

**Federal Court of Appeal**



**Cour d'appel fédérale**

**Date: 20131008**

**Docket: A-531-12**

**Citation: 2013 FCA 239**

**CORAM: NOËL J.A.  
GAUTHIER J.A.  
WEBB J.A.**

**BETWEEN:**

**Vlasta STUBICAR**

**Appellant**

**and**

**HER MAJESTY THE QUEEN IN RIGHT OF  
CANADA**

**Respondent**

Heard at Ottawa, Ontario, on October 8, 2013.

Judgment delivered from the Bench at Ottawa, Ontario, on October 8, 2013.

**REASONS FOR JUDGMENT OF THE COURT BY:**

**NOËL J.A.**

Federal Court of Appeal



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BETWEEN:

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**REASONS FOR JUDGMENT OF THE COURT**  
(Delivered from the Bench at Ottawa, Ontario, on October 8, 2013.)

**NOËL J.A.**

[1] This is an appeal from a judgment of Gagné J. of the Federal Court (the Federal Court judge) granting a motion for summary judgment under section 213 of the *Federal Courts Rules*, SOR/98-106, and dismissing Ms Vlasta Stubicar's (the appellant) action, on the ground that it is statute-barred pursuant to section 106 of the *Customs Act*, R.S.C. 1985, c. 1 (2<sup>nd</sup> Supp.) and that it otherwise raises no genuine issue for trial.

[2] The appellant is obviously troubled by nefarious scenarios which are based on speculation. The reason why she wishes to be authorized to pursue her action is the hope that she may be able to extract from the other side evidence validating her scenarios. It goes without saying that an action that is based on speculation should not be allowed to proceed.

[3] Considering the allegations set out in the Amended Statement of Claim, the evidence and the appellant's arguments, we can detect no reviewable error in the decision of the Federal Court judge to bring this matter to an end. In our view, granting summary judgment was appropriate in this case.

[4] The appeal will be dismissed with costs.

“Marc Noël”

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J.A.

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-531-12

**APPEAL FROM A JUDGMENT OF HONOURABLE MADAM JUSTICE GAGNÉ OF THE FEDERAL COURT OF CANADA DATED NOVEMBER 29, 2012, DOCKET NO. T-2102-10.**

**DOCKET:** A-531-12

**STYLE OF CAUSE:** Vlasta STUBICAR v. HER  
MAJESTY THE QUEEN IN RIGHT  
OF CANADA

**PLACE OF HEARING:** OTTAWA, ONTARIO

**DATE OF HEARING:** OCTOBER 8, 2013

**REASONS FOR JUDGMENT OF THE COURT BY:** NOËL J.A.  
GAUTHIER J.A.  
WEBB J.A.

**DELIVERED FROM THE BENCH BY:**  
NOËL J.A.

**APPEARANCES:**

Vlasta Stubicar FOR THE APPELLANT  
(on her own behalf)

Max Binnie FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

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