

Federal Court



Cour fédérale

Date: 20131016

Docket: T-646-13

Citation: 2013 FC 1031

Ottawa, Ontario, October 16, 2013

PRESENT: The Honourable Madam Justice Simpson

BETWEEN:

MARTIN MCNEIL

Plaintiff

and

**REBELLION MEDIA GROUP INC.,
AND TED HASTINGS A.K.A.
SCOTT HASTINGS**

Defendants

REASONS FOR ORDER AND ORDER

[1] A review of the material filed shows that the plaintiff and defendants settled this action on the basis that:

i) The action was to have been dismissed on consent without costs. However, the plaintiff filed a Notice of Discontinuance dated August 8, 2013 instead of filing a consent and seeking an order dismissing the action.

ii) The contents of the Minutes of Settlement (the Minutes) were to have remained confidential. However, the Minutes were mistakenly filed on the court's public file with a letter from counsel for the plaintiff dated August 22, 2013.

[2] The plaintiff now seeks to correct these errors and relies on a Motion Record dated October 3, 2013 (the Record) which is marked "confidential." The plaintiff asks for orders:

- dismissing the action based on the consent dated September 30, 2013;
- expunging the Minutes on the basis of confidentiality;
- sealing the material filed with the August 22 letter (i.e. the Minutes) on the basis of confidentiality;
- sealing the Motion Record on the basis of confidentiality;
- sealing the sealing order on the basis of confidentiality.

[3] Regarding the first problem it is my view that the best course is to set aside the Notice of Discontinuance and make an order dismissing the action.

[4] Regarding the second problem, there is only one copy of the Minutes on the file and I will order it destroyed. Thereafter there will be nothing confidential in the Record or the file and accordingly there is no reason to seal any material.

ORDER

FOR THESE REASONS, THIS COURT ORDERS that:

1. The Notice of Discontinuance dated August 8, 2013 is hereby struck out;
2. The action is dismissed without costs based on the consent dated September 30, 2013;
3. The Minutes of Settlement in the Court's "A" file attached to a letter from counsel for the plaintiff of August 22, 2013 are to be expunged; and
4. The Court's confidential orange file is to be expunged there being no confidential material remaining on the file.

"Sandra J. Simpson"

Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET: T-646-13

STYLE OF CAUSE: MARTIN MCNEIL V REBELLION MEDIA GROUP INC.,
AND TED HASTINGS A.K.A. SCOTTHASTINGS

CONSIDERED AT TORONTO, ONTARIO PURSUANT TO RULE 369

**REASONS FOR ORDER
AND ORDER:**

SIMPSON J.

DATED: OCTOBER 16, 2013

WRITTEN REPRESENTATIONS BY:

P. James Zibarras
John Philpott

FOR THE PLAINTIFF

Kevin L. LaRoche

FOR THE DEFENDANTS

SOLICITORS OF RECORD:

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FOR THE DEFENDANTS