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1. Enforceability of Contracts: S.C.C.

The Supreme Court addressed the enforceability of contracts in its recent decision in [Jedfro Investments \(U.S.A.\) Ltd. v. Jacyk](#), 2007 SCC 55. The court rejected the findings of the appellate court which held that "...when parties act in a way that shows they do not intend to comply with or be bound by the terms of their written agreement, one party cannot later ask to have the agreement enforced for its benefit." Instead, the court found that the joint venture agreement entered into between the parties remained in force and had not been discharged either by agreement or by repudiation. The court, however, found that there was not a breach of contract and therefore dismissed the appeal.

2. Presumption of Prejudice: Ont. C.A.

In [Frohlick v. Pinkerton Canada Limited](#), 2008 ONCA 3 (CanLII), the court considered whether the plaintiff could amend her claim after the expiry of the relevant limitation period. In its unanimous dismissal of the motion, the court found that the loss of a limitation period gives rise to a presumption of prejudice to the defendant which could not be compensated for by costs or an adjournment, and which could only be rebutted by the existence of special circumstances. It is worth noting that Manitoba's Court of Queen's Bench [Rule 26.01](#) is substantially the same as Ontario's Rule 26.01 which the court considered in this decision, except that Manitoba's Rule states that the court "may" grant leave to amend the pleading and Ontario's Rule states that the court "shall" grant leave.

3. e-Discovery Principles

The Canadian e-Discovery Working Group announced on January 21, 2008 that the English version of the [Sedona Canada Principles](#) (a 53 page document) is now available and that the French version will be available shortly. For background on the Sedona Canada Principles and the work of the Working Group, see [the Canadian e-Discovery Portal web site](#). Available on the same site are the [e-Discovery case digests](#) current (as at time of writing) to December 2007.

4. So Little Time, So Much Paper

On March 11, 2008, The Law Society of Manitoba will present Margaret (Meg) Spencer Dixon delivering the CLE program *So Little Time, So Much Paper: Organization and Time Management Techniques*. The program will be presented twice - for support staff from 8:30 a.m. - 12:00 noon and for lawyers from 1:00 - 4:30 p.m. To register or to obtain further details, please visit our [website](#). In the interim, take a look at [the Spencer Consulting website](#) which provides free access

to downloadable versions of her articles and materials on time management for lawyers.

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