

**Federal Court of Appeal**



**Cour d'appel fédérale**

**Date: 20131017**

**Docket: A-46-13**

**Citation: 2013 FCA 248**

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

**BETWEEN:**

**RACHEL EXETER**

**Appellant**

**and**

**ATTORNEY GENERAL OF CANADA  
(Deputy Head, Statistics Canada)**

**Respondent**

Dealt with in writing without appearance of parties.

Judgment delivered at Ottawa, Ontario, on October 17, 2013.

**REASONS FOR JUDGMENT BY:**

**NOËL J.A.**

**CONCURRED BY:**

**PELLETIER J.A.  
TRUDEL J.A.**

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BETWEEN:

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Appellant

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(Deputy Head, Statistics Canada)

Respondent

**REASONS FOR JUDGMENT**

**NOËL J.A.**

[1] After having considered the appellant's and the respondent's submissions in response to the Notice of Status Review, I have come to the conclusion that the appellant has not provided a satisfactory explanation for the delay in pursuing her appeal and that the appeal should accordingly be dismissed.

[2] As the respondent submits, the medical condition which the appellant advances as the justification for the delay is incompatible with her extensive activity in other proceedings before the Federal Court. Indeed, if the appellant was in a position to file submissions, affidavits and time extensions between April 22, 2013 and August 29, 2013 in other files, nothing prevented her from filing her memorandum of fact and law or seeking an extension of time for doing so in the present appeal during the same period.

[3] The reason advanced by the appellant in order to justify the delay does not provide a satisfactory explanation for her failure to act.

[4] The appeal will be dismissed for delay.

“Marc Noël”

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J.A.

“I agree.

J.D. Denis Pelletier J.A.”

“I agree.

Johanne Trudel J.A.”

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-46-13

**STYLE OF CAUSE:** RACHEL EXETER v. ATTORNEY  
GENERAL OF CANADA, (Deputy  
Head, Statistics Canada)

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

**REASONS FOR JUDGMENT**

**BY:** NOËL J.A.

**CONCURRED BY:** PELLETIER J.A.  
TRUDEL J.A.

**DATED:** OCTOBER 17, 2013

**WRITTEN REPRESENTATIONS BY:**

RACHEL EXETER FOR THE APPELLANT  
(ON HER OWN BEHALF)

LEA BOU KARAM FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

William F. Pentney FOR THE RESPONDENT  
Deputy Attorney General of Canada