

Federal Court of Appeal



Cour d'appel fédérale

Date: 20240909

Docket: A-84-24

Citation: 2024 FCA 141

**CORAM: MACTAVISH J.A.
LEBLANC J.A.
DAWSON D.J.C.A.**

BETWEEN:

SEISMOTECH IP HOLDINGS INC. and SEISMOTECH SAFETY SYSTEMS INC.

Appellants

and

**RONA INC. and HOME DEPOT OF CANADA INC., as proposed representative
defendants for the class of defendants in the underlying actions**

Respondents

Heard at Vancouver, British Columbia, on September 9, 2024.
Judgment delivered from the Bench at Vancouver, British Columbia, on September 9, 2024.

REASONS FOR JUDGMENT OF THE COURT BY:

MACTAVISH J.A.

Federal Court of Appeal



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REASONS FOR JUDGMENT OF THE COURT

(Delivered from the Bench at Vancouver, British Columbia, on September 9, 2024).

MACTAVISH J.A.

[1] We understand counsel for the appellants to concede that this appeal has become moot as a result of Seismotech having discontinued these proceedings (T-1146-23 and T-1149-23) against Rona Inc. and Home Depot of Canada Inc. in their capacity as representative defendants.

[2] The appellants have not persuaded us that we should exercise our discretion to hear this appeal notwithstanding that it is now moot. This is especially so given that there is no respondent before the Court to argue the merits of the appeal. We are also not persuaded that the sequencing issue is otherwise elusive of review.

[3] Consequently, the appeal is dismissed.

“Anne L. Mactavish”

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-84-24

STYLE OF CAUSE: SEISMOTECH HOLDINGS INC.
and SEISMOTECH SAFETY
SYSTEMS INC. v. RONA INC. and
HOME DEPOT OF CANADA
INC., as proposed representative
defendants for the class of
defendants in the underlying actions

PLACE OF HEARING: Vancouver, British Columbia

DATE OF HEARING: SEPTEMBER 9, 2024

REASONS FOR JUDGMENT OF THE COURT BY: MACTAVISH J.A.
LEBLANC J.A.
DAWSON D.J.C.A.

DELIVERED FROM THE BENCH BY: MACTAVISH J.A.

APPEARANCES:

Simon Lin

FOR THE APPELLANTS

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FOR THE APPELLANTS