

File No: 09-25968
Registry: Vancouver

In the Provincial Court of British Columbia
(CIVIL DIVISION)

BETWEEN:

KAREN CHUN

CLAIMANT

AND:

SAM W. DAHER and FRANK D. LO

DEFENDANTS

**REASONS FOR JUDGMENT
OF
THE HONOURABLE JUDGE GALATI**

COPY

Counsel for the Defendants:

J. Brun

Place of Hearing:

Vancouver, B.C.

Date of Judgment:

May 18, 2010

[1] THE COURT: Well, I am satisfied that the claimant, having been strongly advised to obtain legal advice initially, faced an order made March 29th of this year by Judge Romilly that all documents including experts' reports be exchanged within 30 days of that date.

[2] There is evidence before me that the claimant has not provided any documents pursuant to that order and there is evidence before me that with respect to the claim generally, I am going to say, and to the extent that it seems that without experts' reports the claim is untenable and should be dismissed.

[3] And I am going to follow my brother Judge Skilnick in the *Michell v. Emond* case who says, at paragraph 5 of that case, that this type of application may be brought separately from a settlement conference as part of the court's mandate for just, speedy, inexpensive and resolution of claims.

[4] Now, having said all of that, the bottom line is that pursuant to Rule -- is it 16 sub --

[5] MS. BRUN: (6) (o).

[6] THE COURT: -- (6) (o) the claimant's claim is dismissed. Do you really want me to make an order for filing and service fees?

[7] MS. BRUN: No, Your Honour, that's fine.

[8] THE COURT: All right, good.

(REASONS FOR JUDGMENT CONCLUDED)