

Federal Court of Appeal



Cour d'appel fédérale

Date: 20130912

Docket: A-10-13

Citation: 2013 FCA 211

**CORAM: NOËL J.A.
TRUDEL J.A.
MAINVILLE J.A.**

BETWEEN:

DR. V.I. FABRIKANT

Appellant

and

**HER MAJESTY THE QUEEN
IN RIGHT OF CANADA,
CORRECTIONAL SERVICE CANADA**

Respondents

Heard at Montréal, Quebec, on September 12, 2013.

Judgment delivered from the Bench at Montréal, Quebec, on September 12, 2013.

REASONS FOR JUDGMENT OF THE COURT BY:

NOËL J.A.

Federal Court of Appeal



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REASONS FOR JUDGMENT OF THE COURT
(Delivered from the Bench at Montréal, Quebec, on September 12, 2013).

NOËL J.A.

The motion to allow new evidence in the form of the ten page fax addressed to the Registry on September 12, 2013, is allowed, and the appeal from the decision of the Federal Court is dismissed with costs, no reviewable error having been demonstrated.

"Marc Noël"

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-10-13

**(APPEAL FROM AN ORDER OF JUSTICE GLEASON DATED DECEMBER 18, 2012,
DOCKET NO. T-1981-11)**

STYLE OF CAUSE: DR. V.I. FABRIKANT v. HER
MAJESTY THE QUEEN IN RIGHT
OF CANADA, CORRECTIONAL
SERVICE CANADA

PLACE OF HEARING: MONTRÉAL, QUEBEC

DATE OF HEARING: SEPTEMBER 12, 2013

REASONS FOR JUDGMENT OF THE COURT BY: NOËL J.A.
TRUDEL J.A.
MAINVILLE J.A.

DELIVERED FROM THE BENCH BY:
NOËL J.A.

APPEARANCES:

Dr. Valery Fabrikant FOR THE APPELLANT
(ON HIS OWN BEHALF)

Pascale-Catherine Guay FOR THE RESPONDENTS

SOLICITORS OF RECORD:

William F. Pentney FOR THE RESPONDENTS
Deputy Attorney General of Canada