

COURT OF APPEAL FOR ONTARIO

CITATION: Lexfund Inc. v. Ferro, 2017 ONCA 344

DATE: 20170428

DOCKET: C62430

Simmons, Juriansz and Miller JJ.A.

BETWEEN

Lexfund Inc.

Appellant (Plaintiff)

and

Lucio Anthony Ferro (aka Lou Ferro) and Ferro & Company and The Estate of
Lucio Anthony Ferro, Deceased, by its Litigation Administrator, Angela Pollard of
Pollard & Associates Inc.

Respondents (Defendants)

Neil Abbott, for the appellant

Mary Grosso and Robert J. Hooper, for the respondents Sherryl Chrysler, David
Tucker, Cindy Daly, Matthew Cuffy and Bernard Serieux

William G. Scott and Jillian Van Allen, for the respondents Lucio Anthony Ferro
a.k.a. Lou Ferro and Ferro & Company

Heard and released orally: April 25, 2017

On appeal from the judgments of Justice J.W. Sloan of the Superior Court of
Justice, dated July 27 2016, with reasons reported at 2016 ONSC 4113.

ENDORSEMENT

[1] The notice of appeal filed in this matter seeks to set aside the “decision” of Sloan J. dated June 22, 2016. The “decision” of Sloan J. relates to five different actions that were heard together, but not consolidated. Justice Sloan issued five different judgments in the five actions. It is trite that an appeal is taken from a judgment or order, and not from the reasons. Justice Sloan’s reasons are, in fact, headed by styles of cause in the five different actions, and, in addition, a sixth style that counsel were not able to explain to us. There is *no* judgment reflecting the sixth style.

[2] The style of cause of the notice of appeal does not reflect the style of *any* of the five judgments issued by Sloan J. No appeal from any of the five judgments is within the monetary jurisdiction of this court.

[3] We are not persuaded that we have jurisdiction to order the consolidation of matters that have resulted in five different judgments that are not properly before this court. Section 110 of the *Courts of Justice Act* provides where a proceeding or a *step* in a proceeding is brought or taken before the wrong court, a court may transfer the matter to the proper court.

[4] We are prepared to regard the putative notice of appeal filed in this court as, at least, a step in a proceeding.

[5] We order that the notice of appeal and all related material be transferred to the Divisional Court, which would have monetary jurisdiction over the appeals

of the five individual judgments. It will be for the Divisional Court to determine the status of the notice of appeal.

[6] There will be no order as to costs of this matter.

“Janet Simmons J.A.”

“R.G. Juriansz J.A.”

“B.W. Miller J.A.”