



Date: 20150720

Docket: T-2502-14

Citation: 2015 FC 884

Ottawa, Ontario, July 20, 2015

PRESENT: The Honourable Mr. Justice Zinn

PROPOSED CLASS ACTION PROCEEDING

BETWEEN:

**ANDRE DA SILVA CAMPOS, ARMANDO
FILIPE FREITAS GONCALVES, AURELIO
EDUARDO MARQUES ANJO, AURELIO
JOSE ESTEVES MOTA, AVELINO JESUS
LINHARES ORMONDE, CACIA APARECIDA
SILVA FREITAS, CARLOS ALBERTO LIMA
ARAUJO, CARLOS GARCES GOIS, CARLOS
MANUEL LOUREIRO SILVA, CLAUDIA
FELISMINA CARVALHO DA COSTA,
EMANUEL PEREIRA PIRES, FRANCISCO
FILIPE PEREIRA ANTUNES, GRZEGORZ
JOZEF BIEGA, HENRIQUE MANUEL
RODRIGUES DE MATOS, HERMINIO
AUGUSTO JORGE PEDRO, JOAO GOMES
CARVALHO, JOAO LUIS AGRELA SANTOS,
JOAO PEDRO SOUSA REIS, JORGE
PINHEIRO GOMES PRIOR, JOSE ANTONIO
CAMPOS DE AZEVEDO, JOSE ANTONIO
SILVA MONIZ, JOSE CARLOS SOUSA
COSTA, JOSE FILIPE CUNHA CASANOVA,
JOSE LUIS PEREIRA CUNHA, LEANDRO
FILIPE MATOS GOMES DE SA, LUIS
CARLOS FIGUEIREDO BENTO, LUIS
FILIPE SILVERIO VICENTE, MACIEJ
STANISLAW ZAPRZALA, MANUEL
AGOSTINHO TOME LIMA, MANUEL
DOMINGOS BORLIDO BARREIRAS,
MANUEL COSTA SANTOS, MARCO FILIPE
SILVA MARTINHO MARTINHO, MARCO**

**PAULO CRUZ PINHEIRO, MARIA ISABEL
DE CASTRO GOUVEIA, MICHAL
SZLESZYNSKI, NUNO RODRIGO
RODRIGUES BORGES, PAOLO ROMANDIA,
PEDRO MANUEL CARDOSO AREIAS,
PEDRO MANUEL GOMES SILVA, PEDRO
FILIPE VILAS BOAS SALAZAR NOVAIS,
RICARDO JORGE CARVALHO
RODRIGUES, ROBERTO CARLOS
OLIVEIRA SILVA, ROGERIO JESUS
MARQUES FIGO, ROSALINO DE SOUSA
HENRIQUES, RUI MANUEL HENRIQUES
LOURENCO, RUI MIGUEL DA COSTA
LOPES, SILVIO ARNALDO FERNANDES,
SOFIA ALEXANDRA LEAL AREIAS SILVA,
VITOR MIGUEL DOS SANTOS RIBEIRO,
WIKTOR ANTONI REINHOLZ, WOJCIECH
PAWEL KACZMARSKI, ALESSANDRO
COLUCCI, ANTONIO DE ARRUDA
PIMENTEL, AUGUSTO JOSE DA COSTA
SANTOS, BONIFACIO MANUEL COSTA
SANTOS, CARLOS ALBERTO LIMA
ARAUJO, CARLOS FILIPE BOTEQUILHAS
RAIMUNDO, DANIEL ORLOWSKI,
DARIUSZ DOMAGALA, EUGENIO PEDRO
MACHADO DA SILVA, FELICE DI MAURO,
FILIPE JOSE LARANJEIRO HENRIQUES,
HUGO RAFAEL PAULINO DA CRUZ, JOSE
CARLOS SOUSA COSTA, LUIS CARLOS DA
PONTE CABRAL, PAULO ALEXANDRE
ARRUDA VIANA, RICARDO JORGE
VASCONCELOS BARROSO, VITOR
MANUEL ESTEVES SILVA VIEIRA, ANA
FILIPA CRUZ PEREIRA, ANA RITA
ARAUJO, ARNALDO GOMES BRAS, BRUNO
MARCELO MARTINS FERNANDES, CACIA
APARECIDA SILVA FREITAS, CLAUDIA
FELISMINA CARVALHO DA COSTA,
FERNANDO ANTONIO PEREIRA MENDES,
FERNANDO JORGE RIQUEZA BAGANHA,
HELDER ANTONIO SANTOS AVILA BRUM,
HENRIQUE MANUEL RODRIGUES DE
MATOS, HERNANI SEBASTIAO MOUTINHO
CORREIA, IGA GLUSZKO, JOAO FILIPE
BRITO FERREIRA, JOSE LUIS PEREIRA
CUNHA, LAUZER VINCENTE GOMES**

**LOPES, LUIS MIGUEL PEREIRA DA SILVA,
MAFALDA MEDEIROS COSTA, MARIA
ISABEL DE CASTRO GOUVEIA, MARIO
ANDRE LIMA ROCHA, MICHAL
SZLESZYNSKI, NUNO RODRIGO
RODRIGUES BORGES, PAOLO ROMANDIA,
PAULO FILIPE RAPOSO MARTINS,
RAFAEL MANUEL BORGES BATALHA,
RICARDO MIGUEL PIRES DE SOUSA,
SANDRA CRISTINA PIRES DE SOUSA
FERNANDES, SARA CRISTINA CUSTODIO
PEREIRA, SILVIO ARNALDO FERNANDES,
SOFIA ALEXANDRA LEAL AREIAS SILVA,
STEPHANIE OLIVEIRA, VITOR
CARVALHO MARQUES FIGUEIREDO,
ALESSANDRO COLUCCI, ANTONIO DE
ARRUDA PIMENTEL, ANTONIO
DESIDERIO FERREIRA ANDRE, ANTONIO
MARCIANO RAJAO ROSMANINHO,
ANTONIO RICARDO FERRAZ DE SOUSA,
ARMANDO FILIPE FREITAS GONCALVES,
AUGUSTO JOSE DA COSTA SANTOS,
AURELIO EDUARDO MARQUES ANJO,
AURELIO JOSE ESTEVES MOTA,
BONIFACIO MANUEL COSTA SANTOS,
CARLOS MANUEL ALVES BARREIRA LUIS,
EMANUEL PEREIRA PIRES, FERNANDO
AZEVEDO FERREIRA, FERNANDO JORGE
NEVES FERREIRA, JOSE ANTONIO
FERNANDES DA COSTA, JOSE FILIPE
CUNHA CASANOVA, JUSTYNA TADEL,
MARIO FERNANDO CONCEICAO
MARTINHO, PAULO JORGE FRANCO,
PEDRO MANUEL GOMES SILVA, PEDRO
FILIPE VILAS BOAS SALAZAR NOVAIS,
RICARDO JORGE CARVALHO
RODRIGUES, RICARDO JORGE MARTINS
FERREIRA ANTUNES, RUI MIGUEL DA
COSTA LOPES, WIKTOR ANTONI
REINHOLZ, ANDRE DA SILVA CAMPOS,
CARLOS MANUEL ALVES BARREIRA LUIS,
EUGENIO PEDRO MACHADO DA SILVA,
FILIPE JOSE LARANJEIRO HENRIQUES,
FRANCISCO FILIPE PEREIRA ANTUNES,
LANZER VICENTE GOMES LOPES, LUIS
FILIPE SILVERIO VICENTE, LUIS MIGUEL**

**PEREIRA DA SILVA, RUI MIGUEL DA
COSTA LOPES, SANDRA CRISTINA PIRES
DE SOUSA FERNANDES, ANDRZEJ
TOMASZ WAGA, AVELINO JESUS
LINHARES ORMONDE, CARLOS ALBERTO
BARBOSA SILVA, CARLOS ANTONIO
FERREIRA MATOS, CARLOS GARCES
GOIS, CARLOS JESUS CORREIA, CARLOS
MANUEL LOUREIRO SILVA, DANIEL
FILIPE COSTA FERREIRA, ENRIQUE
FERNANDEZ PEREIRA, FABIO SOARES
MONIZ, FERNANDO MEDEIROS
CORDEIRO, GILVANE PAULINO DAMIAO,
GRZEGORZ JOZEF BIEGA, HELIO
ALEXANDRE DA SILVA GOMES,
HERMINIO AUGUSTO JORGE PEDRO,
IGOR SERGIO GOUVEIA GOMES, JOAO
FILIPE SOUSA ARAUJO, JOAO GOMES
CARVALHO, JOAO LUIS AGRELA SANTOS,
JOAO PEDRO SOUSA REIS, JORGE
PINHEIRO GOMES PRIOR, JOSE ANTONIO
CAMPOS DE AZEVEDO, JOSE ANTONIO
SILVA MONIZ, LEANDRO FILIPE MATOS
GOMES DE SA, LUIS CARLOS FIGUEIREDO
BENTO, MACIEJ STANISLAW ZAPRZALA,
MANUEL AGOSTINHO TOME LIMA,
MANUEL BORGES LEAL, MANUEL COSTA
SANTOS, MARCO FILIPE DA SILVA
MARTINHO, MARCO PAULO DA CRUZ
PINHEIRO, PAULO JOAO DUARTE SABINO,
PAULO ALEXANDRE COSTA REIS, PEDRO
MANUEL CARDOSO AREIAS, PEDRO
MIGUEL RIBEIRO PONTES, RICARDO
JORGE FONSECA FURTADO, RICARDO
JORGE SANTOS FERREIRA, ROBERTO
CARLOS OLIVEIRA SILVA, ROGERIO DE
JESUS MARQUES FIGO, ROSALINO DE
SOUSA HENRIQUES, RUI MANUEL
FERNANDES LIMA, RUI MANUEL
HENRIQUES LOURENCO, VITOR
ALBERTO VERGAS MARCAL, VITOR
MANUEL ESTEVES SILVA VIEIRA, VITOR
MIGUEL DOS SANTOS RIREIRO, WIESLAW
KOTULA, ARTUR GRZEGORSZ KOTULA,
WOJCIECH PAWEL KACZMARSKI, BRUNO
MARCELO MARTINS FERNANDES,**

CARLOS ALBERTO FERREIRA JESUS,
EDGAR DA CRUZ SANTOS, JOAQUIM
CARLOS PIEDADE FERREIRA, TIAGO
FERNANDO MARQUES MAIO, AURELIO
JOSE ESTEVES MOTA, CARLOS MANUEL
LOUREIRO SILVA, EMANUEL PEREIRA
PIRES, FERNANDO ANTONIO PEREIRA
MENDES, FERNANDO AZEVEDO
FERREIRA, IGA GLUSZKO, JOAO FILIPE
BRITO FERREIRA, JORGE PINHEIRO
GOMES PRIOR, LAUZER VICENTE GOMES
LOPES, MACIEJ STANISLAW ZAPRZALA,
MANUEL COSTA SANTOS, MARIO
FERNANDO CONCEICAO MARTINHO,
NUNO RODRIGO RODRIGUES BORGES,
PEDRO FILIPE VILAS BOAS SALAZAR
NOVAIS, RAFAEL MANUEL BORGES
BATALHA, ROSALINO DE SOUSA
HENRIQUES, RUI MANUEL FERNANDES
LIMA, RUI MANUEL HENRIQUES
LOURENCO, SANDRA CRISTINA PIRES
SOUSA FERNANDES, TIAGO FERNANDO
MARQUES MAIO, VITOR ALBERTO
VERGAS MARCAL, WIKTOR ANTONI
REINHOLZ, WOJCIECH PAWEL
KACZMARSKI, ADELINO SILVA CAPELA,
ALEXANDRE FERREIRA FILIPE, ANDRESZ
TOMASZ MYRDA, ANTINIO JOAQUIM
OLIVEIRA MARTINS, ANTINIO MANUEL
DA SILVA MARQUES, CARLOS EURICO
FERRAZ DE SOUSA, EDUARDO MANUEL
RODRIGUES MARCELINO, ISAAC
MANUEL LEITUGA PEREIRA, ISABELLE
ANGELINO, JOAO PEDRO ESTEVES
FERREIRA, JOAO TIAGO SOARES,
JOAQUIM AGOSTINHO DA COSTA
RODRIGUES, JOAQUIM FERREIRA
SOARES, JOSE AUGUSTO LOPES
FERREIRA, JOSE CARLOS GOUVEIA
SALGADO, JOSE MANUEL SIEIRA GAVINA,
JOSE JOAQUIM MARQUES TOURITA,
JUVENAL SILVA CABRAL, MARIO LUIS
COSTA RODRIGUES, MIGUEL
ALEXANDRE ANDRINO GOMES, MILTIN
CESAR AGUIAR CARREIRO, ROBERT
ZLOTSZ, SERGIO FERNANDES SILVA

**ANSELMO, SIIVINO ARAUJO COUTO,
SIMAO PEDRO MARTINS DA COSTA, AND
VALDEMAR FERREITRA COSTA**

Plaintiffs

and

**MINISTER OF CITIZENSHIP AND
IMMIGRATION, MINISTER OF
EMPLOYMENT AND SOCIAL
DEVELOPMENT, HER MAJESTY THE
QUEEN**

Defendants

ORDER AND REASONS

[1] The defendants move to strike the Statement of Claim, without leave to amend. They submit that it discloses no reasonable cause of action, and is riddled with deficiencies such that the “claim is beyond particularizing or amending [and] should be struck in its entirety.” I agree; however, the plaintiffs ought to be granted an opportunity to file an amended claim that properly and specifically sets out their claim(s).

[2] The present Statement of Claim comes close to being incomprehensible. The claim appears to assert that the plaintiffs have suffered damages and loss as a result of the delay, misfeasance, discrimination, negligence, and illegality in the processing of Labour Market opinions [LMOs], Labour Market Impact Assessments [LMIAAs], work permits and permanent residence applications.

[3] This is a proposed class action proceeding against two Ministers for certain alleged acts and omissions, and against Her Majesty the Queen for the tortious acts and omissions of her officials and servants, including the two Ministers.

[4] It is alleged that all of the plaintiffs applied for, and were denied, LMO or LMIA assessments, on Temporary Work Permits [TWP], Work Permits [WP], or Provincial Nominee Program [PNP] permanent resident consideration. The plaintiffs are sorted into eight groups (it is unclear to the court whether some plaintiffs appear in more than one group), as described in paragraph 2 of the Statement of Claim, as follows:

[Group 1] “are all Foreign Temporary Workers, [TFW] pursuant to the *IRPA Regulations*, under the authority of s. 12(2) of the *IRPA*, who applied for Foreign Temporary Worker permits and were denied because no Labour Market Opinion (“LMO”) or Labour Market Impact Assessment (“LMIA”) had been processed by the Defendant Minister of Employment and Social Development (formerly Minister for Human Resources and Social Development), following which the Minister of Immigration and his officials denied them work permits due to the inordinate, inexplicable, and actionable delay by the Minister of Human Resources and Social Development, contrary to his statutory duty to process, pursuant to s. 3(1)(f) of the *IRPA*, which applications were filed and denied to the Plaintiffs set out in, and in accordance with, “*Schedule A*” of the within Statement of Claim;”

[Group #2] “are all Foreign Temporary Workers, pursuant to the *IRPA Regulations*, who were denied permits based on the erroneous, arbitrary, and *ultra vires* assessment that the Plaintiffs' trade or work category lack a labour market “shortage”, which refusals were made based on conceded facts by the Defendants that:

- (i) that no statistics existed with respect to “shortages”;
- (ii) that the Defendant Ministers expressed, publicly, that they hoped to have such statistics as to shortages, by 2015; and
- (iii) that the best-placed authority as to shortages are the Provincial, local Labour authorities, industries, and trade unions;

which applications were filed and denied to the Plaintiffs set out in, and in accordance with, "*Schedule B*" to the within statement of claim;"

[Group #3] "were denied LMO/LMIA consideration due to illegal and *ultra vires* Ministerial directions and instructions by the Minister of Employment and Social Development, of a moratorium up to June 20th, 2014, which moratorium was applied nationally even though it arose from a local problem in Western Canada with no such problem existing in Ontario, particularly with the "ethnic food sector", and further which instructions were due to the incompetence and *ultra vires* LMO/LMIA assessments, as well as the impossible and onerous policies and requirements then imposed on June 20th, 2014, looking forward beyond June 20th, 2014, which included some of the following:

- (i) commit to hiring and training Canadians at high wage rates even though the employers cannot find Canadians willing and able to be trained and, further, if a company failed to find and train a Canadian worker over a 3-5 year period, then the company could face 1 year in jail and a \$100,000 fine;
- (ii) agree to let in Ministry of Employment and Development (Human Resources and Social Development) investigators into their office, unannounced and without warrant, to review and take all company records; Ministry of Employment and Development (Human Resources and Social Development) investigators also were given ability to enter residential premises;

which LMO/LMIA applications, were filed and denied to the Plaintiffs set out in, and in accordance with "*Schedule C*" of the within Statement of Claim;"

[Group #4] were denied, contrary to law, and by way of illegal and *ultra vires* policy change and Minister's instructions, which policies and changes changed after the Plaintiffs' application was submitted, but before a decision on the assessment was made, whereby the new policies and instructions were applied to the LMO/LMIA, resulting in a refusal of the application, and actionable damages caused to the Plaintiffs set out in, and in accordance with "*Schedule D*" of the within Statement of Claim;

[Group #5] were denied an LMO/LMIA assessment and decision in order to .renew their work permits, due to arbitrary, and *ultra vires*, compliance order(s) against their employers and Plaintiffs which made it impossible to obtain a decision, such as:

(i) the inexcusable, inordinate delay in processing and verifying which could take 5-6 months;

(ii) making assessments, and assumptions regarding commercial, market and labour standard conditions which did not accord with reality and were based on mere assumptions without evidence, when the expertise, evidence, and information lay with local Provincial authorities, industries, and unions which were not accessed by the Defendants' officials;

(iii) while they called them "investigations" with respect to the compliance orders, the Defendants' officials in fact never showed up at work-sites, or offices, to speak to employers or employees; and

(iv) while an employer was under "compliance review", all applications for that employer were not processed;

which resulted in the denial of an LMO/LMIA assessment for the Plaintiffs who applied for one, prior to the arbitrary compliance orders were put in place, but before an assessment/decision could be made, which caused actionable damages for the Plaintiffs as set out in, and in accordance with "*Schedule E*" of the within Statement of Claim,"

[Group #6] "were not able to apply for required LMO/LMIA, to renew their work permits, due to arbitrary, and *ultra vires*, arbitrary changes to LMO/LMIA Rules for which these Plaintiffs made it impossible to obtain a decision, which rules include such orders as:

- (i) the Defendants' officials would change the wage rates without notice;
- (ii) the Defendants' officials would change the advertising requirements without notice;
- (iii) the Defendants' officials would change their analysis of their "labour market" statistics without notice; and
- (iv) the Defendants' officials would change language requirements without notice;

which resulted in the denial of an LMO/LMIA assessment for the Plaintiffs who applied for one, prior to the arbitrary rules were put in place, but before an assessment/decision could be made, which caused actionable damages for the Plaintiffs as set out in, and in accordance with "*Schedule F*" of the within Statement of Claim,"

[Group #7] "were eligible Provincial Nominee Program ("PNP") Applicants in Ontario who applied but, because of either illegal and *ultra vires* "quota" and inexplicable, illegal, and actionable delay by the Defendant Minister of Immigration, as well as superimposing and overriding provincial criteria and selection with

irrelevant and *ultra vires* federal criteria, will not receive an answer to their application for their permanent residence, and will see removal proceedings against them before a decision can be made, thus causing actionable damages to these Plaintiffs as set out, and in accordance with "*Schedule G*" of the within Statement of Claim;"

[Group #8] "who qualify for the "PNP" Programme in Ontario but who, because of the illegal, arbitrary, and *ultra vires* Federal "quota" by the Defendant Minister of Immigration, as well as super imposing and overriding provincial criteria and selection with irrelevant and *ultra vires* federal criteria, will not be processed, and subject to removal proceedings prior to a decision and thus caused actionable damages to the Plaintiffs as set in, and in accordance with "*Schedule H*" of the within Statement of Claim;"

[5] The plaintiffs submit that "the substantive issues" in this motion have been dealt with by the court in *Cabral et al v Canada (Minister of Citizenship and Immigration) et al*, T-2425-14, which is referred to as "the companion case" and they argue that the basis of the within motion is "virtually indistinguishable, in law, and that the within motion to strike ought to be dismissed, as was largely the case in T-2425-14."

[6] I agree with the defendants that the ruling on the motion to strike in T-2425-14 is of limited assistance in deciding the within motion because the subject matter of the actions are significantly different. I also agree with the defendants that the ruling in T-2425-14 is relevant in two respects: (i) whether the motion should be heard orally rather than in writing, and (ii) with respect to the plaintiffs' challenge to section 49 of the *Federal Courts Act* which bars jury trials should be struck. For the reasons given in T-2425-14, I find that this motion may be properly disposed of in writing pursuant to Rule 369 of the *Federal Courts Rules*, and that the allegation challenging section 49 of the *Federal Courts Act*, must be struck from the Statement of Claim.

[7] The defendants submit that the plaintiffs, as TFWs, are “without standing with respect to claims concerning the processing of applications for [LMO/]LMIAAs and thus paragraphs 2(a)-(f) and 6(a)-(f) do not disclose a reasonable case of action.” It is accurate, as the defendants plead that LMOs and LMIAAs are applied for and issued to employers, not the workers hired under them. However, it is not plain and obvious that a worker cannot be adversely affected by the failure or delay of Canada to issue a LMO or LMIA to a prospective employer which would have permitted the worker to be hired. On the other hand, it is unclear to the court that the claim, as currently drafted, pleads that all or any of the plaintiffs would have been hired as temporary workers had these documents been issued.

[8] I am far from convinced that it is plain and obvious that none of these plaintiffs have a possible claim against the defendants; however, as presently drafted, the Statement of Claim cannot stand. The Statement of Claim suffers from a number of deficiencies that cannot be cured simply by striking its offensive parts for what would remain would not make sense. These deficiencies include the following:

1. The plaintiffs have not responded to what appears to be an accurate submission by the defendants that “the title of the proceeding lists 236 plaintiffs but upwards of 90 are listed twice [and] seven plaintiffs appear multiple times with names spelled in different ways making it unclear whether they are duplicate or different plaintiffs.” This must be corrected in order that the defendants know who is bringing the action and without that information they are unable to mount much if any specific defence.

2. The Schedule “B” plaintiffs are described in paragraph 2(b) as having been denied permits but in Schedule “B” the plaintiffs are described as having been denied “LMIAs”. This inconsistency must be resolved.
3. The Schedule “A” plaintiffs are described as having been denied LMIAs, but in Schedule “A” the plaintiffs list the dates they applied for work permits, which is not relevant to the claim these plaintiffs are advancing. Again, this must be resolved.
4. “In paragraph 12(a), the plaintiffs make passing reference to a ‘criminal law duty of care, under s. 126 of the Criminal Code’ [but] no facts are pleaded in respect of this claim, nor is this alleged duty of care otherwise referenced in the pleading.” Absent such particulars, this pleading should be struck.

[9] The defendants submit that “the plaintiffs plead no material facts supporting a claim that delays in the processing of applications for LMIAs are actionable.” The plaintiffs plead that there were delays in processing the LMOs and LMIAs and that those delays were “inordinate, inexplicable and actionable.” I do not accept, as the defendants suggest, that the claim must set out the dates of application, the date of denial, and the processing time that passed. Those facts can be discovered through a demand for particulars if the information is not otherwise available to the defendants. It is not necessary for the purposes of pleading. On the other hand, the plaintiffs must plead more than mere delay. Without pleading the basis for its assertion that there was a delay (such as comparing the processing time to an average, or basing the processing on some specific direction or policy), the defendants cannot respond.

[10] I agree with the defendants that the plaintiff s' pleading that they have been or will be denied permanent resident visas owing to 'quotas', 'delays', and 'ultra-vires federal criteria' is far too general. The plaintiffs must plead material facts to establish the alleged quota, delay and ultra-vires claims, and plead facts the support the allegation that they have been or will be denied permanent resident visas to which they would otherwise be entitled.

[11] I agree with the defendants that the "plaintiffs allege certain Ministerial instructions, policies, compliance orders, rules, quotas, and 'federal criteria' are 'illegal and ultra-vires'" without specifically identifying them or stating how they are illegal or ultra-vires. Absent this information, the pleading is deficient as it lacks material facts necessary for the defendants to respond to the allegation.

[12] The Statement of Claim, insofar as it makes allegations relating to TFWP, LMIA's, the PNP, the Federal Skilled Workers Program, the Federal Trades Program, work permits, permanent residence visas, compliance orders, assessments of labour shortages, and the food-services moratorium of 2014, is deficient because there are no facts or insufficient facts pled to permit the defendants and the court to understand the bases of these claims. I agree with the defendants that these pleadings are "neither complete nor intelligible."

[13] I further agree with the defendants that it appears that part of this claim, as it relates to the plaintiffs in T-2425-14, is duplicative. If so, and to that extent, it is improper.

[14] These irregularities and material deficiencies are sufficient, in the court's view, to strike the Statement of Claim in its entirety; however, because there may be an actionable claim by some of these plaintiffs, they will be granted leave to file a Fresh Statement of Claim within sixty (60) days that conforms to these reasons, failing which the claim will be dismissed.

ORDER

THIS COURT ORDERS that:

1. The Statement of Claim is struck in its entirety;
2. The plaintiffs are granted leave to file a Fresh Statement of Claim within sixty (60) days of this Order that complies with the Reasons provided, failing which the action will be dismissed; and
3. Costs are in the cause.

"Russel W. Zinn"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-2502-14

STYLE OF CAUSE: ANDRE DA SILVA CAMPOS ET AL v MINISTER OF
CITIZENSHIP AND IMMIGRATION ET AL

MOTION DEALT WITH IN WRITING WITHOUT THE APPEARANCE OF PARTIES

ORDER AND REASONS: ZINN J.

DATED: JULY 20, 2015

WRITTEN REPRESENTATIONS BY:

Rocco Galati FOR THE PLAINTIFFS

Roger Flaim FOR THE DEFENDANTS
Prathima Prashad

SOLICITORS OF RECORD:

Rocco Galati Law Firm FOR THE PLAINTIFFS
Professional Corporation
Barristers & Solicitors
Toronto, Ontario

William F. Pentney FOR THE DEFENDANTS
Deputy Attorney General of Canada
Ottawa, Ontario