

**Date: 20080228**

**Docket: A-121-07**

**Citation: 2008 FCA 79**

**CORAM: DÉCARY J.A.  
LÉTOURNEAU J.A.  
SHARLOW J.A.**

**BETWEEN:**

**DANIEL BEDADA**

**Appellant  
(Applicant)**

**and**

**SOLICITOR GENERAL**

**Respondent  
(Respondent)**

Heard at Winnipeg, Manitoba, on February 28, 2008.

Judgment delivered at Winnipeg, Manitoba, on February 28, 2008.

**REASONS FOR JUDGMENT BY:**

**DÉCARY J.A.**

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**Respondent  
(Respondent)**

**REASONS FOR JUDGMENT**

**DÉCARY J.A.**

[1] Despite the able submissions of Mr. Matas, we have not been persuaded that Mr. Justice Phelan committed any reviewable error when he found that the claim had become moot by the time it was argued before him (2007 FC 121).

[2] Nor have we been persuaded that the Judge, having found that the case was moot, erred when in the exercise of his discretion, he decided to dismiss the application without deciding its merit.

[3] The appeal will be dismissed with costs.

**"Robert Décary"**

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**J.A.**

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-121-07

**(APPEAL FROM A JUDGMENT OF THE FEDERAL COURT DATED FEBRUARY 5, 2007, DOCKET NO. T-371-05)**

**STYLE OF CAUSE:** DANIEL BEDADA v.  
SOLICITOR GENERAL

**PLACE OF HEARING:** Winnipeg, MB

**DATE OF HEARING:** February 28, 2008

**REASONS FOR JUDGMENT OF THE COURT BY:** Décary, Létourneau, Sharlow JJ.A.

**DELIVERED FROM THE BENCH BY:** Décary, J.A.

**APPEARANCES:**

Mr. David Matas FOR THE APPELLANT

Mr. Scott Farlinger FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

David Matas, Barrister & Solicitor FOR THE APPELLANT  
Winnipeg, MB

John H. Sims, Q.C., FOR THE RESPONDENT  
Deputy Attorney General of Canada – Ottawa, ON

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