

30432 **Mirhashem Seyed-Fatemi v. Her Majesty the Queen** (B.C.) (Criminal) (By Leave)

Coram: McLachlin C.J. and Binnie and Charron JJ.

The application for an extension of time is granted and the application for leave to appeal from the judgment of the Appeal for British Columbia (Vancouver), Number CA28588, dated August 1, 2003, is dismissed.

La demande de prorogation de délai est accordée et la demande d'autorisation d'appel de l'arrêt de la Cour d'aj Colombic-Britannique (Vancouver), numéro CA28588, daté du 1er août 2003, est rejetée.

NATURE OF THE CASE

Criminal Law (Non Charter) - Trial - Jury Charge - Defences- Whether defences of automatism, intoxication and provocation have been withdrawn from the jury on the ground that they did not have an air of reality - Whether trial judge erred in charging that evidence on automatism and intoxication did not justify their consideration of these defences - Whether instructions to the jury with respect to the common sense inference that a sane and sober person intends the natural consequences of his or her actions.

PROCEDURAL HISTORY

May 4, 2001

Supreme Court of British Columbia
(Vickers J.)

Applicant convicted by jury of second degree murder contrary to s. 235 of the *Criminal Code*

August 1, 2003

Court of Appeal for British Columbia
(Southin, Saunders, and Thackray JJ.A.)

Appeal against conviction dismissed July 9, 2004
Supreme Court of Canada

Applications for leave to appeal and for extension of time filed

30447 **Local Union No. 1005 United Steelworkers of America, Local Union No. 5328 United Steelworkers of America v. Stelco Inc., CHT Steel Company Inc., Stelpipe Ltd., Stelwire Ltd. (collectively "STELCO"), CIT Business Credit Canada Inc., GE Commercial Finance, Fleet Capital Finance Corp. (collectively "Senior Lenders")** (Ont.) (Civil) (By Leave)

Coram: McLachlin C.J. and Binnie and Charron JJ.

The application for leave to appeal from the judgment of the Court of Appeal for Ontario, Number M31129, dated May 5, 2004, is dismissed with costs.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de l'Ontario, numéro M31129, daté du 5 mai 2004, avec dépens.

NATURE OF THE CASE

Commercial law - Creditor and debtor - Bankruptcy - What are the appropriate tests for "inability to pay debts"? - What are the appropriate tests for "insolvency"?

tests for “balance sheet insolvency”? - Are the ordinary rules of evidence applicable to a contest as to whether a company meets for *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36 protection?

PROCEDURAL HISTORY

January 29, 2004 Ontario Superior Court of Justice (Farley, J.)	Respondents' motion for orders granting relief and protection under the <i>Companies' Creditors Arrangement Act</i> (CCAA) granted
March 22, 2004 Ontario Superior Court of Justice (Farley J.)	Applicants' motion for an order rescinding the initial order of Farley J. dated January 29, 2004 dismissed
May 5, 2004 Court of Appeal for Ontario (Doherty, Laskin and Moldaver JJ.A.)	Applicants' motion for leave to appeal the order of Farley J. dated March 22, 2004 dismissed
August 3, 2004 Supreme Court of Canada	Application for leave to appeal filed

30412 **Charles B. Loewen v. Her Majesty the Queen** (FC) (Civil) (By Leave)

Coram: McLachlin C.J. and Binnie and Charron JJ.

The application for leave to appeal from the judgment of the Federal Court of Appeal, Number A-156-03, dated April 3 dismissed with costs.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel fédérale, numéro A-156-03, daté du 30 avril 2004, est rejetée avec dépens.

NATURE OF THE CASE

Taxation - Assessment - Statutes - Interpretation - *Income Tax Act*, R.S.C. 1985 (5th Supp.), c. 1, s. 152(9) - Whether the Federal Appeal improperly overlooked this Court's decision in *Continental Bank*, the legislative history of s. 152(9), and the language provision - Whether it misinterpreted the limits on the Minister's power to reassess after the applicable limitation period has expired - Whether it improperly defined “assessment”, “basis for a reassessment” and “argument” - Whether its reasons permit the Minister to appeal from his own assessment - Whether its reasons permit the Minister to act in excess of his or her statutory jurisdiction by using the appeal process to rectify his or her own errors by reassessing outside the limitation period - Whether it is appropriate to allow the Minister to plead notice of new bases that the taxpayer has never had the opportunity to canvass with the Minister or to plead that they were expressly considered and rejected by the Minister at the reassessment stage - Whether the Federal Court of Appeal will allow discovery to become a fishing expedition during which the Minister can attempt to seek evidence to support new bases for reassessment.

PROCEDURAL HISTORY

March 14, 2003 Tax Court of Canada	Applicant's motion to strike Respondent's reply to the notice of motion demanding income tax assessment,
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SCC Case Information

Docket

30447

Local Union No. 1005 United Steelworkers of America, et al. v. Stelco Inc., et al.

Proceedings (By Leave)

Proceedings

Date	Proceeding	Filed By (if applicable)
	Close file on Leave	
	Judgment on leave sent to the parties Decision on the application for leave to appeal, CJ Bi Cha, The application for leave to appeal from the judgment of the Court of Appeal for Ontario, Number M31129, dated May 5, 2004, is dismissed with costs.	
	Dismissed, with costs	
2004-12-08	Correspondence received from, Virginie Gauthier dated Dec. 7/04 (by fax) re: change of address	Fleet Capital Canada (collectively the "Senior Lenders")
2004-11-18	Correspondence (sent by the Court) to, Mr. Jacobs in response to his letter of Nov. 18/04	
2004-11-18	Correspondence received from, David Jacobs dated Nov. 18/04 re: objective summary	Local Union No. 1005 United Steelworkers of America
2004-11-11	All materials on application for leave submitted to the Judges, CJ Bi Cha	
2004-09-13	Applicant's reply to respondent's argument, Completed on: 2004-09-13	Local Union No. 1005 United Steelworkers of America
2004-09-02	Book of authorities	Stelco Inc.
2004-09-02	Respondent's response on the application for leave to appeal, Completed on: 2004-09-02	Stelco Inc.
2004-08-31	Correspondence received from, D. Jacobs dated Aug. 31/04 re: enclosing an article	Local Union No. 1005 United Steelworkers of America
2004-05-06	Letter acknowledging receipt of a complete application for leave to appeal	

Date	Proceeding	Filed By (if applicable)
2004-08-03	Book of authorities	Local Union No. 1005 United Steelworkers of America
2004-08-03	Application for leave to appeal, Completed on: 2004-08-06	Local Union No. 1005 United Steelworkers of America

Date Modified: 2009-05-22