

BETWEEN: RAFAEL ANTONIO PAEZ MENDOZA,
RAIZA MARLENE CHIRINOS OVALLES,
ANGINNETH MARIA PAEZ CHIRINOS,
MARITZA JOSEFINA PAEZ MENDOZA,
ARIANNA ANDREINA JIMENEZ PAEZ,
GUILLERMO H. JIMENEZ PAEZ,

Applicants,

AND:

MINISTER OF CITIZENSHIP AND
IMMIGRATION,

Respondent.

REASONS FOR ORDER

NOËL J.

Counsel for the applicants was wrong to request that his motion proceed under Rule 324, and the prothonotary should not have agreed to dispose of it under that rule since an oral hearing had been requested in respect of one of the two arguments made in support of the motion. It was therefore inappropriate to proceed under Rule 324.

The prothonotary's decision is accordingly set aside, and the applicants are free to make their motion for an extension of time again so that a hearing can be held to dispose of it. Since the prothonotary has already ruled on the issue to be decided, the motion must be heard by someone else.

Marc Noël

Judge

MONTREAL, QUEBEC
May 28, 1997

Certified true translation

A. Poirier

FEDERAL COURT OF CANADA

NAMES OF COUNSEL AND SOLICITORS OF RECORD

COURT FILE NO.: IMM-96-97

STYLE OF CAUSE: RAFAEL ANTONIO PAEZ MENDOZA,
RAIZA MARLENE CHIRINOS OVALLES,
ANGINNETH MARIA PAEZ CHIRINOS,
MARITZA JOSEFINA PAEZ MENDOZA,
ARIANNA ANDREINA JIMENEZ PAEZ,
GUILLERMO H. JIMENEZ PAEZ,

Applicants,

AND:

MINISTER OF CITIZENSHIP AND
IMMIGRATION,

Respondent.

PLACE OF HEARING: Montréal, Quebec

DATE OF HEARING: May 26, 1997

REASONS FOR ORDER BY: **THE HONOURABLE MR. JUSTICE NOËL**

DATE OF REASONS FOR ORDER: May 28, 1997

APPEARANCES: Michel Lebrun for the Applicants

Ian Hicks for the Respondent

SOLICITORS OF RECORD:

Michel Lebrun for the Applicants
Montréal, Quebec

Ian Hicks for the Respondent
Department of Justice Canada
Montréal, Quebec

Federal Court of Canada

Court No. IMM-96-97

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