



TO : Judicial Administrator

FROM : Stratas J.A.

DATE : May 22, 2025

RE : A-131-25
David Joseph MacKinnon and Aris Lavranos v. Canada (Attorney General)

DIRECTION

The appellants filed a notice of appeal regarding a decision of the Federal Court (*per* Crampton C.J.) dated March 6, 2025 in File T-60-25 (2025 FC 422). In that decision, the Federal Court dismissed the appellants' application for judicial review of Prime Minister Trudeau's January 6, 2025 advice to the Governor General of Canada that Parliament be prorogued to March 24, 2025.

By direction dated April 22, 2025, this Court called for a review under Rule 74 of the *Federal Courts Rules*, S.O.R./98-106 and the Court's plenary powers. The Court being concerned that the appeal might now be moot, asked the parties for submissions along the lines of the legal test set out in *Borowski v. Canada (Attorney General)*, [1989] 1 S.C.R. 342, namely: 1) whether the relief sought would be of any practical use, even if the appellants were to succeed on the merits of the appeal, considering that the former Parliament has been dissolved and cannot be resumed by quashing the prorogation; and 2) if the answer to that first question is negative, whether the appeal should nevertheless be heard because the resolution of the issues in the appeal is in the public interest.

Having reviewed the parties' submissions, the Court is of the view that the mootness issue is better left to the panel which will hear the appeal, within the context of full arguments of the legal issues at play.

Accordingly, the appeal shall continue. The timing for the next steps in the proceeding shall run from today's date, and follow the *Federal Courts Rules*.

"DS"