mikita	72 signed Numbers
#22 J.P. Parise	72 signed Numbers
#23 Serge Savard	72 signed Numbers
#24 Mickey Redmond	71 signed Numbers
#25 Guy Lapointe	72 signed Numbers
#26 Don Awrey	72 signed Numbers
#28 Bobby Clarke	72 signed Numbers
#32 Dale Tallon	72 signed Numbers
#33 Gilbert Perreault	71 signed Numbers
#34 Marcel Dionne	72 signed Numbers
#35 Tony Esposito	70 signed Numbers
#37 Jocelyn Guevremont	72 signed Numbers
#38 Brian Glennie	69 signed Numbers

Pro Property (London) Inc.
Plaintiff and
Frijia et al.
Defendants

Court File No.: CV-12-470315

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SUPERIOR COURT OF JUSTICE**

Proceeding commenced at TORONTO

JUDGMENT

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