

Federal Court



Cour fédérale

Date: 20200203

Docket: T-2044-19

Ottawa, Ontario, February 3, 2020

PRESENT: Madam Prothonotary Mandy Aylen

BETWEEN:

GREGORY CHARLES COLLINS

Plaintiff

and

**ATTORNEY GENERAL OF CANADA AND THE FEDERATION OF
NEWFOUNDLAND INDIANS**

Defendants

AND BETWEEN:

GERALD BRAKE

Applicant

and

**ATTORNEY GENERAL OF CANADA AND THE FEDERATION OF
NEWFOUNDLAND INDIANS**

Respondents

ORDER

WHEREAS Gerald Brake commenced an application for judicial review by way of a Notice of Application on March 2, 2017 bearing Court File No. T-300-17;

AND WHEREAS Mr. Brake moved for an order in the Federal Court to convert his application into an action and for certification of the proceeding as a class proceeding;

AND WHEREAS Mr. Brake passed away on October 15, 2019;

AND WHEREAS pursuant to its Judgment dated November 4, 2019 the Federal Court of Appeal appointed Gregory Charles Collins as the representative of the class, directed that the then most recent draft amended statement of claim be revised and be issued, directed that the action and application bearing Court File No. T-300-17 be consolidated and the consolidated proceeding to proceed as an action, and certified the proceeding as a class proceeding;

AND WHEREAS Mr. Collins commenced the above-noted action by way of a Statement of Claim bearing Court File No. T-2044-19 on December 18, 2019, in accordance with the Judgment of the Federal Court of Appeal dated November 4, 2019 and the Direction of the Case Management Judge dated December 12, 2019 in T-300-17;

AND WHEREAS the parties seek an order to consolidate the action and the application in accordance with the Judgment of the Federal Court of Appeal dated November 4, 2019;

UPON BEING ADVISED of the Parties' consent to the form and content of this Order;

THIS COURT ORDERS that:

1. The action bearing Court File No. T-2044-19 and the application bearing Court File No. T-300-17 are hereby consolidated and shall continue as an action in Court File No. T-2044-19 under the style of cause in that action.
2. The Judgement and Reasons for Judgment of the Federal Court of Appeal dated November 4, 2019 applicable in Court File No. T-300-17 are hereby applicable to the consolidated proceeding bearing Court File No. T-2044-19.

"Mandy Aylen"
Prothonotary