

Federal Court of Appeal



Cour d'appel fédérale

**Date: 20121106**

**Docket: A-341-11**

**Citation: 2012 FCA 280**

**CORAM: NOËL J.A.  
PELLETIER J.A.  
MAINVILLE J.A.**

**BETWEEN:**

**GARY SAUVÉ**

**Appellant**

**and**

**HER MAJESTY THE QUEEN IN RIGHT OF CANADA,  
RCMP COMMISSIONER GIULIANO ZACCARDELLI (as he then was),  
RCMP COMMISSIONER BEVERLEY BUSSON (as she then was),  
RCMP COMMISSIONER WILLIAM J.S. ELLIOTT (as he is now),  
RCMP JACQUES LEMIEUX and OTHER RCMP OFFICERS (not known at this time)**

**Respondents**

Heard at Ottawa, Ontario, on November 6, 2012.

Judgment delivered from the Bench at Ottawa, Ontario, on November 6, 2012.

REASONS FOR JUDGMENT OF THE COURT BY:

NOËL J.A.

Federal Court of Appeal



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RCMP COMMISSIONER WILLIAM J.S. ELLIOTT (as he is now),  
RCMP JACQUES LEMIEUX and OTHER RCMP OFFICERS (not known at this time)**

**Respondents**

**REASONS FOR JUDGMENT OF THE COURT  
(Delivered from the Bench at Ottawa, Ontario, on November 6, 2012)**

**NOËL J.A.**

[1] After considering the appellant's submissions, we are unable to find any reason for interfering with the Federal Court judge's exercise of discretion in striking the statement of claim without leave to amend.

[2] The appeal will be dismissed with costs to be assessed by the Assessment Officer.

“Marc Noël”

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J.A.

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:**

A-341-11

**APPEAL FROM AN ORDER OF THE HONOURABLE JUSTICE CRAMPTON OF THE FEDERAL COURT DATED SEPTEMBER 16, 2011, DOCKET NO. T-1-10 (2011 FC 1074).**

**STYLE OF CAUSE:**

Gary Sauvé and Her Majesty the Queen in Right of Canada, RCMP Commissioner Giuliano Zaccardelli (as he then was), RCMP Commissioner Beverley Busson (as he then was), RCMP Commissioner William J.S. Elliott (as he is now), RCMP Jacques Lemieux and Other RCMP Officers (not known at this time)

**PLACE OF HEARING:**

Ottawa, Ontario

**DATE OF HEARING:**

November 6, 2012

**REASONS FOR JUDGMENT OF THE COURT BY:**

Noël, Pelletier, Mainville JJ.A.

**DELIVERED FROM THE BENCH BY:**

Noël J.A.

**APPEARANCES:**

Gary Sauvé

FOR THE APPELLANT  
(on his own behalf)

Abigail Martinez  
Agnieszka Zagorska

FOR THE RESPONDENTS

**SOLICITORS OF RECORD:**

N/A

FOR THE APPELLANT  
(on his own behalf)

Myles J. Kirvan  
Deputy Attorney General of Canada

FOR THE RESPONDENTS