

CANADA / JUDGMENT

Woo Estate v. Canada (Attorney General)

2001 FCT 1277

COURT

Federal Court

DECIDED

21 November 2001

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Woo Estate v. Canada (Attorney General) Court (s) Database Federal Court Decisions Date 2001-11-21 Neutral citation 2001 FCT 1277 File numbers T-1688-01 Decision Content Date: 20011121 Docket: T-1688-01 Neutral citation: 2001 FCT OTTAWA, ONTARIO, WEDNESDAY, THIS 21st DAY OF NOVEMBER, 2001 BEFORE: THE HONOURABLE MR. JUSTICE TEITELBAUM BETWEEN: THE ESTATE OF YUAN VERCINGETORIX WOO (AKA JEAN-PAUL MARTINEAU) Applicant AND: GRACE LI XIU WOO Applicant AND: THE MINISTER OF VETERANS AFFAIRS, CANADA Respondent REASONS FOR ORDER AND ORDER

- [1] The applicant, on November 6, 2001, filed into the Federal Court Registry a Notice of Motion to have the style of cause changed to identify the respondent as the Attorney General of Canada and for permission to file a supplementary affidavit.
- [2] The respondent consented to the said Notice of Motion but requested that the Court allow the respondent the opportunity to file supplementary affidavits.
- [3] The applicant agreed that the respondent be permitted to file supplementary affidavits.
- [4] The respondent also requested that the Court order that the delays prescribed in Rules 307 and following to restart running from the date of my Order.
- [5] The applicant objected as she was of the belief that to allow this request of the respondent would unduly delay the proceedings.
- [6] The applicant wanted permission to file her Application Record immediately and, of course, before she would see the respondent's supplementary affidavits.
- [7] I allowed the applicant's request to file her Application Record and informed her that she should not object to the request of the respondent that the delays prescribed in Rules 307 and following to restart running from the date of my Order as this may enable her to see what supplementary affidavits are filed by the respondent and it would not necessarily foreclose her from being able to reply to the supplementary affidavits of the respondent.
- [8] The applicant insisted that no extra delays be granted and that she was not concerned about what the respondent's supplementary affidavits may contain. O R D E R

- [9] The application to change the name of the respondent to read Attorney General of Canada is allowed.
- [10] The application to file a supplementary affidavit by the applicant is allowed. The said supplementary affidavit must be served and filed into the Court Record within two days of today's date.
- [11] The applicant may file her Application Record within two days of today's date.
- [12] The respondent may serve and file supplementary affidavits within a delay of 20 days of today's date.
- [13] The applicant shall not be permitted to file any further affidavits unless for very special reasons shown to the Court. "Max M. Teitelbaum" J.F.C.C. Considering the applicants' motion to change the style of cause and for leave to file a supplementary affidavit, and upon representations of the parties, the Court: ORDERS that the Minister of Veterans Affairs be replaced by the Attorney General of Canada as respondent in the style of cause; ALLOWS the applicants to serve and file a supplementary affidavit pursuant to Rule 312 of the Federal Court Rules. The respondent will have 30 days to serve and file supplementary affidavits; ALLOWS the applicants to serve and file the applicants' record pursuant to Rule 309 of the Federal Court Rules on this day; DECLARES that the applicants will be foreclosed to file further material in the present case and to ask for a leave to file the same under Rule 312 of the Federal Court Rules unless special circumstances can be shown to the Court that would permit the applicants to file same. "Max M. Teitelbaum" J.F.C.C.

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Prepared on 25 October 2026 · Esheria