

Federal Court of Appeal



Cour d'appel fédérale

Date: 20160915

Docket: A-105-16

Ottawa, Ontario, September 15, 2016

Present: SCOTT J.A.

BETWEEN:

EDGAR SCHMIDT

Appellant

and

ATTORNEY GENERAL OF CANADA

Respondent

**ORDER**

**UPON** distinct written motions pursuant to Rules 109 and 369 of the *Federal Courts Rules* S.O.R./98-106 by the Canadian Civil Liberties Association (CCLA) and the British Columbia Civil Liberties Association (BCCLA) for an Order granting leave to intervene in this Appeal of the decision of Noël J., dated March 2, 2016, dismissing the appellant's simplified action;

**AND UPON** noting that the proposed intervener the CCLA did participate in the debate in the Court below, whereas the BCCLA did not;

**AND UPON** having read carefully the materials filed by both proposed interveners, and the respondent;

**AND UPON** having considered the five factors developed by the jurisprudence of this Court in determining whether to allow an intervention (*Canada (Attorney General.) v. Pictou Landing First Nation*, 2014 FCA 21);

**THIS COURT ORDERS THAT:**

1. Leave to intervene is granted to both the CCLA and the BCCLA, subject to the following conditions:
  - a) BCCLA and CCLA will file a joint written submission that may not exceed 15 pages and is to be filed within twenty days of the filing of the Memorandum filed by the respondent;
  - b) BCCLA and CCLA are to receive a copy of all materials filed in this appeal after this Order and are to accept the record as adduced by the parties;
  - c) Oral submissions, if any, and the duration of those submissions will be determined by the panel hearing the appeal;
  - d) No costs will be awarded in favour or against BCCLA or CCLA;

2. It is further ordered that the style of cause in all future proceedings be as follows:

**BETWEEN:**

**EDGAR SCHMIDT**

**Appellant**

**and**

**ATTORNEY GENERAL OF CANADA**

**Respondent**

**and**

**THE CANADIAN CIVIL LIBERTIES ASSOCIATION**

**and**

**THE BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION**

**Interveners**

"A.F. Scott"

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J.A.