

Ontario Superior Court Dismisses Motion To Strike Third Party Claim

Reported Case:	Thompson v. O'Sullivan
Citation:	2009 CarswellOnt 1815
At Issue:	Whether defendant could bring third party proceeding.
The Court:	Ontario Superior Court of Justice
Judgment Rendered:	April 7, 2009
Factual Summary:	In 2005, the plaintiff and the defendants were involved in a motor vehicle accident. The defendants later learned the plaintiff had an accident in 2004 and, in particular, that injuries related to the 2004 accident were still in issue. The defendant issued a third party action against the persons with whom the plaintiff was involved in a 2004 accident and alleged that their negligence contributed to the plaintiff's injured. The limitation period for the plaintiff to bring an action with respect to the 2004 accident had expired. The third parties brought a motion seeking dismissal of the third party action.
Decision:	The motion to strike the third party claim was dismissed. The Court found it was not "plain and obvious", nor was it "clear and obvious" that there was no reasonable cause of action between the defendants and the third parties.