[1] Some cases.

Table of Cases

→ References are to paragraph numbers. *Para*

[2] Supreme Court of Canada

[3] – Unsupported generalizations are inappropriate.[1]

[4] – "the trial judge left the jury equipped with a charge that, in critical sections, is not comprehensible to a legally trained reader, let alone to a layperson juror"[2]

[5] – "the zone of unfairness"[3]

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[1] *BJT v JD*, [2022] SCC 24 <CanLII>, at para 108.
[2] *R v Goforth*, [2022] SCC 25, [2021] SCJ No 103 (QL), <CanLII>, at para 67.
[3] *Canada (Attorney General) v Collins Family Trust*, [2022] SCC 26 <CanLII>, at para 93.

Access

> “ Access to justice depends on the efficient and responsible use of court resources. Frivolous lawsuits, endless procedural delays, and unnecessary appeals increase the time and expense of litigation and waste these resources. To preserve meaningful access, courts must ensure that their resources remain available to the litigants who need them most — namely, those who advance meritorious and justiciable claims that warrant judicial attention. ”
>
> – *British Columbia (Attorney General) v Council of Canadians with Disabilities* [2022] SCC 27, at para 1

[6] Cour d’appel fédérale

[7] – ‘Le rôle de la Cour est plutôt de s’assurer que la décision contestée, et la justification qui la sous-tend, possèdent les « attributs de la raisonnabilité » (*Vavilov*, au para 86, citant *Dunsmuir*, au para 47). Elle doit ainsi s’intéresser à la fois au résultat obtenu et au raisonnement qui a mené à ce résultat. Comme la Cour suprême le rappelait dans *Vavilov*, la décision raisonnable est celle qui est « fondée sur une analyse intrinsèquement cohérente et rationnelle et [qui] est justifiée au regard des contraintes juridiques et factuelles auxquelles le décideur est assujetti » (*Vavilov*, aux para 85-90).’[4]

> [1] In a valiant but ultimately futile effort to bring proportionality to this action, I heard what I had hoped would be an attenuated refusals motion in which the parties might focus on what was truly needed to get the case to trial. It is apparent that the parties have much more on their respective plates than just this one piece of litigation. So their positions are driven by far wider considerations. Unless or until the court determines that the parties have consumed more than their fair share of scarce public resources, their battles appear to be destined to continue as unrelenting as the 500 year war between Eminiar VII and Vendikar.[a] – *Apotex Inc v Eli Lilly and Company* [2017] ONSC 7204
>
> [a] “A Taste of Armageddon,” Star Trek, Season 1, Episode 23, NBC, February 23, 1967.

[4] *Guidara c Canada (Procureur général)*, [2022] CAF 122 <CanLII>, au para 15.

[8] Federal Court of Appeal

[9] – No action for status review if no reviewable error[5]

[10] – 'In its written submissions, the appellant also alleges that the Federal Court is in a conflict of interest with the respondent as the latter is a federally created organization. The appellant's allegations are serious, unsubstantiated, without merit and ought not have been made.'[6]

[11] – removal of vaccination requirement mootizes action to suspend requirement: 'We are all of the view that. this appeal is now moot, as the Policy that the appellants seek to suspend is no longer in force'[7]

[12] – "No Fishing" at discovery stage even though standard of relevance is lower than at trial[8]

[13] – 'the patent specification is not addressed to grammarians, etymologists or to the public generally, but to skilled individuals sufficiently versed in the art to which the patent relates to enable them on a technical level to appreciate the nature and description of the invention: Fox, H G, *The Canadian Law and Practice Relating to Letters Patent for Inventions* (4th ed. 1969), , at p. 185.'[9]

[14] – 'Construction of a patent is a question of law, reviewable for correctness: *Whirlpool*, at paras 61, 76. However, the first instance court is entitled to deference in its appreciation of the evidence that bears on construction. This includes, in particular, expert evidence as to how the skilled reader would understand the claim language.'[10]

[15] – 'transparency, intelligibility and justification …The reasons explain how and why the decision was made …The …Board Decision was based on an internally coherent and rational chain of analysis that was justified in relation to the facts and the law that constrained its functions as a reconsideration panel. '[11]

> It is not beyond the bounds of possibility, that Ms [C] would have been frustrated by the failure in respect of the phone being answered. In addition, although it may be regarded as impolite and unprofessional of Ms [C] (or a similarly placed manager) to have sworn in the workplace, such behaviour cannot be regarded as extraordinary in the contemporary Australian setting. However, more importantly,

[5] *Nova-Biorubber Green Technologies Inc v Sustainable Development Technology Canada*, [2022] FCA 121 <CanLII>, at para 6.
[6] *Nova-Biorubber* (n 5) at para 9.
[7] *Wojdan v Canada (Attorney General)*, [2022] FCA 120 <CanLII>, at para 4.
[8] *Canada v Thompson*, [2022] FCA 119 <CanLII>, at paras 43, 46.
[9] *Whirlpool Corp v Camco Inc*, [2000] SCC 67, [2000] 2 SCR 1067, [2000] ACS no 68, [2000] SCJ No 68 (QL), 9 CPR (4th) 129, 186 FTR 268, 194 DLR (4th) 193, 263 NR 88. <CanLII>, at para 53.
[10] *Swist v MEG Energy Corp*, [2022] FCA 118 <CanLII>, at para 18.
[11] *Thomson v Canada (Attorney General)*, [2022] FCA 97 <CanLII>, at para 41.

> in my view, the use of such profanities does not, of itself, constitute harassment within the meaning provided by section 35 of the DDA.
> – *Sluggett v Commonwealth of Australia* [2011] FMCA 609, at para 516

User commands

Ancillary user commands defined in .dbx file

- printbibliographymcgill
- lcrollcall
- lccatena

Ancillary user commands defined in .cbx file

- lcqquotationmdf
- printlawciteindexes