

Federal Court



Cour fédérale

Date: 20210317

Docket: IMM-7466-19

Ottawa, Ontario, March 17, 2021

PRESENT: Mr. Justice Pentney

BETWEEN:

MERAB SURMANIDZE

Applicant

and

**THE MINISTER OF PUBLIC SAFETY AND
EMERGENCY PREPAREDNESS**

Respondent

ORDER

UPON AN APPLICATION for leave of the Court to commence an application for judicial review of the decision of the Canada Border Services Agency, Enforcement and Intelligence Operations Division, dated December 11, 2019;

AND UPON READING the material filed;

THIS COURT ORDERS that:

1. The application for leave is granted and the application for judicial review is deemed to have been commenced.

2. The hearing of the application for judicial review shall take place before this Court by videoconference using the Zoom platform, on Thursday, June 3, 2021, to commence at 10:00 a.m. (Eastern Time), for a duration not exceeding ninety (90) minutes.
3. The hearing shall be conducted in the English language, unless counsel for either party notifies the Registry of the Court otherwise.
4. Within fifteen (15) days of receipt of this Order, the parties shall consider the possibility of settling the application, and if both agree that it is appropriate, they shall engage in settlement discussions, and the respondent shall file a statement of the outcome, and
 - a. If settlement is reached, the parties shall then take necessary steps to discontinue the application or request a judgment on consent; or
 - b. If no settlement is reached, the parties may advise the Court that settlement is a reasonable possibility, and may request the Court's assistance in facilitating settlement. The Court will consider providing such assistance when settlement discussions are at an advanced stage and there is some reasonable prospect of achieving a settlement. In such cases, the Court may provide one session of judicially-assisted mediation that will not delay the scheduled hearing. Court mediation is contingent on available judicial resources.
5. Further affidavits, if any, shall be served and filed by the applicant on or before April 12, 2021.
6. Further affidavits, if any, shall be served and filed by the respondent on or before April 22, 2021.

7. Cross-examinations on affidavits, if any, shall be completed on or before May 3, 2021.
8. The applicant's further memorandum of argument, if any, shall replace the applicant's memorandum of argument filed pursuant to Rule 10 and reply memorandum (if any) filed pursuant to Rule 13, and shall be served and filed on or before May 10, 2021.
9. The respondent's further memorandum of argument, if any, shall replace the respondent's memorandum (if any) filed pursuant to Rule 11, and shall be served and filed on or before May 17, 2021.
10. The transcript of cross-examinations on affidavits, if any, shall be filed on or before May 17, 2021.
11. Notwithstanding the above, parties may consent to an alternate time line for completing the steps in paragraphs 5 and 6 (further affidavits), 7 (cross-examinations), 8 and 9 (further memoranda for applicant and respondent), and 10 (transcript of cross-examinations on affidavits), in which case a joint amended schedule shall be filed with the Registry. All steps shall be completed no later than the date set under paragraph 10 for submission of the transcript of cross-examinations, if any.

“William F. Pentney”

Judge