

Federal Court



Cour fédérale

**Date: 20200302**

**Docket: T-1450-15**

**Ottawa, Ontario, March 2, 2020**

**PRESENT: The Honourable Mr. Justice Gleeson**

**BETWEEN:**

**RADU HOCIUNG**

**Plaintiff**

**and**

**MINISTER OF PUBLIC SAFETY  
AND EMERGENCY PREPAREDNESS**

**Defendant**

**ORDER**

**FURTHER** to the Court's requests that the parties clarify the status of the Plaintiff's Application for Leave to Appeal, resulting from the Respondent's informal notice to the Court that the Plaintiff has sought leave to appeal to the Supreme Court of Canada the decisions of the Federal Court of Appeal that have returned aspects of this matter to this Court for reconsideration;

**AND FURTHER** to the self-represented Plaintiff's refusal to clarify the status of the Application for Leave to Appeal and the Defendant's notice to the Court advising that a motion would not be pursued;

**AND UPON NOTING** that the Supreme Court of Canada Bulletin of Proceedings dated February 7, 2020 reports that an Application for Leave to Appeal the Federal Court of Appeal decision in this matter was filed on October 2, 2019;

**AND UPON RECOGNIZING** the need to respect the pending process before the Supreme Court of Canada;

**AND UPON RELYING** on the Federal Courts' "plenary powers to manage their processes and proceedings" (*Lee v. Canada (Correctional Service)*, 2017 FCA 228 at paras 7 and 8), which allow it to hold a decision in abeyance pending the Supreme Court's disposition of an Application for Leave to Appeal;

**THIS COURT ORDERS that:**

1. Redetermination in accordance with the judgments of the Federal Court of Appeal in docket numbers A-101-18 and A-102-18 is held in abeyance pending final disposition of the Plaintiff's Application For Leave to Appeal to the Supreme Court of Canada, or the outcome of the appeal, whichever occurs last;
2. Within 14 days of the final disposition of the Plaintiff's Application for Leave to Appeal to the Supreme Court of Canada, or the outcome of the appeal, whichever occurs last, the Plaintiff shall, after consulting with the Defendant, provide the Court

with proposed dates and times of mutual availability for the conduct of a case management conference for the purpose of addressing next steps before this Court.

"Patrick Gleeson"

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Judge