

Federal Court



Cour fédérale

Date: 20130510

Docket: IMM-11316-12

Citation: 2013 FC 495

Vancouver, British Columbia, May 10, 2013

PRESENT: The Honourable Mr. Justice Manson

BETWEEN:

**CONSTRUCTION AND SPECIALIZED
WORKERS' UNION, LOCAL 1611;
INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL 115**

Applicants

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION;
THE MINISTER OF HUMAN RESOURCES
AND SKILLS DEVELOPMENT CANADA;
HD MINING INTERNATIONAL LTD.;
CANADIAN DEHUA INTERNATIONAL
MINES GROUP INC.; AND
HUIYONG HOLDINGS (BC) LTD.**

Respondents

REASONS FOR ORDER AND ORDER

UPON MOTION dated April 8, 2013, on behalf of HD Mining International Ltd. and Huiyong Holdings (BC) Ltd. (the HD Respondents) for an order that the Applicants, Construction and Specialized Workers' Union, Local 1611 and International Union of Operating Engineers,

Local 115 (the Applicant Unions), to pay costs to the HD Respondents for the cross-examinations on March 22, 2013 and April 5 2013;

AND UPON reading the motion record of the HD Respondents dated April 8, 2013, the Applicants' Reply Argument and motion record dated April 23, 2013, the HD Respondents' Supplemental motion record dated April 30, 2013, and the Sur-Reply of the Applicants dated May 6, 2013;

The HD Respondents' motion is dismissed, for the reasons that follow.

- [1] By my Order dated April 4, 2013, I granted the consent Order to have the Applicants' affiants, Mark Olsen and Brian Cochrane, attend for cross-examination on or before April 5, 2013, to answer specific questions set out in the schedules attached to my Order and any related follow-up questions;

- [2] My Order of April 4, 2013, specifically excluded any reference to produce additional documents, upon the understanding that counsel for the Applicants maintained their previous objection to produce any such documents, on the basis of alleged privilege, and that the HD Respondents specifically sought to compel the answers to questions refused during prior cross-examinations only, as set out in their motion of March 28, 2013. Notwithstanding Federal Courts Rule 94, the re-attendance I ordered for further cross-examinations limited the scope of questions to those referenced in the schedules to my Order of April 4, 2013, nothing more.

ORDER

THIS COURT ORDERS that:

1. The HD Respondents' motion is dismissed.
2. Costs to the Applicants shall be in the cause.

"Michael D. Manson"

Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET: IMM-11316-12

STYLE OF CAUSE: CONSTRUCTION AND SPECIALIZED WORKERS'
UNION, LOCAL 1611 AND OTHERS v. THE MINISTER
OF CITIZENSHIP AND IMMIGRATION AND OTHERS

**MOTION IN WRITING CONSIDERED AT VANCOUVER, BRITISH COLUMBIA
PURSUANT TO RULE 369**

**REASONS FOR ORDER
AND ORDER:** MANSON, J.

DATED: May 10, 2013

WRITTEN REPRESENTATIONS

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