

**Federal Court of Appeal**



**Cour d'appel fédérale**

**Date: 20130911**

**Docket: A-379-12**

**Citation: 2013 FCA 206**

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

**BETWEEN:**

**ROBERT LAVIGNE**

**Appellant**

**and**

**CANADA POST CORPORATION**

**Respondent**

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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**REASONS FOR JUDGMENT OF THE COURT**

(Delivered from the Bench at Montréal, Quebec, on September 11, 2013).

**NOËL J.A.**

[1] This is an appeal from an order of the Federal Court wherein Pinard J. (the Federal Court judge) dismissed the appellant's motion for an extension of time to appeal from Prothonotary Morneau's decision, which dismissed the appellant's consolidated applications for delay.

[2] The appellant maintains that he met the conditions for being relieved from his failure to act in time and that the Federal Court judge erred in failing to give him the extension sought.

[3] We disagree. In our view, the record amply supports the Federal Court judge's exercise of discretion in refusing to grant the extension.

[4] The appeal will be dismissed with costs.

"Marc Noël"

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J.A.

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-379-12

**(APPEAL FROM AN ORDER OF THE FEDERAL COURT DATED JUNE 7, 2012,  
DOCKET NO. T-2200-07)**

**STYLE OF CAUSE:** ROBERT LAVIGNE v. CANADA  
POST CORPORATION

**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:**

Robert Lavigne FOR THE APPELLANT  
(ON HIS OWN BEHALF)

Alexandre Bourbonnais FOR THE RESPONDENT

Caroline Laverdière FOR THE RESPONDENT

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