

PRACTICE

Appeal from Federal Court decision (2017 FC 121) striking in their entirety statements of claim in two proposed class actions but granting plaintiffs (respondent herein) leave to amend — Appellant arguing Federal Court erred in granting leave to amend; specifically, arguing, *inter alia*, not possible to cure claims because claims statute barred — Federal Court finding that applicable limitation period six years as set out in *Federal Courts Act*, R.S.C., 1985, c. F-7, s. 39(2) — Act, s. 39(2) providing that “cause of action arising otherwise than in a province shall be taken within six years after the cause of action arose” — Issue herein determination of when cause of action arising “otherwise than in a province” — Cause of action arising in province when all elements of cause of action present in that province — In case at bar, question as to which facts constituting plaintiffs’ cause of action, where facts arising not canvassed in Federal Court, not debated on appeal herein — That question thus returned to Federal Court — Appeal allowed in part.

CANADA (ATTORNEY GENERAL) V. WHALING (A-46-17, 2018 FCA 38, Pelletier J.A., judgment dated February 16, 2018, 9 pp.)