

Federal Court



Cour fédérale

Date: 20200717

Docket: T-1450-15

Ottawa, Ontario, July 17, 2020

PRESENT: The Honourable Mr. Justice Gleeson

BETWEEN:

RADU HOCIUNG

Plaintiff

and

**MINISTER OF PUBLIC SAFETY
AND EMERGENCY PREPAREDNESS**

Defendant

ORDER

UPON the Plaintiff's informal motion dated June 26, 2020 requesting reconsideration of the Court's June 16, 2020 Order dismissing the Plaintiff's informal motion for recusal on the grounds that matters have been overlooked;

AND UPON noting the Defendant's letter dated July 14, 2020 advising that the Plaintiff's submissions have been reviewed and the Defendant has determined that "no response is necessary";

AND UPON finding that the Defendant's submission that "no response is necessary" is of no assistance to the Court, and unhelpful in the context of an adversarial process where the Court relies on the positions of both parties to address the issues raised;

AND UPON noting that Rule 397 of the *Federal Courts Rules* provides that a party may make a motion to reconsider on the grounds that (1) the order does not accord with reasons given; or (2) a matter that should have been dealt with has been overlooked or accidentally omitted;

AND UPON noting that a motion to reconsider does not allow an issue to be re-argued a second time nor can it be used to reverse what has been previously ordered (*Bell Helicopters Textron Canada Limiteé v Eurocopter* 2013 FCA 261 at para. 15, *Taker v Canada (Attorney General)*, 2012 FCA 83 at para. 4);

AND UPON finding that the Plaintiff has not identified any issue raised for the Court's consideration on the recusal motion that was overlooked, but instead seeks in part to re-argue the issue determined in the June 16, 2020 Order and to raise issues that are nonsensical, frivolous and vexatious which in turn serve to impede the final determination of this matter;

AND UPON finding that an order of costs would be appropriate but noting that costs generally may not be awarded where they have not been requested (*Exeter v Canada (Attorney General)*, 2013 FCA 134 at para 17);

AND UPON noting that as the Defendant has failed to advance any response on either the merits of the Plaintiff's request or in respect of the issue of costs, no costs award will be made;

THIS COURT ORDERS that:

1. The motion for reconsideration is dismissed.
2. Costs have not been sought.

"Patrick Gleeson"

Judge