

Date: 20021009
Docket: A-168-99
Neutral Citation: 2002 FCA 378

Between:

LES ÉDITIONS PROGITECH INC.

Applicant

and

**HER MAJESTY THE QUEEN
AND
THE ATTORNEY GENERAL OF CANADA**

Respondents

ASSESSMENT OF COSTS - REASONS

FRANÇOIS MARTIN, ASSESSMENT OFFICER

[1] This assessment of costs is further to a judgment dated January 16, 2002, dismissing the application for judicial review with costs in favour of the respondents.

[2] Following that decision, on August 27, 2002, counsel for the respondents filed a bill of costs together with an affidavit and a request for a decision without personal appearance by the parties.

[3] On September 6, 2002, a copy of the bill of costs was sent to the applicant so that it could submit written representations, but as of today it has not done so. In light of the foregoing, I am ready to assess the costs in favour of the respondents.

[4] The fees sought are allowed except for the request under item 2 for the preparation and filing of a respondent's record, and the request under item 26 for assessment of costs. The fees sought for the preparation and filing of the respondents' record are allowed under item 2 and not under item 1 as requested in the bill of costs.

[5] Using item 5 instead of item 2 would also have been more appropriate to cover the fees incurred in the preparation of the respondents' record. Be that as it may, given that the order of the Court that dealt with the applicant's motion for leave to file a supplementary record is silent on costs, no costs will be awarded.

[6] Since the assessment was not contested, two units will be allowed under item 26. The same reasoning applies to the disbursements, which are allowed in the amount of \$297.48.

[7] The costs of the respondents are assessed and allowed in the amount of \$1,837.48. A certificate will be issued in that amount.

Signed : "François Martin"

FRANÇOIS MARTIN
ASSESSMENT OFFICER

MONTRÉAL, QUEBEC

October 9, 2002

Certified true translation

Mary Jo Egan, LLB

**FEDERAL COURT OF CANADA
APPEAL DIVISION**

SOLICITORS OF RECORD

DOCKET:

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Respondents

ASSESSMENT OF COSTS WITHOUT PERSONAL APPEARANCE

PLACE OF ASSESSMENT:

Montréal, Quebec

REASONS BY FRANÇOIS MARTIN, ASSESSMENT OFFICER

DATED:

October 9, 2002

SOLICITORS OF RECORD:

Grey Casgrain
Montréal, Quebec

for the Applicant

Morris Rosenberg
Deputy Attorney General of Canada
Ottawa, Ontario

for the Respondent