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In an affidavit submitted in response to the order to show cause, [respondent] stated that it had paid [FLS] as consideration for its Canadian logging contracts the sum of approximately \$30 million CAD. The summons and complaint were served on FLS in London, Ont., on 31 January 1998. In May 1998, FLS moved to dismiss for lack of personal jurisdiction. In support of its motion, FLS provided documents indicating that it was organized under the laws of the Province of Ontario, registered at 59-60 Park Street, London, Ont., and that its principal place of business was in London, Ont., Canada. It further provided an affidavit of its president, who is an individual resident of the Province of Ontario, where FLS is incorporated and maintains its principal place of business. The affidavit stated that [respondent] has no contacts within the Province of Ontario. There were no facts in the affidavit to establish that FLS had any contacts with Ontario for purposes of service of process. The court granted FLS's motion to dismiss, and awarded it legal costs. [Respondent] appealed, and the Court of Appeal for Ontario found that the trial court did not err in determining that FLS could not be subject to Ontario's personal jurisdiction based on the limited record before it. The Court of Appeal emphasized that the affidavits and supporting documents filed by [respondent] did not contain any facts which established that FLS had been subject to the jurisdiction of the courts of Ontario. In its reasons for judgment, the trial judge pointed out that [respondent's] allegations that FLS officers had conspired to persuade [respondent's former employees] to breach their contractual obligations to [respondent], and that they had caused the former employees to breach their contractual obligations to [respondent] by inducing them to solicit respondent's customers in New Zealand and Australia, were conclusory, and lacked credibility. The trial judge found that respondent had not set forth in its affidavits or its pleadings any facts which would satisfy the Ontario jurisdiction requirements as set out in the Ontario Rules of Civil Procedure.



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