

Date: 20080131

Docket: A-264-05

Citation: 2008 FCA 41

BETWEEN:

SAM LÉVY & ASSOCIÉS INC.

and

SAMUEL S. LÉVY, Trustee

Appellants

and

MARC MAYRAND

and

ATTORNEY GENERAL OF CANADA

Respondents

and

MICHEL LEDUC

Interested Party

ASSESSMENT OF COSTS - REASONS

DIANE PERRIER, ASSESSMENT OFFICER

[1] This is an assessment of the bill of costs following a judgment rendered on May 30, 2006, by the Federal Court of Appeal, dismissing the appeal from a decision of the Federal Court with costs.

[2] On December 20, 2006, counsel for the respondents filed their bill of costs and requested that it be assessed without appearance by the parties. On October 26, 2007, we sent letters to the parties setting out a timetable. We received the parties' written representations. I am now ready to assess the bill of costs based on the documentation in the docket.

[3] The respondents' fees are allowed in the amount of \$1,920. The assessable services are allowed as follows: item 19 – memorandum of fact and law (6 units), item 22 (a) – legal fees to first counsel on hearing of appeal for each hour (3.5 hours x 2 units), item 25 – services rendered after judgment (1 unit) and item 26 – assessment of costs (2 units).

[4] The disbursements are allowed in the amount of \$1,858.22. The costs of printing the statement of fact and law and the book of authorities are allowed as claimed since the evidence was provided by affidavit and the exhibits thereto. The costs of \$122.87 for consulting case law data bases are allowed because these costs seem reasonable to me in the circumstances and the evidence was established by affidavit. The travel and accommodation costs are allowed in the amount of \$515.08 since the respondent asked that the telephone calls made from the hotel be deducted. The cost of meals and incidental expenses are allowed as they are part of the travel expenses allocated under the Travel Directive of the Treasury Board Secretariat; these costs also seem reasonable to me in the circumstances, and the evidence was established by affidavit.

[5] The respondents' bill of costs submitted at \$4,113.32 is allowed in the amount of \$3,778.22.

A certificate of assessment will be issued in this docket.

ASSESSMENT OFFICER

QUÉBEC, QUEBEC
January 31, 2008

Certified true translation
Mary Jo Egan, LLB

SOLICITORS OF RECORD

DOCKET:

A-264-05

STYLE OF CAUSE:

SAM LÉVY & ASSOCIÉS INC. and
SAMUEL S. LÉVY, TRUSTEE and
MARC MAYRAND and
ATTORNEY GENERAL OF
CANADA and MICHEL LEDUC

ASSESSMENT OF BILL OF COSTS WITHOUT APPEARANCE BY THE PARTIES

REASONS OF ASSESSMENT OFFICER DIANE PERRIER

DATED:

January 31, 2008

WRITTEN REPRESENTATIONS:

Jean-Philippe Gervais

FOR THE APPELLANT

Bernard Letarte

FOR THE RESPONDENTS

SOLICITORS OF RECORD:

Gervais & Gervais
Montréal, Quebec

FOR THE APPELLANT

John H. Sims, Q.C.
Deputy Attorney General of Canada
Ottawa, Ontario

FOR THE RESPONDENT