

THE SUPREME COURT OF CANADA SUMMARY OF THEIR DECISION.

As posted on the Supreme Court of Canada's website and provided to me in the email attached.

LEAVES TO APPEAL DISMISSED (3)

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CIVIL PROCEDURE: MOTIONS TO STRIKE

The Applicant brought forward three separate claims: (1) damages arising from her adoption of a daughter in 1972; (2) damages arising from her daughter's inability to care for her own children born between 1993 and 2002; (3) damages arising from her removal as an employee of a non-profit organization that she had established to provide counselling for persons like her daughter. The Applicant filed a lengthy statement of claim which she replaced with a shorter amended claim included four infants as proposed plaintiffs, added the Government of Canada and another individual as proposed defendants and named five different federal and provincial cabinet ministers as representatives of federal and provincial governments.

The five different federal and provincial cabinet ministers as representatives of federal and provincial governments which were named were removed from the amended claim by joint consent of all parties and this is moot to the amended claim. The hearing proceeded on March 7, 2006. Although several issues were before the court, the substantive issue was whether the statement of claim should be struck; the issues of allowing further amendment, adding more parties and striking every statement of defence would be moot if the main action were dismissed. The Saskatchewan Q.B. judge struck the claim in its entirety. The C.A. dismissed the appeal.

Arlene Lowery v. Saskatchewan Government, C. Norman, M.D., S. Leibel, M.D., L.P. Ruthnum, M.D., E. Ivanochko (Reg. Psychologist), City of Regina Police Department, Chief Cal Johnston, Corporal Debbie Ferguson - and - Attorney General of Canada (Sask. C.A., September 9, 2010) (33944) "The application for leave to appeal...is dismissed with costs."

