

CANADA / JUDGMENT

Utovac v. Canada (Treasury Board)

2004 FC 1615

COURT

Federal Court

DECIDED

18 November 2004

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T-732-04 Citation: 2004 FC 1615 BETWEEN: ANTUN UTOVAC Applicant

- and - HER MAJESTY THE QUEEN IN RIGHT OF CANADA as represented by TREASURY BOARD Respondent REASONS FOR ORDER PINARD J.:
- [1] The applicant appeals the discretionary decision of Madam Prothonotary Aronovitch, dated November 1st, 2004, refusing to grant him an extension of time for the cross-examination of the deponent of an affidavit filed on behalf of the respondent.
- [2] The underlying judicial review application arises out of a decision rendered by Mr. Gilles Carpentier, the Deputy Head's Nominee for Classification Grievances, on March 10, 2004. The same day that the applicant served and filed his affidavit in support of his application for judicial review, the Deputy Head wrote to him indicating that he had reconsidered his position, cancelled the decision and ordered a new hearing. A new Classification Review Committee was set up and a hearing de novo took place on June 29, 2004. A new determination has since been made and is now also the subject of a judicial review application brought by the applicant.
- [3] In the circumstances, I find that the first application for judicial review is moot and that the applicant must be allowed an opportunity to seek the costs related thereto, as decided by the Prothonotary.
- [4] Consequently, the applicant's motion (appeal) is dismissed, with costs. JUDGE OTTAWA, ONTARIO November 18, 2004 FEDERAL COURT NAMES OF COUNSEL AND SOLICITORS OF RECORD DOCKET: T-732-04 STYLE OF CAUSE: ANTUN UTOVAC v. HER MAJESTY THE QUEEN IN RIGHT OF CANADA as represented by TREASURY BOARD PLACE OF HEARING: Ottawa, Ontario DATE OF HEARING: November 18, 2004 REASONS FOR ORDER: The Honourable Mr. Justice Pinard DATED: November 18, 2004 APPEARANCES: Mr. Antun Utovac THE APPLICANT ON HIS OWN BEHALF Mr. Richard Fader FOR THE RESPONDENT SOLICITORS OF RECORD: Antun Utovac THE APPLICANT ON HIS OWN BEHALF Ottawa, Ontario Morris Rosenberg FOR THE RESPONDENT Deputy Attorney General of Canada

Ottawa, Ontario

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