

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

BETWEEN:

NUNA INVESTMENT CORPORATION, ROBY GAGNON, CHARLIE ASSELIN,
YVETTE ST. ARNAUD and RAYMOND ST. ARNAUD

Plaintiffs

- and -

SHELL CANADA PRODUCTS LIMITED, GEORGE SZTYK, JOHN BYERS, and
FLORENCE BYERS

Defendants

MEMORANDUM OF JUDGMENT

[1] When this matter came before me in Chambers on July 24, 1998, I ordered that the Defendant Shell Canada Products Limited complete its examination for discovery of the Defendant George Sztyk within ten weeks of that date. Counsel for the Plaintiffs had requested that deadline as an alternative to his request for case management. I made the order setting the deadline as it appeared that it was necessary to move that aspect of this matter along. I reserved on the request for case management.

[2] Counsel for Mr. Sztyk and Shell were in agreement with the request for case management; counsel for the Byers took no position.

[3] An earlier request for case management was denied in September of 1997.

[4] Counsel did not suggest that any further pretrial issues are likely to arise. It appears that once the examination of Mr. Sztyk is complete, this matter can proceed to trial.

[5] The concerns raised by counsel for the Plaintiffs are delay generally on the part of some of the other parties and that lead counsel in this matter are located across the country. I do not view these as sufficient reasons to refer a case to case management. As I understand it, the issues that counsel wish to deal with in the context of case management pertain to the trial itself: admissions of fact, admission of documentary evidence and things of that nature.

[6] As far as delay goes, any party may, under Rule 319(3), apply for an order that the case be entered for trial.

[7] I am not satisfied that it has been shown that the appointment of a case management judge under Rule 282 is required. I direct, however, that once the case has been entered for trial, a pretrial conference be held for the purpose set out in subsection (d) of Rule 283. If appropriate, this can include discussion of settlement under Rule 283(e). The Judge who is assigned to preside over the pretrial conference will give directions as to whether it will take place by teleconference or otherwise.

[8] Counsel for the Plaintiffs (or any other counsel) may apply for the setting of the pretrial conference at the appropriate time by written request to the Registry.

[9] Dated at Yellowknife, this 4th day of August, 1998.

V. A. Schuler
J.S.C.

To: Gerard K. Phillips
Counsel for the Plaintiffs

Thomas McCauley
Counsel for the Defendant George Sztyk

Chris Jesswein
Counsel for the Defendant Shell Canada Products Limited

Margo Engley
Counsel for the Defendants John and Florence Byers

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HONOURABLE JUSTICE V. A. SCHULER
