

Date: 20060518
Docket: A-577-04
Citation: 2006 FCA 191

Between:

ROBERT LAVIGNE

**Appellant
(Plaintiff)**

AND

**THE OFFICE OF THE COMMISSIONER
OF OFFICIAL LANGUAGES**

**Respondent
(Defendant)**

AND

HER MAJESTY THE QUEEN

**Respondent
(Defendant)**

AND

**HUMAN RESOURCES DEVELOPMENT
(FORMERLY HEALTH AND WELFARE CANADA)**

**Respondent
(Defendant)**

ASSESSMENT OF COSTS –REASONS

MICHELLE LAMY, ASSESSMENT OFFICER

[1] This is the assessment of costs owed to the respondent, Her Majesty the Queen, pursuant to the judgment of June 3, 2005 dismissing the appeal of an order of the Federal Court which dismissed the appellant's appeal of a decision of Prothonotary Richard Morneau striking out his statement of claim. On February 1, 2006, the defendant filed his bill of costs and asked that it be

assessed without the personal appearance of the parties. As of this date, the appellant has not filed any representations.

[2] Considering that services rendered by counsel in appeals to the Federal Court of Appeal are calculated under items 16 to 28 of Tariff B, the fees are therefore allowed in the amount of \$ 1,674 for the following items: 19 (7 units/preparation of the memorandum of fact and law), 22 (3 units X 1 hr 19 min./hearing of May 30, 2005), 25 (1 unit) and 26 (2 units). For the assessment of costs, I find that 2 units are fair compensation. The number of units requested under item 27 is denied since no explanation has been given to justify this claim.

[3] The disbursements totaling \$ 158.70 are awarded as claimed. These expenses, evidence of which was established by affidavit, were necessary to the proper conduct of this appeal.

[4] For these reasons, the respondent's costs are taxed and allowed in the amount of \$ 1,832.70. A certificate is issued for that amount.

DATED AT MONTREAL THIS 18TH DAY OF MAY, 2006.

Signed: «Michelle Lamy»

MICHELLE LAMY

ASSESSMENT OFFICER

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

COURT FILE NO.: A-577-04

STYLE OF CAUSE:
ROBERT LAVIGNE

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AND

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**Respondent
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ASSESSMENT WITHOUT PERSONAL APPEARANCE OF PARTIES

PLACE OF TAXATION: Montreal, Quebec

**ASSESSMENT OF COSTS –
REASONS BY:** MICHELLE LAMY, ASSESSMENT OFFICER

DATE OF REASONS: MAY 18, 2006

SOLICITORS OF RECORD :

John Sims
Deputy Attorney General of Canada
Ottawa, Ontario

for the respondents, Her Majesty the Queen
and Human Resources Development

Commissioner of Official Languages
Ottawa, Ontario

for the respondent, The Office of the
Commissioner of Official Languages