

DATE: 20061215  
DOCKET: C43131

**COURT OF APPEAL FOR ONTARIO**

**RE:** **JENNIFER-ANNE COWLES, JESSE COWLES, a minor by his  
Litigation Guardian, Jennifer-Anne Cowles, QUINTO  
COWLES, a minor by his Litigation Guardian, Jennifer-Anne  
Cowles and ANNE KELLY (Plaintiffs/Respondents) v. DAVID  
BALAC, RANKO BALAC and THE AFRICAN LION SAFARI  
& GAME FARM LTD. (Defendant-Appellant) – AND – DAVID  
BALAC, RANKO BALAC, SLAVKA BALAC and SANDRA  
BALAC (Plaintiffs/Respondents) v. AFRICAN LION SAFARI &  
GAME FARM LTD. and LIBERTY MUTUAL INSURANCE  
COMPANY (Defendant/Appellant)**

**BEFORE:** **O’CONNOR A.C.J.O., BORINS and ROULEAU J.J.A.**

**COUNSEL:** **Earl A. Cherniak, Q.C., Kirk F. Stevens and Christine Snow for  
the appellant**

**Alan A. Farrer and Craig Brown for the respondents,  
Jennifer-Anne Cowles, Jesse Cowles, Quinton Cowles and Anne  
Kelly**

**R. Donald Rollo for the respondent, Jennifer-Anne Cowles**

**Bruce Haines, Q.C. and Douglas Christie for the respondents,  
David Balac, Ranko Balac, Slavka Balac and Sandra Balac**

**HEARD:** **June 12, 2006**

**On appeal from the judgment of Justice Jean L. MacFarland of the Superior Court  
of Justice dated January 27, 2005, reported at [2005] O.J. No. 229.**

**C O S T S E N D O R S E M E N T**

[1] I would order the African Lion Safari & Game Farm Ltd. to pay the following costs of the two appeals as follows:

- (a) \$100,000, inclusive of GST and disbursements to the Cowles respondents represented by Thomson Rogers and the Balac respondents represented by Messrs. Haines and Christie. The parties should agree upon the allocation of the \$100,000 between them, failing which we may be spoken to.
- (b) \$20,000, inclusive of GST and disbursements to Jennifer Anne Cowles with regard to the representation by R. Donald Rollo, Q.C.

“Dennis O’Connor A.C.J.O.”

“Paul Rouleau J.A.”