

Federal Court



CANADA

Cour fédérale

Date: 20071217

Docket: T-814-06

Toronto, Ontario, December 17, 2007

PRESENT: The Honourable Madam Justice Mactavish

BETWEEN:

CANADIAN PRIVATE COPYING COLLECTIVE

Plaintiff

and

KMP MARKETING INTERNATIONAL INC., KENNETH BLYTH AND
JEAN THERIAULT

Defendants

ORDER

UPON motion of the Plaintiff, the Canadian Private Copying Collective, seeking Summary Judgment pursuant to Rule 213;

UPON reviewing the Plaintiff's Motion Record, dated October 29, 2007;

UPON considering the submissions made by counsel on behalf of the Plaintiff;

UPON there being no submissions being made on behalf of the Defendant, KMP Marketing International Inc., though duly served with the Plaintiff's Motion Record;

UPON determining that the Defendant, KMP Marketing International Inc., is liable to the Plaintiff for unpaid levies pursuant to Part VIII of the *Copyright Act*, R.S.C. c. C-42 in the amount of \$936,727.26;

UPON determining that the Plaintiff is entitled to interest on the unpaid levies, in the amount of \$88,211.84, pursuant to section 12 of the Private Copying Tariffs certified by the Copyright Board, up to and including today's date;

UPON determining that the Plaintiff is entitled to its costs of its audit of the Defendant KMP Marketing International Inc., in the amount of \$6,332.97, pursuant to section 9 of the Private Copying Tariffs certified by the Copyright Board;

UPON determining that it is appropriate that the Plaintiff be entitled to its costs of the Action and this Motion, in the amount of \$5,682.68.

THIS COURT ORDERS that:

1. The Defendant, KMP Marketing International Inc. shall pay to the Plaintiff, the amount of \$936,727.26 in unpaid levies;
2. The Defendant, KMP Marketing International Inc. shall pay to the Plaintiff, \$88,211.84 in interest on the unpaid levies;
3. The Defendant, KMP Marketing International Inc. shall pay to the Plaintiff, audit costs in the amount of \$6,332.97;
4. The Defendant, KMP Marketing International Inc. shall pay to the Plaintiff, costs of this motion and the action in the amount of \$5,682.68; and

5. The Plaintiff shall be entitled to post judgment interest from this date forward on these amounts.

“Anne Mactavish”

Judge