

**Date: 20100310**

**Docket: A-368-09**

**Citation: 2010 FCA 72**

**Present: PELLETIER J.A.**

**BETWEEN:**

**SAMEH BOSHRA**

**Applicant**

**and**

**CANADIAN ASSOCIATION OF PROFESSIONAL EMPLOYEES (CAPE)**

**Respondent**

Dealt with in writing without appearance of parties.

Order delivered at Ottawa, Ontario, on March 10, 2010.

**REASONS FOR ORDER BY:**

**PELLETIER J.A.**

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**and**

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**Respondent**

**REASONS FOR ORDER**

**PELLETIER J.A.**

[1] The applicant, Sameh Boshra, seeks to file a supplementary affidavit in support of his application of judicial review of the decision of the Public Service Labour Relations Board dismissing his complaint that his union, the respondent Canadian Association of Professional Employees, failed to adequately represent him.

[2] The supplementary affidavit purports to correct inaccuracies in the affidavit filed by the respondent as to the date when the respondent became aware of the applicant's complaint. What is not clear from the material provided is the significance of this date. The applicant's motion record does not contain written representations in support of his motion but he has filed a lengthy reply in

which he seeks to rebut the arguments made by the respondent. None of this explains why the date is material.

[3] Given that leave to file supplementary affidavits is to be granted sparingly (see *Mazhero v. Canada (Industrial Relations Board)*, 2002 FCA 295), I do not see how granting leave to file this supplementary affidavit will assist the Court in determining the issues between the parties, principally because Mr. Boshra has not told the Court how it will do so.

[4] As a result, the motion for leave to file a supplementary affidavit is dismissed with costs.

"J.D. Denis Pelletier"

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J.A.

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-368-09

**STYLE OF CAUSE:** SAMEH BOSHRA  
and CANADIAN ASSOCIATION  
OF PROFESSIONAL EMPLOYEES  
(CAPE)

**MOTION DEALT WITH IN WRITING WITHOUT APPEARANCE OF PARTIES**

**REASONS FOR ORDER BY:** PELLETIER J.A.

**DATED:** MARCH 10, 2010

**WRITTEN REPRESENTATIONS BY:**

MELYNDA E.A. LAYTON

FOR THE APPLICANT

FIONA CAMPBELL

FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

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FOR THE APPLICANT

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FOR THE RESPONDENT