

Federal Court of Appeal



Cour d'appel fédérale

Date: 20110314

Docket: A-59-11

Ottawa, Ontario, March 14, 2011

Present: DAWSON J.A.

BETWEEN:

NAGIB TAJDIN

Appellant

and

HIS HIGHNESS PRINCE KARIM AGA KHAN

Respondent

ORDER

UPON motion in writing brought by the respondent for:

1. an order dismissing the appeal; and
2. costs of this motion.

AND UPON reading the motion record of the respondent and the motion record relied upon by the appellant;

AND UPON considering that while the notice of appeal was filed prematurely because no judgment had been entered, a judgment has now been entered. In my view, to dismiss the notice of appeal without prejudice to the right of the appellant to file a fresh notice of appeal would be contrary to Rule 3 of the *Federal Courts Rules*;

IT IS ORDERED that:

1. The motion is dismissed.
2. The Registry and the parties shall treat the notice of appeal as if it was filed as of the date of this order. All of the subsequent procedural steps shall proceed on that basis.
3. The costs of this motion are in the cause.

“Eleanor R. Dawson”

J.A.