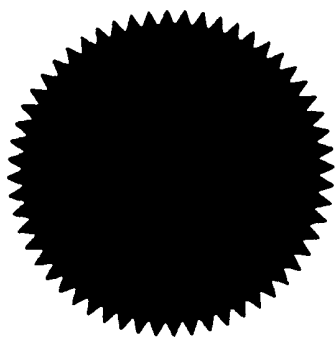




SUPREME COURT OF ONTARIO

THE HONOURABLE MR. JUSTICE LACOURCIERE)	WEDNESDAY,	the	25th
THE HONOURABLE MR. JUSTICE HOULDEN	)	day of	
THE HONOURABLE MR. JUSTICE CORY	)	MAY,	A.D. 1988



IN THE MATTER OF SUNOCO INC.  
 convicted and sentenced at the Municipality of Metropolitan Toronto, in the Judicial District of York, on the 24th day of June, 1986, and the 18th day of August, 1986, respectively, by The Honourable Judge P. German, of: Price Maintenance - for which offence they were fined \$200,000.00;

THIS IS TO CERTIFY that the application for leave to appeal and the appeal of the above named against the conviction and sentence, having come on to be heard before this Court this day, and upon reading the material filed, and upon hearing Counsel,

THIS COURT DID ORDER that the said appeal against the conviction should be and the same was thereby dismissed.

AND THIS COURT DID FURTHER ORDER that the said appeal against the sentence should be and the same was thereby allowed. The fine is reduced to the sum of \$100,000.00.

ENTERED AT TORONTO  
 in FILM No. 744  
 as DOCUMENT No. 433  
 JUN 6 1988  
 per: *[Signature]*

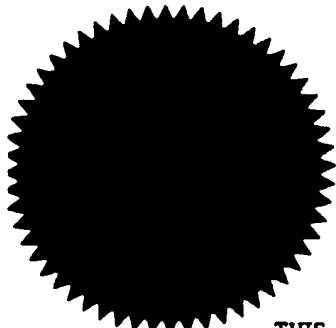
GIVEN under my hand and the Seal of the said Court this 1st day of June, 1988.

*[Signature]*  
 REGISTRAR, COURT OF APPEAL



SUPREME COURT OF ONTARIO

THE HONOURABLE MR. JUSTICE LACOURCIERE	)	WEDNESDAY,	the	25th
THE HONOURABLE MR. JUSTICE HOULDEN	)		day of	
THE HONOURABLE MR. JUSTICE CORY	)	MAY,	A.D.	1988



IN THE MATTER OF SUNOCO INC.  
 acquitted at the Municipality of Metro-  
 politan Toronto, in the Judicial District  
 of York, on the 24th day of June, 1986,  
 by The Honourable Judge P. German,  
 of: Resale Price Maintenance;

THIS IS TO CERTIFY that the application for leave to appeal  
 and the appeal by the Attorney General for Canada against the acquittal  
 of the above named, having come on to be heard before this Court this  
 day, and upon reading the material filed, and upon hearing Counsel.

THIS COURT DID ORDER that the said appeal against the acquittal  
 should be and the same was thereby dismissed.

GIVEN under my hand and the  
 Seal of the said Court this  
 1st day of June, 1988.

*Justice P. German*  
 REGISTRAR, COURT OF APPEAL

ENTERED AT TORONTO  
 in FILM No. 744  
 as DOCUMENT No. 434  
 JUN 6 1988  
 per: *[Signature]*

R. v. Sunoco Inc.Transcription of Endorsement on Record

For ease of reading, the Endorsement is reproduced below.

"Court of Appeal  
Before: Lacourcière, Houlden and Cory, JA  
Date : May 25, 1988

Disposition of Appeal.

The appeal against conviction on count # 1 is dismissed. In our opinion there was ample evidence to support the findings of the learned trial judge.

We think we learned trial judge was correct in the result in not convicting on count # 2 on the basis of the Kienapple principle, but we are not to be taken as agreeing with her reasons for decision on this count, and the A.G. Canada's appeal on count # 2 is dismissed.

The appeal against sentence on count # 1 is allowed in part and the fine is reduced to \$100 000, as the offence was not flagrant or deliberate and the company appeared to act fairly with its dealers. In the circumstances the reduced fine is an appropriate deterrent."

DATE 25 MAY / 88  
DISPOSITION OF APPEAL

Disposition of Appeal filed  
by Sunoco Markham in the case  
of R.v. Sunoco Inc.

The appeal against conviction on Count  
is dismissed. In my opinion there was sufficient  
to support the findings of the learned trial judge.  
We think the learned trial judge was correct  
in the result in not convicting on Count 1  
on the basis of the Kinoshita principle, but  
one not to be taken as agreeing with her  
reasons for decision on this count, and  
A.G. Canada's appeal on Count 2 is dismissed.

The appeal against sentence on  
Count 1 is allowed in part and the J.  
is reduced to "\$100,000" as the offence was  
flagrant or deliberate and the company agreed to  
fairly with its sealers. In the circumstances the  
reduced fine is an appropriate sentence.

Service of a true copy hereof  
admitted this 14<sup>th</sup> day of  
April 1988  
Borden & Elliot / S  
Solicitor for Sunoco Inc.

FROM JUDGE GERMAN @ TORONTO,  
24 JUNE 1988  
APPEL: MICHAEL R. DAMBART, QC  
(NORON) J.W. LEISING.  
RESP: F.J.C. NEWBOLD