



In this issue:

1. [Supreme Court Update](#)
 2. [Technology in Litigation, Causation in Tort and Surviving e-Discovery](#)
 3. [CLE on the Horizon](#)
 4. [Acknowledging Our Volunteers](#)
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1. Supreme Court Update

The Supreme Court issued judgments in the following matters, *inter alia*, since the last issue of this update was published in early June:

- [Honda Canada Inc. v. Keays](#), 2008 SCC 39 - the court upheld the Ontario Court of Appeal's decision granting damages equivalent to 15 months salary for a wrongful dismissal, but overturned the awards of aggravated damages and punitive damages finding that the employer's conduct was not sufficiently egregious to warrant these awards. The court also set aside the costs premium award of the lower court.
 - [Holland v. Saskatchewan](#), 2008 SCC 42 - the court agreed with the Saskatchewan Court of Appeal that "...mere breach of a statutory duty does not constitute negligence" but found that the lower court failed to consider whether a claim for negligent failure to implement a judicial decree could succeed in law." On this point, the court found that "... once a decision to act has been made, the government may be liable in negligence for the manner in which it implements that decision."
 - [Canada \(Privacy Commissioner\) v. Blood Tribe Department of Health](#), 2008 SCC 44 - the court dismissed this appeal from the Federal Court of Appeal, vacating the order of the Privacy Commissioner to compel production of documents over which solicitor-client privilege was claimed in order to effectively complete her statutory investigative role.
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2. Technology in Litigation, Causation in Tort and Surviving e-Discovery

The following publications will provide useful reference materials for litigators:

- [National Model Practice Direction for the Use of Technology in Civil Litigation](#) published by the [Canadian Judicial Council](#)
 - [Causation in Tort Since Resurfice: Overview](#) by David Cheifetz, published in Practice Points on the [CLE BC website](#)
 - [E-Discovery: A Survival Guide for New Lawyers](#) by David R. Cohen and Lynn Reilly, published in the ABA's [July 2008 issue of The Young Lawyer](#)
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3. CLE on the Horizon

Plan ahead to attend some of these CLE programs on the horizon for this fall:

- [1st Annual Sedona Canada Program on Getting Ahead of the e-Discovery Curve](#) on October

- 23-24, 2008 in Toronto, presented by the Sedona Conference Institute
- [2008 Isaac Pitblado Lectures: Legal Issues in a Greener World](#) on November 14-15, 2008 at The Fort Garry, jointly presented by The Law Society of Manitoba, the Manitoba Bar Association and the University of Manitoba's Faculty of Law
 - [Beyond the Horizon: The Expanding and Overlapping Jurisdiction of Arbitrators & Tribunals](#) on November 21-22, 2008 in Ottawa, presented by the CBA's National Administrative Law and Labour and Employment Law Sections
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4. Acknowledging Our Volunteers

And finally, a special thank you to our eLaw Litigation Update volunteers from 2008: Melanie Bueckert, Lindy Choy, George Derwin, Candace Everard, Grant Stefanson, Ken Muys and Jon Woolley. Their contributions are integral to making this publication a success.

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