

Case Name:

Salluce v. Hoang

Between

Vincenzo Salluce (Respondent) Plaintiff, and
Loc Xuang Hoang [also known as Tam Hoang and also known
as Tommy Hoang] and Lanh Thi Nguyen [also known as Lal
Van Nguyen] (Appellants) Defendants

[2007] O.J. No. 1392

2007 ONCA 277

Docket: C45731

Ontario Court of Appeal

Toronto, Ontario

D.H. Doherty, J.I. Laskin and R.G. Juriansz JJ.A.

Heard: April 5, 2007.

Judgment: April 16, 2007.

(2 paras)

Appeal From:

On appeal from the order of Justice Rose Boyko of the Superior Court of Justice dated June 29, 2006.

Counsel:

Larry J. Levine, Q.C. and Mai Nguyen for the appellant Nguyen.

Theodore P. Charney for the respondent.

APPEAL BOOK ENDORSEMENT

The following judgment was delivered by

¶ 1 **THE COURT:**— As counsel for the respondent correctly points out, the appellant sought to escape the default judgment by advancing a patently false assertion that she was not the person named in the statement of claim. In these circumstances, we cannot interfere with the trial judge's assessment that the appellant had not offered a plausible explanation for her default.

¶ 2 The appeal is dismissed. Costs to the respondent in the amount of \$4,500, inclusive of disbursements and GST.

QL UPDATE: 20070418

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