Date: 20080403

**Docket: A-72-07** 

**Citation: 2008 FCA 121** 

**Present:** NADON J.A.

**BETWEEN:** 

**EDSON EMILIO ALVAREZ GARCIA** 

**Applicant** 

and

ATTORNEY GENERAL OF CANADA

Respondent

Dealt with in writing without appearance of parties.

Order delivered at Ottawa, Ontario, on April 3, 2008.

REASONS FOR ORDER BY:

NADON J.A.

Date: 20080403

**Docket: A-72-07** 

**Citation: 2008 FCA 121** 

**Present:** NADON J.A.

**BETWEEN:** 

### EDSON EMILIO ALVAREZ GARCIA

Applicant(s)

and

### ATTORNEY GENERAL OF CANADA

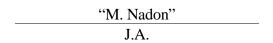
**Respondent(s)** 

### **REASONS FOR ORDER**

### NADON J.A.

- [1] On November 20, 2007, Ryer J.A. granted leave to the applicant to serve and file a Supplementary Record for the sole purpose of adducing into the record copy of a Memorandum dated July 29, 2005, prepared by Ms. Dorothy Brown, in her capacity as an employee of Human Resources and Skills Development Canada, and that related to the entitlement of Mr. Garcia to the employment insurance benefits that he claims.
- [2] The Supplementary Record filed by the applicant on February 8, 2008, is clearly not in accordance with Ryer J.A.'s Order. As the respondent points out in its Notice of Motion, the Supplementary Record introduces additional facts, legal arguments, conclusions and authorities.

[3] The motion shall therefore be allowed and the Supplementary Record will be struck from the record. I am prepared, however, to grant leave to the applicant to file a Supplementary Record which complies with Ryer J.A.'s Order. Accordingly, the applicant may file such a record by no later than April 21, 2008.



# FEDERAL COURT OF APPEAL

## NAMES OF COUNSEL AND SOLICITORS OF RECORD

**DOCKET:** A-72-07

STYLE OF CAUSE: EDSON EMILIO ALVAREZ

GARCIA v. A.G.C.

MOTION DEALT WITH IN WRITING WITHOUT APPEARANCE OF PARTIES

**REASONS FOR ORDER BY:** NADON J.A.

**DATED:** APRIL 3, 2008

**WRITTEN REPRESENTATIONS BY:** 

Edson Emilio Alvarez Garcia APPLICANT ON HIS OWN

BEHALF

Nicholas R. Banks FOR THE RESPONDENT

Pauline Leroux

**SOLICITORS OF RECORD:** 

John H. Sims, Q.C. FOR THE RESPONDENT

Deputy Attorney General of Canada