

**Court File No.:** CV-12-00459727-0000

ONTARIO  
SUPERIOR COURT OF JUSTICE

THE HONOURABLE *MR.* } FRIDAY, THE 10<sup>TH</sup> DAY  
JUSTICE *T. McEwen* } OF MAY, 2013

BETWEEN:

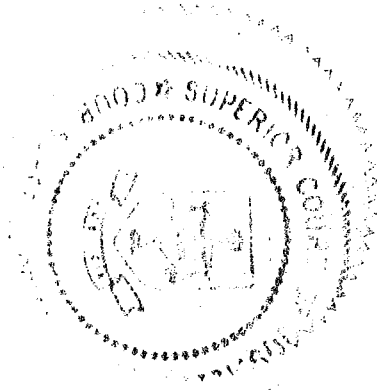
**JONG-HOI KIM**

Applicant

– and –

**SAEDUK PARK**

Respondent



**JUDGMENT**

**THIS APPLICATION** made by the applicant for a Judgment recognizing and enforcing a South Korean Judgment was heard this day at 393 University Avenue, Toronto, and was not opposed by the Respondent.

**ON READING** the certified English translation of the South Korean Judgment dated April 21, 2011, and the Application Record, Supplementary Record, Second

Supplementary Record, Factum and Book of Authorities of the applicant, and the Respondent's Application Record, and on hearing oral submissions from counsel for the applicant (no one appearing for the Respondent, although properly served),

*TM and on being advised that the Application is unopposed TM*

**1. THIS COURT ORDERS THAT** the South Korean Judgement, dated April 21, 2011, be and the same is recognized as an Ontario Judgment, in favour of the applicant, Jong-Hoi Kim, as against the respondent, Saeduk Park, for 966,558,219 South Korean Won (equivalent as of May 9, 2013 to \$888,267.00 Canadian dollars), which amount comprises:

(a) 235,000,000 South Korean Won, and

(b) pre-judgment interest, pursuant to the Korean Judgment, of 731,558,219 South Korean Won, calculated at twenty-five percent (25%) per annum, from November 25, 2000 to May 9, 2013.

**2. THIS COURT ORDERS THAT** the respondent, Saeduk Park, make payment to the applicant, Jong-Hoi Kim, of an amount in Canadian currency sufficient to purchase 966,558,219 South Korean Won at a bank in Ontario listed in Schedule I to the *Bank Act* (Canada) at the close of business on the first day on which the bank

quotes a Canadian dollar rate for purchase of the foreign currency before the day payment of the obligation is received by Jong-Hoi Kim.

**3. THIS COURT ORDERS THAT** the respondent, Saeduk Park, shall pay post-judgment interest on the herein Judgment of this Honourable Court, at the rate of three percent (3%) per annum.

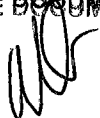
**4. THIS COURT ORDERS THAT** that the Respondent, Saeduk Park, pay to the Applicant, Jon Hoi Kim, costs of the application, calculated in the sum of \$37,770.15.



ENTERED AT / INSCRIT À TORONTO  
ON / BOOK NO:  
LE / DANS LE REGISTRE NO.:

MAY 10 2013

AS DOCUMENT NO.:  
À TITRE DE DOCUMENT NO.:  
PER / PAR:



**KIM**

Applicant

**v.**

**PARK**

Respondent

**Court File:** CV-12-00459727-0000

ONTARIO

SUPERIOR COURT OF JUSTICE

Proceeding commenced at Toronto

## JUDGMENT

CHRISTOPHER E. CHOP,  
Barrister & Solicitor  
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Fax: 416.601.0206

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*Counsel for the Applicant*  
LSUC # A025281U

Oct 31/12

C. Chop - app.  
M. Carabetta - resp.

On consent, application adjourned to March 28/13 (Zhe) date confirmed. The parties have also agreed to the attached timetable which is approved. (Sgt. "A")

The respondent has indicated he may wish to cross-examine the applicant who resides in Korea. The applicant is prepared to come to Ontario for the examination but requests that his costs be paid. In the event that the respondent wishes to examine, he shall pay, in advance, \$1,000 towards the applicant's travel costs. The balance of costs shall be recoverable in the application as with the \$1,000 if the respondent is successful.

It is further ordered that within the return of the application, the respondent shall not further encumber or sell 66 Holmes Avenue, in Toronto. Costs of today to the judge hearing the application.

*[Signature]*

APPLICATION RECORD

CHRISTOPHER E. CHOP

Barrister & Solicitor

Suite 2000- 145 King St. West

Toronto, Ontario

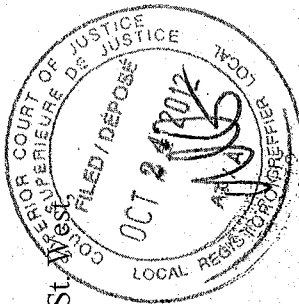
M5H 2B6

(416) 860-8015

(416) 601-0206 (fax)

Law Society No. A025281U

Solicitor for the Applicant



10 May 13 Chap C- App.

no one appearing for the Resp.  
Applic. brings this Application seeking the  
recognition and enforcement of the Second  
South Korean Judgment dated Apr 21/11.

The Resp. retained counsel who initially  
responded. Applic. counsel advises however  
that Resp's counsel has advised that the  
Resp. does not oppose the ~~anti~~ Application.

I am satisfied, based on the Application  
materials, and the law as set out by the  
S.C.C. in Bears v. Saldanha [2003] 3SCR 416  
that I have jurisdiction to grant the  
Application sought.

I am further satisfied that the Applic. has  
established all of the requisite elements  
required to recognize and enforce the  
Second South Korean Judgment.

I further agree with the submissions  
of counsel for the Applic that the  
PTI rate of 25% awarded by  
the South Korean court is a matter  
of substantive law and ought

to be entered.

(2)

In my view, given the circumstances of the case it is appropriate to award costs based on the amount Applicant's Counsel has charged to the Applicant. The time spent & amount charged per hour are reasonable given the complexity of the matter. Costs awarded at \$37,770.15 inclusive.

Defendant is to go as per draft filed & signed which is in accordance with the provisions of the Courts of Justice Act.

McE...