

Federal Court



Cour fédérale

Date: 20130514

Docket: T-586-12

Citation: 2013 FC 500

Ottawa, Ontario, May 14, 2013

PRESENT: The Honourable Mr. Justice Zinn

BETWEEN:

TEVA CANADA INNOVATION

Applicant

and

ATTORNEY GENERAL OF CANADA

Respondent

FURTHER REASONS AND ORDER

[1] These reasons and order are further to the Reasons and Judgment issued in these proceedings on April 30, 2013.

[2] The Court has now reviewed the letter dated May 10, 2013 filed jointly by the counsel for the Applicant and the Respondent. This letter addresses the matter of the return of the monies paid into the Consolidated Revenue Fund by the Applicant pursuant to the Board's decision which decision has been quashed by the Judgment of this Court of April 30, 2013.

[3] The matter of the return of these monies was raised by the Applicant at the hearing and should have been dealt with in the Judgment but was overlooked and omitted. Pursuant to Rule 397 of the *Federal Courts Rules* it is in the interests of justice that the omission be dealt with.

[4] The Applicant paid \$2,801,285.00 into the Consolidated Revenue Fund, that sum should be returned promptly to the Applicant, together with pre-judgment interest calculated at 1.3% and post-judgment interest calculated at 3% as provided for in sections 36 and 37 of the *Federal Courts Act*. The Respondent is requested to give prompt attention to this matter so as to effect such return.

ORDER

For the reasons provided:

THIS COURT ORDERS that: Further to the judgment issued April 30, 2013 in this matter, the Respondent is requested to give prompt attention to the matter of the return to the Applicant of the sum of 2,801,285.00, together with pre-judgment interest calculated at 1.3% and post-judgment interest calculated at 3% as provided for in sections 36 and 37 of the *Federal Courts Act*.

"Russel W. Zinn"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-586-12

STYLE OF CAUSE: TEVA CANADA INNOVATION v
ATTORNEY GENERAL OF CANADA

PLACE OF HEARING: Toronto, Ontario

DATE OF HEARING: February 5, 2013

**FURTHER REASONS
AND ORDER:** ZINN J.

DATED: May 14, 2013

APPEARANCES:

Gavin MacKenzie / Trevor Guy FOR THE APPLICANT

David Cowie FOR THE RESPONDENT

SOLICITORS OF RECORD:

HEENAN BLAKIE LLP FOR THE APPLICANT
Toronto, Ontario

WILLIAM F. PENTNEY FOR THE RESPONDENT
Deputy Attorney General of Canada
Ottawa, Ontario