

1 MR GARDE: Your Honour will I take it also be dismissing the  
2 proceeding and we would also seek that the award of costs  
3 include the cost of transcript. I don't know whether  
4 that's necessary, but it might need clarification later.

5 HIS HONOUR: Yes. I'll order firstly that the appeal be  
6 dismissed. Secondly that there be judgment for the  
7 defendants and thirdly that the plaintiffs pay the  
8 defendants costs of the proceeding including the costs of  
9 the appeal on an indemnity basis. Now Mr Garde I can't  
10 see that it's necessary to make an order with respect to  
11 transcript.

12 MR GARDE: Yes.

13 HIS HONOUR: Those orders appear satisfactory in form to you?

14 MR GARDE: They are Your Honour.

15 MR AHERN: Yes Your Honour.

16 HIS HONOUR: We'll adjourn sine die.

17 ---