

**Date: 20091208**

**Docket: A-478-08**

**Citation: 2009 FCA 360**

**CORAM: BLAIS C.J.  
NADON J.A.  
TRUDEL J.A.**

**BETWEEN:**

**MARTHA COADY**

**Appellant**

**and**

**THE DIRECTOR OF PUBLIC PROSECUTIONS,  
THE ROYAL CANADIAN MOUNTED POLICE AS  
REPRESENTED BY THE DEPUTY COMMISSIONER OF THE  
RCMP and THE ATTORNEY GENERAL FOR ONTARIO**

**Respondents**

Heard at Ottawa, Ontario, on December 8, 2009.

Judgment delivered from the Bench at Ottawa, Ontario, on December 8, 2009.

REASONS FOR JUDGMENT OF THE COURT BY:

BLAIS C.J.

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**REASONS FOR JUDGMENT OF THE COURT**  
**(Delivered from the Bench at Ottawa, Ontario, on December 8, 2009)**

**BLAIS C.J.**

[1] While the motions judge erred in his determination of the test for the granting of an order under rule 377(1), it had no impact on the final outcome. By any measure, the appellant was not able to demonstrate even on the basis of the less onerous criteria, that there was a serious issue to be tried.

[2] As the error had no incidence on the ultimate decision, the appeal will be dismissed with costs established at \$985.

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“Pierre Blais”  
Chief Justice

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-478-08

APPEAL FROM AN ORDER OF MR. JUSTICE MARTINEAU, FEDERAL COURT,  
SEPTEMBER 22, 2008 (T-268-08)

**STYLE OF CAUSE:** Martha Coady v. The Director  
of Public Prosecutions,  
The Royal Canadian  
Mounted Police as  
represented by the Deputy  
Commissioner of the RCMP and the  
Attorney General for Ontario

**PLACE OF HEARING:** Ottawa, Ontario

**DATE OF HEARING:** December 8, 2009

**REASONS FOR JUDGMENT OF THE COURT BY:** BLAIS C.J., NADON,  
TRUDEL J.J.A.

**DELIVERED FROM THE BENCH BY:** BLAIS C.J.

**APPEARANCES:**

Self represented FOR THE APPELLANT

Alexandre Kaufman FOR THE RESPONDENTS (The  
Director of Public Prosecutions, The  
Royal Canadian Mounted Police)

**SOLICITORS OF RECORD:**

N/A FOR THE APPELLANT

John H. Sims, Q.C. FOR THE RESPONDENTS (The  
Deputy Attorney General of Canada  
Ottawa, Ontario  
Director of Public Prosecutions, The  
Royal Canadian Mounted Police)