

**BETWEEN:** EVGENY METELNITSKY,  
LUDMILA METELNITSKY,  
VALERY METELNITSKY,

Applicants,

**AND:**

MINISTER OF CITIZENSHIP AND  
IMMIGRATION,

Respondent.

**REASONS FOR ORDER**

**NOËL J.**

Counsel for the applicants was wrong to request that his motion proceed under Rule 324, and the prothonotary should not have agreed to dispose of it under that rule since an oral hearing had been requested in respect of one of the two arguments made in support of the motion. It was therefore inappropriate to proceed under Rule 324.

The prothonotary's decision is accordingly set aside, and the applicants are free to make their motion for an extension of time again so that a hearing can be held to dispose of it. Since the prothonotary has already ruled on the issue to be decided, the motion must be heard by someone else.

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Marc Noël  
Judge

MONTREAL, QUEBEC  
May 28, 1997

Certified true translation

A. Poirier

**FEDERAL COURT OF CANADA**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**COURT FILE NO.:** IMM-4832-96

**STYLE OF CAUSE:** EVGENY METELNITSKY,  
LUDMILA METELNITSKY,  
VALERY METELNITSKY,  
Applicants,

**AND:**

MINISTER OF CITIZENSHIP AND  
IMMIGRATION,  
Respondent.

**PLACE OF HEARING:** Montréal, Quebec

**DATE OF HEARING:** May 26, 1997

**REASONS FOR ORDER BY:** **THE HONOURABLE MR. JUSTICE NOËL**

**DATE OF REASONS FOR ORDER:** May 28, 1997

**APPEARANCES:** Michel Lebrun for the Applicants

Ian Hicks for the Respondent

**SOLICITORS OF RECORD:**

Michel Lebrun for the Applicants  
Montréal, Quebec

Ian Hicks for the Respondent  
Department of Justice Canada  
Montréal, Quebec

**Federal Court of Canada**

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Court No. IMM-4832-96

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**REASONS FOR ORDER**

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