

FEDERAL COURT OF CANADA

BETWEEN:

Radu Hociung

Plaintiff

and

Minister of Public Safety and Emergency Preparedness

Defendant

SUBMISSIONS RE COSTS FOR MOTION TO DISMISS

Radu Hociung

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TO:

The Registrar

Federal Court of Canada
180 Queen Street West
Suite 200
Toronto, Ontario
M5V 3L6

AND TO:

Eric Peterson

Department of Justice
Ontario Regional Office
The Exchange Tower
130 King St. West
Suite 3400, Box 35
Toronto, Ontario
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Tel: (416) 952-6334
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Submissions

These are written submissions as to costs of the motion to dismiss initiated by Defendant on 30th of August, 2016.

1. The Plaintiff costs are as follows:

(a) lost productive income for 5 hours in order to read the lengthy motion, understand it thoroughly and write a response.

(b) Lost productive income for 1 hour to visit public notary to notarize the affidavit of service of reply to motion on the Defendant.

(c) \$30 for the fee paid to the notary for notarizing the affidavit of service.

2. The Plaintiff earns \$90/hour as a consulting electrical engineer.

3. The total costs claimed by the plaintiff are thus \$570.

4. The Plaintiff is not represented by a lawyer in this action, nor does he have legal training.

However, he does recognize the need for a thorough understanding of the Defendant's 111 page motion record, and of the applicable Federal Court Rules, given that the Defendant's success on the motion to dismiss pursuant Rule 221(1)(a) would be the end of this action.

5. The Plaintiff scoured previous Court decisions on similar motions, and on decisions involving the *Imperial Tobacco v. Canada* case, which the Defendant attempted to use in his motion.

Understanding the legal definition and precedent of the “reasonable prospect that the claim will succeed” appeared to be key to the motion, and thus was given extra attention.

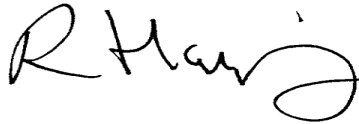
6. In formulating a response, two draft replies to the motion were written, but upon review were found to be relying on evidence, which the Court would not have considered per Rule 221(2),

so were mostly discarded. A third reply draft was written to include submissions based only on the previously entered pleadings. This draft was then submitted as the reply to the motion.

7. Even though a lawyer was not used, the Plaintiff estimates that a lawyer would have taken at least 3 hours to completely deal with this motion, and probably billed \$900 or more, and as such he still saved money by researching and replying to the motion himself.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

Dated at Panajachel, Guatemala, this 7th day of October, 2016



Radu Hociung, Plaintiff

TO: **The Registrar**

Federal Court of Canada
180 Queen Street West
Suite 200
Toronto, Ontario
M5V 3L6

AND TO: **Eric Peterson, Crown Counsel of counsel for the Defendant**

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