

Federal Court of Appeal



Cour d'appel fédérale

Date: 20210712

Docket: A-168-21

Citation: 2021 FCA 139

[ENGLISH TRANSLATION]

Ottawa, Ontario, July 12, 2021

CORAM: NOËL C.J.  
RENNIE J.A.  
LEBLANC J.A.

BETWEEN:

THE HONOURABLE GÉRARD DUGRÉ

Appellant

and

THE ATTORNEY GENERAL OF CANADA

Respondent

### JUDGMENT

**WHEREAS** the appellant filed a notice of appeal on June 14, 2021, against a Federal Court decision dismissing his application for judicial review for prematurity;

**WHEREAS** the Court, on its own motion, issued a Direction on June 16, 2021, asking the parties to submit their respective positions in writing as to whether the appeal should be summarily dismissed based on the criterion for dismissal set out in *Dugré v. Canada (Attorney*

*General*), 2021 FCA 8 (*Dugré #1*) and *Dugré v. Canada (Attorney General)*, 2021 FCA 40 (*Dugré #2*);

**WHEREAS** the written submissions of the parties on these issues were received and examined by the undersigned judges;

**WHEREAS** the appellant was unable to demonstrate why this appeal is different from those that were summarily dismissed by this Court in *Dugré #1* and *Dugré #2*;

**WHEREAS**, under the criterion for dismissal set out in *Dugré #1* and *Dugré #2*, this appeal is doomed to fail and therefore must also be summarily dismissed;

**WHEREAS** the appellant asks that the appeal be stayed to preserve his rights in the event that the Supreme Court grants his applications for leave to appeal against *Dugré #1* and *Dugré #2* and ultimately reverses those decisions;

**WHEREAS**, in *Dugré #2*, the Court already explained why it is not in the interest of justice to grant a stay in this case in view of the problems arising from the multiplicity of interlocutory proceedings introduced by the appellant;

**THEREFORE**, the Court dismisses the application for a stay and summarily dismisses the appeal.

“Marc Noël”

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C.J.

“Donald J. Rennie”

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J.A.

“René LeBlanc”

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J.A.

Certified true translation  
François Brunet, Revisor