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1. Appeals to Judge: Q.B. Rule Change

Recent amendments to [Queen's Bench Rule 62](#) (Appeals to a Judge) limit the evidence that parties may file on an appeal to a judge from a ruling by a master. The appeal hearing remains a fresh hearing; however, for appeals filed as of January 1, 2007, further evidence may not be adduced without leave of the judge hearing the appeal. The amendments are found in [Manitoba Regulation 199/2006](#) and further explanation can be found in the [October 20, 2006 Notice](#) from The Honourable Mr. Justice Jewers.

2. Unjust Enrichment: C.A.

The Court of Appeal, in [Aronovitch & Leipsic Ltd. et al. v. Berney et al.](#), 2006 MBCA 131 (CanLII) reviews the fundamentals of the law of unjust enrichment. The judgment written by the Honourable Mr. Justice Huband will bring back memories of 2nd Year Trusts for many Robson Hall alumni.

3. No Summary Judgment on Case of First Impression: C.A.

In its decision in [Shell v. Barnsley et al.](#), 2006 MBCA 133 (CanLII), the court dismisses the defendants' motion for summary judgment on the basis that summary judgment is not appropriate where the issues for trial are in developing areas of law. Here, the plaintiff's claim raises "the issue of whether an action can be properly framed in both negligence and in negligent misrepresentation...."

4. Torts Primer from the Ontario Court of Appeal

[Lysko v. Braley](#), 2006 CanLII 11846 (ON C.A.) is an appeal from a motion to strike out a statement of claim or at least some of the causes of action contained in the claim of the plaintiff, a former Commissioner of the CFL. The decision contains useful summaries of the law in the following less commonly pled areas of tort law:

- breach of confidence
 - negligent misrepresentation
 - defamation
 - injurious falsehood
 - interference with contractual relations
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5. Researching the World

You may be familiar with CanLII, the Canadian Legal Information Institute and may rely on it as a favourite research tool, but did you know that there is a world-wide network of Legal Information Institute websites that can give you access to decisions and legislation from countries throughout Africa, Asia, Europe and the Pacific? If you need access to the law outside of Canada, check first on WorldLII at: www.worldlii.org.

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