

**Date: 20080915**

**Docket: A-125-08**

**Citation: 2008 FCA 266**

**CORAM: LINDEN J.A.  
NADON J.A.  
SEXTON J.A.**

**BETWEEN:**

**MÖVENPICK-HOLDING**

**Appellant**

**and**

**INTER MANAGEMENT SERVICES LIMITED and  
HANS JÖRG REICHERT and MARIANNE REICHERT  
and GASTRO INTERNATIONAL INC.**

**Respondents**

Heard at Toronto, Ontario, on September 15, 2008.

Judgment delivered from the Bench at Toronto, Ontario, on September 15, 2008.

**REASONS FOR JUDGMENT OF THE COURT BY:**

**NADON J.A.**

**Date: 20080915**

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**BETWEEN:**

**MÖVENPICK-HOLDING**

**Appellant**

**and**

**INTER MANAGEMENT SERVICES LIMITED and  
HANS JÖRG REICHERT and MARIANNE REICHERT  
and GASTRO INTERNATIONAL INC.**

**Respondents**

**REASONS FOR JUDGMENT OF THE COURT**

**(Delivered from the Bench at Toronto, Ontario, on September 15, 2008)**

**NADON J.A.**

[1] Notwithstanding Mr. Odutola's forceful arguments, we have not been persuaded that the learned Motions Judge made any error in dismissing the appellant's appeal from the order of Prothonotary Tabib which rejected its motion to strike paragraphs 16 and 17 of the respondents' Amended Statement of Defence and Counterclaim.

[2] The appeal will therefore be dismissed with costs.

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"M. Nadon"

J.A.

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-125-08

**(APPEAL FROM REASONS FOR ORDER AND ORDER OF THE HONOURABLE  
DEPUTY JUDGE MAURICE LÉGACÉ DATED MARCH 7, 2008, DOCKET NO. T-2261-  
05.)**

**STYLE OF CAUSE:** MÖVENPICK-HOLDING v. INTER MANAGEMENT  
SERVICES LIMITED and HANS JÖRG REICHERT and  
MARIANNE REICHERT and GASTRO NTERNATIONAL  
INC.

**PLACE OF HEARING:** Toronto, Ontario

**DATE OF HEARING:** September 15, 2008

**REASONS FOR JUDGMENT OF THE COURT BY:** (LINDEN, NADON & SEXTON  
JJ.A.)

**DELIVERED FROM THE BENCH BY:** NADON J.A.

**APPEARANCES:**

MR. ODUTOLA FOR THE APPELLANT

No appearance FOR THE RESPONDENTS

**SOLICITORS OF RECORD:**

Odutola Professional Corporation FOR THE APPELLANT  
Ottawa, Ontario

Bereskin & Parr FOR THE RESPONDENTS  
Toronto, Ontario