

*Indexed as:*  
**Central Capital Corp. v. Clausi**

**Central Capital Corporation v. 819187 Ontario Limited et al.**  
**Central Capital Corporation v. Clausi**

[1994] O.J. No. 3891

21 O.R. (3d) 95

51 A.C.W.S. (3d) 1164

Ontario Court of Appeal

**Morden A.C.J.O., Mckinlay and Galligan JJ.A.**

November 18, 1994

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**1 MORDEN A.C.J.O.:** -- This endorsement covers this appeal and that in court file No. 15095 (Central Capital Corp. v. Clausi). The parties to these appeals and to the motions before the court ((1) to admit fresh evidence, (2) Rosa Clausi's to intervene and (3) to quash this appeal) have agreed to the following orders:

- (1) The judgment of Chapnick J. dated July 10, 1992 against Raffaele A. Clausi is varied by deleting from para. (1) the word "fraudulently".
- (2) The appeal from this judgment, as varied, is otherwise dismissed without costs.
- (3) The appeal from the judgment of Blair J. dated April 6, 1993 is dismissed, without costs.
- (4) The motions referred to above are withdrawn without costs.
- (5) The \$10,000 paid into court under the order of Krever J.A. dated July 7, 1993 together with interest thereon shall be divided and paid out equally to Central Capital Corporation and Rosa Clausi.

**Counsel:**

[para2] Julian N. Falconer and Richard Macklin, for appellant, Raffaele A. Clausi.

[para3] Ted Charney, for appellant, Rosa Clausi.

[para4] Burton Tait, Q.C., Dana Peebles and Jeremy Devereux, for respondent, Central Capital Corp.