

Federal Court of Appeal



Cour d'appel fédérale

Date: 20170925

Docket: A-273-16

Citation: 2017 FCA 198

**CORAM: NADON J.A.
GAUTHIER J.A.
TRUDEL J.A.**

BETWEEN:

**HER MAJESTY THE QUEEN IN RIGHT OF CANADA
LISE OUELLETTE
RONALD JEAN-LÉGER
DENIS BEAUSOLEIL
VLADIMIR DESRIVEAUX
STAN LOACH
RCMP OFFICERS JANE AND JOHN DOE**

Appellants

and

**ROBBIE DICKSON
RAINBOW TOBACCO G.P.**

Respondents

Heard at Montréal, Quebec, on September 25, 2017.
Judgment delivered from the Bench at Montréal, Quebec, on September 25, 2017.

REASONS FOR JUDGMENT OF THE COURT BY:

NADON J.A.

Federal Court of Appeal



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REASONS FOR JUDGMENT OF THE COURT
(Delivered from the Bench at Montréal, Quebec, on September 25, 2017)

NADON J.A.

[1] Notwithstanding Mr. Wilner's excellent arguments, we have not been persuaded that we should interfere with the judgment of the Federal Court dated July 10, 2016 (per Roussel J., 2016 FC 836).

[2] Although we are not prepared to totally endorse the Judge's reasons, we are nonetheless satisfied, for the reasons given by the Judge, that the respondents' action against the individual appellants is not bereft of any possibility of success. Whether or not the respondents can succeed on the merits against the individual appellants is obviously a different question which the trial judge will have to decide in the light of the record before him or her. In the context of the evidence that will be adduced at the trial, we recognize the possibility that the Judge could conclude that the Court is without jurisdiction as far as the individual appellants are concerned.

[3] However, at this point in time, we are not convinced that the respondents' case is not arguable.

[4] Consequently, the appeal will be dismissed with costs.

"M Nadon"

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-273-16

STYLE OF CAUSE: HER MAJESTY THE QUEEN IN
RIGHT OF CANADA, LISE
OUELLETTE, RONALD JEAN-
LÉGER, DENIS BEAUSOLEIL,
VLADIMIR DESRIVEAUX, STAN
LOACH, RCMP OFFICERS JANE
AND JOHN DOE v. ROBBIE
DICKSON, RAINBOW TOBACCO
G.P.

PLACE OF HEARING: Montréal, Quebec

DATE OF HEARING: SEPTEMBER 25, 2017

REASONS FOR JUDGMENT OF THE COURT BY: NADON J.A.
GAUTHIER J.A.
TRUDEL J.A.

DELIVERED FROM THE BENCH BY: NADON J.A.

APPEARANCES:

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Éric Lafrenière

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FOR THE RESPONDENTS

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