

**Federal Court of Appeal**



**Cour d'appel fédérale**

**Date: 20130911**

**Dockets: A-429-12  
A-428-12**

**Citation: 2013 FCA 207**

**CORAM: NOËL J.A.  
TRUDEL J.A.  
MAINVILLE J.A.**

**Docket: A-429-12**

**BETWEEN:**

**ROBERT LAVIGNE**

**Appellant**

**and**

**CANADIAN HUMAN RIGHTS COMMISSION  
CANADA POST CORPORATION  
THE CANADIAN UNION OF POSTAL  
WORKERS**

**Respondents**

**Docket: A-428-12**

**BETWEEN:**

**ROBERT LAVIGNE**

**Appellant**

**and**

**CANADA POST CORPORATION**

**THE CANADIAN UNION OF POSTAL  
WORKERS**

**Respondents**

Heard at Montréal, Quebec, on September 11, 2013.

Judgment delivered from the Bench at Montréal, Quebec, on September 11, 2013.

REASONS FOR JUDGMENT OF THE COURT BY:

NOËL J.A.

**Federal Court of Appeal**



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**AND BETWEEN:**

**ROBERT LAVIGNE**

**Appellant**

**and**

**CANADA POST CORPORATION**

**THE CANADIAN UNION OF POSTAL  
WORKERS**

**Respondents**

**REASONS FOR JUDGMENT OF THE COURT**  
**(Delivered from the Bench at Montréal, Quebec, on September 11, 2013).**

**NOËL J.A.**

[1] These are two consolidated appeals from orders of the Federal Court wherein Martineau J. (the Federal Court judge) dismissed the appellant's motion to set aside an earlier order issued by Prothonotary Morneau (the Prothonotary) dismissing the actions brought by Robert Lavigne (the appellant) in Federal Court files T-105-10 and T-107-10 for delay following a status review.

[2] The two appeals were consolidated by order of this Court issued on December 12, 2012. The reasons which follow dispose of both appeals, the original being filed in file A-429-12 and a copy thereof in file A-428-12.

[3] The appellant seeks to have the order of the Federal Court judge overturned on a variety of grounds.

[4] We are satisfied that there has been no misuse of judicial discretion on the part of the Prothonotary and that the Federal Court judge properly declined to intervene. We are also satisfied that given the background to this case, the Federal Court judge committed no error in proceeding on the basis that the order of the Prothonotary applies to the Canadian Human Rights Commission.

[5] The appeals will be dismissed with one set of costs in file A-429-12.

"Marc Noël"

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J.A.

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKETS:** A-429-12 AND A-428-12

**(APPEALS FROM ORDERS OF THE FEDERAL COURT DATED SEPTEMBER 11, 2012,  
DOCKETS NOS. T-105-10 AND T-107-10)**

**DOCKET:** A-429-12

**STYLE OF CAUSE:** ROBERT LAVIGNE v. CANADIAN  
HUMAN RIGHTS COMMISSION,  
CANADA POST CORPORATION,  
THE CANADIAN UNION OF  
POSTAL WORKERS

**AND DOCKET:** A-428-12

**STYLE OF CAUSE:** ROBERT LAVIGNE v. CANADA  
POST CORPORATION, THE  
CANADIAN UNION OF POSTAL  
WORKERS

**PLACE OF HEARING:** MONTRÉAL, QUEBEC

**DATE OF HEARING:** SEPTEMBER 11, 2013

**REASONS FOR JUDGMENT OF THE COURT BY:** NOËL J.A.  
TRUDEL J.A.  
MAINVILLE J.A.

**DELIVERED FROM THE BENCH BY:**  
NOËL J.A.

**APPEARANCES:**

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COMMISSION

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POSTAL WORKERS