

Followka v. C.B.C., 2002 NWTCA 2

Date: 2002 06 18

Docket: AP 2002 000 005

Supreme Court No.: CV 05408

IN THE COURT OF APPEAL OF THE NORTHWEST TERRITORIES

BETWEEN:

SHEILA FULLOWKA, DOREEN SHAUNA HOURIE, TRACEY NEILL, JUDIT PANDEV, ELLA MAY CAROL RIGGS, DOREEN VODNOSKI, CARLENE DAWN ROWSELL, KAREN RUSSELL and BONNIE LOU SAWLER

Appellants (Applicants)

- and -

THE CANADIAN BROADCASTING CORPORATION

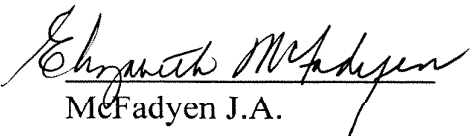
Respondent

MEMORANDUM OF JUDGMENT

[1] In the application of James O'Neil, the plaintiff in action NO. CV 07028 to be added as a party to this appeal is dismissed.

[2] As correctly conceded by counsel for O'Neil, the doctrine of *res judicata* will not apply to bar proceeding by him, in his own action, for an order directing the Canadian Broadcasting Corporation to produce the videotapes in question. If principles of law are established, those will be binding.

[3] The issues raised in these applications are not limited to questions of law. The applications require a factual basis, and their resolution will require an exercise of discretion. These issues cannot be resolved in a factual vacuum.


McFadyen J.A.

Dated at Yellowknife, NT, this
18th day of June 2002

Counsel for the Appellants: J.E. Redmond, Q.C.
Counsel for the Respondent (C.B.C.): D.C.I. Lucky

AP 2002 000 005
CV 05408

IN THE COURT OF APPEAL OF
THE NORTHWEST TERRITORIES

BETWEEN:

SHEILA FULLOWKA, DOREEN SHAUNA
HOURIE, TRACEY NEILL, JUDIT PANDEV,
ELLA MAY CAROL RIGGS, DOREEN
VODNOSKI, CARLENE DAWN ROWSELL,
KAREN RUSSELL and BONNIE LOU
SAWLER

Appellants (Applicants)

- and -

THE CANADIAN BROADCASTING CORPORATION

Respondent

MEMORANDUM OF JUDGMENT OF
THE HONOURABLE MADAM JUSTICE McFADYEN

