

Federal Court



Cour fédérale

**Date: 20161004**

**Docket: T-405-15**

**Citation: 2016 FC 1107**

**Ottawa, Ontario, October 4, 2016**

**PRESENT: Madam Prothonotary Mireille Tabib**

**BETWEEN:**

**HARTWICK O'SHEA & CARTWRIGHT LTD.**

**Plaintiff**

**and**

**DRP TRANSPORTATION**

**Defendant**

**JUDGMENT AND REASONS**

[1] **UPON** reading the Notice of Motion and Motion Record of the Plaintiff and moving party, Hartwick O'Shea and Cartwright, including the affidavit of Stephen Cartwright and Exhibits thereto.

[2] **AND UPON** considering the Memorandum of Fact and Law of the moving party, the Defendant being unrepresented and not appearing on this *ex parte* motion.

[3] **CONSIDERING** that the Defendant is in default.

[4] **CONSIDERING** that the Plaintiff has established that the Defendant is indebted to it in the amount of \$35,012.08.

[5] **CONSIDERING** the *Interest Act*.

[6] **CONSIDERING** that the Plaintiff has not established that either of its offers to settle remained open for acceptance until now, and that the Plaintiff is therefore not entitled to double costs.

[7] **CONSIDERING** that no costs were awarded in respect of the Defendant's first motion for leave to be represented by Dale Pickard and that costs of the Defendant's second motion were fixed in the amount of \$1,000.00 only.

**JUDGMENT**

**THIS COURT ORDERS AND ADJUDGES that:**

1. The Defendant's Statement of Defence and Counterclaim are struck.
2. The Defendant is condemned to pay to the Plaintiff the principal amount of \$35,012.08 with interest thereon at 5% per annum from October 30, 2014.
3. The Defendant is also condemned to pay to the Plaintiff costs in the fixed amount of \$10,000.00.
4. The above judgment and remedies are enforceable against the defendant partnership DRP Transportation as well as its partner and principal directing mind Dale R. Pickard.

\_\_\_\_\_  
"Mireille Tabib"  
Prothonotary

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** T-405-15

**STYLE OF CAUSE:** HARTWICK O'SHEA & CARTWRIGHT LTD. v DRP  
TRANSPORTATION

**MOTION IN WRITING CONSIDERED AT OTTAWA, ONTARIO, PURSUANT TO  
RULE 369 OF THE *FEDERAL COURTS RULES*.**

**JUDGMENT AND REASONS:** TABIB P.

**DATED:** October 4, 2016

**WRITTEN REPRESENTATIONS BY:**

Gavin Magrath

FOR THE PLAINTIFF

**SOLICITORS OF RECORD:**

Magrath's International Legal  
Counsel  
Toronto, Ontario

FOR THE PLAINTIFF

Dale R. Pickard  
Barrie, Ontario

FOR THE DEFENDANT  
(Self-represented)