

Federal Court  
of Appeal



Cour d'appel  
fédérale

**Date: 20090929**

**Docket: A-43-09**

**Citation: 2009 FCA 279**

**Present: NOËL J.A.**

**BETWEEN:**

**ROBERT McLAUGHLIN**

**Applicant**

**and**

**THE ATTORNEY GENERAL OF CANADA**

**Respondent**

Dealt with in writing without appearance of parties.

Order delivered at Ottawa, Ontario, on September 29, 2009.

**REASONS FOR ORDER BY:**

**NOËL J.A.**

Federal Court  
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**NOËL J.A.**

[1] The applicant brings a motion for an order holding the Attorney General in contempt of Court for refusing to answer cross-examination questions in relation to its affidavit. The premise upon which the application is brought is that the Attorney General was bound to answer the questions in issue.

[2] The respondent contends that the cross-examination questions go beyond the scope of the affidavit and are not relevant to the determination of the issue with respect to which it was filed. As such, the respondent takes the position that it had no obligation to answer them.

[3] To the extent that the applicant was of the view that the questions were relevant, it was incumbent upon him to bring a motion to compel the respondent to answer them. It is only after obtaining such an order and upon showing that the respondent was non-compliant with that order that the applicant would have grounds to seek an order for contempt under Rule 467.

[4] The application is dismissed with costs.

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“Marc Noël”

J.A.

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-43-09

**STYLE OF CAUSE:** ROBERT McLAUGHLIN and THE  
ATTORNEY GENERAL OF  
CANADA

**MOTION DEALT WITH IN WRITING WITHOUT APPEARANCE OF PARTIES**

**REASONS FOR ORDER BY:** Noël J.A.

**DATED:** September 29, 2009

**WRITTEN REPRESENTATIONS BY:**

Robert McLaughlin

SELF-REPRESENTED

Bahaa Sunallah

FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

John H. Sims, Q.C.  
Deputy Attorney General of Canada

FOR THE RESPONDENT