

**Date: 20050609**

**Docket: T-639-05**

**Citation: 2005 FC 826**

**Montréal, Quebec, June 9, 2005**

**Present: RICHARD MORNEAU, PROTHONOTARY**

**BETWEEN:**

**GAÉTAN PLANTE**

**Applicant**

**and**

**LUCIE McCLUNG  
and  
IAN GLEN**

**Respondents**

**and**

**ANNE McLELLAN**

**Third party**

**REASONS FOR ORDER AND ORDER**

[1] In the context of a decision dated April 11, 2005, the Federal Court of Appeal granted the applicant a 30-day extension of time under subsection 18.1(2) of the *Federal Courts Act* (the Act), an extension that this Court had refused to give him on July 5, 2004.

[2] The Federal Court of Appeal then allowed the applicant to file an application for judicial review of a decision, dated December 11, 2003, by the Appeal Section of the National Parole Board (the Appeal Section).

[3] However, apparently because the applicant was representing himself, which is still the case as of this date, the Court took the trouble to simplify things by stating that the applicant's application for judicial review, dated March 18, 2004, was deemed to be validly filed in this case, essentially and for all intents and purposes as of April 11, 2005.

[4] From that point on, this application for judicial review should have followed the normal course.

[5] But such was not to be.

[6] A multitude of motions have since been filed by the applicant and this order is intended to settle them all so that the normal course of an application for judicial review can finally, let us hope, take place.

[7] First, I intend to briefly address these motions in the order in which it seems logical to me to do so.

**1 Motion by the applicant dated May 6, 2005, to substitute for his application for judicial review dated March 18, 2004, an application for judicial review dated April 11, 2005**

[8] Since the applicant's application for judicial review dated April 11, 2005, is essentially a typewritten version of his application for judicial review dated March 18, 2004, there is hereby cause to allow this motion, without costs. Accordingly, it is ordered as follows:

- (a) Subject to paragraph (b), the document entitled [TRANSLATION] "Application filed under rule 300 of the Federal Court, 1998", dated April 11, 2005, and attached to the applicant's motion of May 6, 2005, is simply deemed, as of this order, to be substituted for the application for judicial review dated March 18, 2004, without the need for the applicant to proceed to serve and file the said application again.
- (b) Only the Attorney General of Canada, and no other entity, will now have to appear as respondent in the style of cause for any proceeding to be served and filed in this case. And no third party shall be listed.
- (c) The Attorney General of Canada need not appear again and his appearance of April 18, 2005, is deemed valid.

**2 Applicant's motion to have his applicant's record prepared by the administrator**

[9] This motion is dismissed, without costs, since the applicant has demonstrated that he is fully capable of preparing and putting together an applicant's record.

**3 Applicant's motion for special management of this proceeding**

[10] It is appropriate to allow this motion without costs since the unique management of this case is necessary in itself in an attempt to manage the case, which is going off in every direction.

**4 Applicant's motion for leave to file a memorandum of more than thirty pages**

[11] This motion is granted as follows, and in accordance with the schedule contained in point 7 below, the applicant may include in his applicant's record a memorandum of no more than 45 pages. The applicant's memorandum submitted on June 6, 2005, shall, however, in the interval, be returned to the applicant since the parties have not reached this stage and the content of this memorandum could be influenced by the affidavits to come from the respondent, the filing of which is also covered by point 7 below.

**5 Applicant's request for documents under rules 317 and 318**

[12] It is appropriate for everyone to note that the only federal tribunal that is relevant here is the Appeal Section.

[13] In view of the respondent's letter dated June 6, 2005, under rule 317, which requests the filing on both parties of a panoply of documents ranging from April 1982 to October 2004, the applicant's request for documents is dismissed, without costs. In saying this, the Court does not intend to tell the applicant that all of the documents listed by the respondent are necessarily relevant to the judicial review of the Appeal Section's decision of December 11, 2003.

[14] However, since the parties are going to receive some more documents pursuant to respondent's letter dated June 6, 2005, the schedule contained below in point 7 will provide extra time for the applicant to serve and file another affidavit, in addition to the ones he has already filed.

**6 Any further motion or request in the nature of a motion by either of the parties**

[15] Any further motion or request in the nature of a motion in this case by either of the parties is dismissed, without costs.

**7 Future schedule to be adhered to by the parties**

[16] The parties are required in future to govern themselves in accordance with the following schedule. It will be amended only for valid reason pursuant to a motion duly made in accordance with the rules:

- (a) the applicant will have up to ten (10) days following the receipt of any document from the federal tribunal in question in which to serve and file an additional affidavit under rule 306;
- (b) the periods in rules 307 *et seq.* will be counted from the service referred to in point (a) above or following the expiration of the period provided therein.

[17] In closing, the Court wishes to remind both parties — and in particular the applicant — that the parties must avoid writing letters to the Court that are invariably lengthy and tedious to read. The parties must keep their requests to the Court to a minimum and proceed, if necessary, by way of motion properly moved under the rules. Any departure from this in the future might very well be penalized by costs.

Richard Morneau  
Prothonotary

Certified true translation

Peter Douglas

**FEDERAL COURT**

**SOLICITORS OF RECORD**

**DOCKET:** T-639-05

**STYLE OF CAUSE:** GAÉTAN PLANTE

Applicant

and

LUCIE McCLUNG and IAN GLEN

Respondents

and

ANNE McLELLAN

Third party

**MOTIONS IN WRITING DEALT WITH AT MONTRÉAL WITHOUT APPEARANCE  
OF THE PARTIES**

**REASONS FOR ORDER:** RICHARD MORNEAU, PROTHONOTARY

**DATE OF REASONS:** June 9, 2005

**WRITTEN REPRESENTATIONS:**

Gaétan Plante

FOR THE APPLICANT (REPRESENTING  
HIMSELF)

Dominique Guimond  
Nadia Hudon

FOR THE RESPONDENTS AND THE  
THIRD PARTY

**SOLICITORS OF RECORD:**

JOHN H. SIMS, Q.C.  
Deputy Attorney General of Canada

FOR THE RESPONDENTS AND THE  
THIRD PARTY