

Federal Court of Appeal



Cour d'appel fédérale

Date: 20190709

Docket: A-415-18

Citation: 2019 FCA 201

Present: LOCKE J.A.

BETWEEN:

**AUDREY WANG aka NINI WANG aka NI YANG;
JUN YANG aka MICHAEL YANG; CANADA
ROYAL IMPORT & EXPORT CO. LTD.**

Appellants

and

**LOUIS VUITTON MALLETIER S.A.; LOUIS
VUITTON CANADA, INC.; CELINE; CHRISTIAN
DIOR COUTURE, S.A.; GIVENCHY S.A.**

Respondents

Dealt with in writing without appearance of parties.

Order delivered at Ottawa, Ontario, on July 9, 2019.

REASONS FOR ORDER BY:

LOCKE J.A.

Federal Court of Appeal



Cour d'appel fédérale

Date: 20190709

Docket: A-415-18

Citation: 2019 FCA 201

Present: LOCKE J.A.

BETWEEN:

AUDREY WANG aka NINI WANG aka NI YANG;
JUN YANG aka MICHAEL YANG; CANADA
ROYAL IMPORT & EXPORT CO. LTD.

Appellants

and

LOUIS VUITTON MALLETIER S.A.; LOUIS
VUITTON CANADA, INC.; CELINE; CHRISTIAN
DIOR COUTURE, S.A.; GIVENCHY S.A.

Respondents

REASONS FOR ORDER

LOCKE J.A.

[1] This is the third of three decisions released this day in the present appeal.

[2] On February 14, 2019, the appellants moved for an Order extending the time (i) to respond to the respondents' motion to strike, and (ii) to file a motion to determine the content of the appeal book as contemplated in Rule 343(3) of the *Federal Courts Rules*, SOR/98-106. The

first aspect of the appellants' motion was addressed by Order of Gleason J.A. dated March 8, 2019. Therefore, this decision addresses only the time to file a motion to determine the content of the appeal book.

[3] As a preliminary point, I note that the present motion was filed on behalf of all of the appellants. In view of my dismissal of the appellants' separate motion for an Order permitting the appellant Nini Wang to represent the corporate appellant, and in view of the fact that the other individual appellant (Michael Yang) does not appear to have signed the appellants' submissions in the present motion, these submissions will be treated as being those of Ms. Wang alone.

[4] There are two facts that are particularly important to my decision on the present motion. One is that the present motion has been pending for almost five months. The other is that the respondents do not object to a short extension of time for the parties to come to an agreement regarding the appeal book, or for the appellants to file a motion as required under Rule 343(3).

[5] The appellants argue that there were several simultaneous demands on their time in February 2019 arising from the disputes between the parties. They argue that, as persons untrained in the law and unable to afford a lawyer, they cannot meet all of the upcoming deadlines. This is the basis asserted by the appellants for seeking an extension of time.

[6] I am concerned that all of the asserted time demands relate to activities in February, and not thereafter. Given the passage of time since the present motion was filed, I would have

expected some progress on the appeal book, either by the filing of an agreement or by the filing of a motion, by now. It is not clear that the appellants have acted diligently in this respect.

[7] Nevertheless, I recognize the respondents' willingness to accept a short extension of time. The appellants seek an extension of time to 30 days following the date of this Order. Given the passage of time, 15 days should be adequate. The present motion will be granted without costs.

[8] Because of the time that has passed since the present motion was filed, this Court will not be inclined to grant any further extension of time to file a motion contemplated under Rule 343(3) unless a good reason is provided.

"George R. Locke"

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET:

A-415-18

STYLE OF CAUSE:

AUDREY WANG aka NINI WANG
aka NI YANG; JUN YANG aka
MICHAEL YANG; CANADA
ROYAL IMPORT & EXPORT CO.
LTD. v. LOUIS VUITTON
MALLETTIER S.A.; LOUIS
VUITTON CANADA, INC.;
CELINE; CHRISTIAN DIOR
COUTURE, S.A.; GIVENCHY S.A.

MOTION DEALT WITH IN WRITING WITHOUT APPEARANCE OF PARTIES

REASONS FOR ORDER BY:

LOCKE J.A.

DATED:

JULY 9, 2019

WRITTEN REPRESENTATIONS BY:

Nini Wang

FOR THE APPELLANTS

Karen F. MacDonald
Mathew D. Brechtel

FOR THE RESPONDENTS

SOLICITORS OF RECORD:

Norton Rose Fulbright Canada LLP
Vancouver, BC

FOR THE RESPONDENTS