

Date: 20080423

Docket: T-1881-07

Citation: 2008 FC 536

BETWEEN:

LOIS LEMMON

Plaintiff

-and-

COASTAL TRANSPORT LIMITED, a body corporate,

and

PROVINCE OF NEW BRUNSWICK

Defendants

ASSESSMENT OF COSTS- REASONS

W. DOYLE
Assessment Officer

[1] The Defendant, Province of New Brunswick, made a motion to the Court in writing under Rule 369 of the *Federal Courts Rules* for an Order to strike the claim against the Province of New Brunswick and all allegations against the Province of New Brunswick, its employees and agents; in the alternative, an Order extending the date for filing and service of the Statement of Defence in this matter; and an Order that costs be awarded to the Defendant, Province of New Brunswick.

[2] Prothonotary Richard Morneau, Esq., after reviewing all material presented on the motion in writing, issued a February 18, 2008 Order stating:

“For the grounds expressed by the Province of New Brunswick in its notice of motion filed on December 21, 2007, this Court hereby orders that the action of the Plaintiff against the Province of New Brunswick is dismissed, and the Statement of Claim and all allegations therein against said Province, its employees and agents are struck out, without leave to amend, the whole with costs.

[3] The Defendant, Province of New Brunswick filed their Bill of Costs on March 14, 2008. I then issued a timetable for both reply and rebuttal materials, if any, to be served and filed. The time has elapsed and no documentation was received from either party, I am now ready to assess the Bill of Costs as presented.

[4] I reviewed the documentation on the file. The defendant, Province of New Brunswick has requested to be indemnified at the high end of the scale under Column III of Tariff B of ***Federal Courts Rules*** for two items; item 5 – preparation and filing of a contested motion the Defendant seeks seven units and item 26 – assessment of costs the Defendant seeks six units .

[5] In my opinion, the matter was not complex and did not constitute copious amounts time or material. Consequently, item 5 will be reduced and allowed at three units and item 26 will be reduced and allowed at two units. Based on the foregoing, the total assessable service amount will be reduced from the requested \$1, 560.00 plus HST at 13% equaling \$1,762.80 to an allowed total assessable service amount of \$600.00 plus HST at 13% now equaling \$678, 00.

[6] No disbursements were claimed.

[7] The Bill of Costs presented at \$1,762.80 is accordingly assessed and allowed in the amount of \$678.00. A certificate is issued in the Federal Court proceeding for \$678.00.

" Willa Doyle"
Assessment Officer

Fredericton, New Brunswick
April 23, 2008

FEDERAL COURT
NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: T-1881-07

STYLE OF CAUSE: Lois Lemmon -and- Coastal Transport Limited, a body
corporate, and Province of New Brunswick

ASSESSMENT OF COSTS IN WRITING WITHOUT PERSONAL APPEARANCE OF
THE PARTIES

ASSESSMENT OF COSTS -
REASONS BY: Willa Doyle, Assessment Officer

DATED: April 23, 2008

WRITTEN REPRESENTATIONS BY:

SOLICITORS OF RECORD:

J. Brent Melanson FOR THE PLAINTIFF
Fredericton, NB

Office of the Attorney General FOR THE DEFENDANT
Fredericton, NB