

**IN THE SUPREME COURT OF THE YUKON TERRITORY**

BETWEEN: S.C. No. 00-A0174

TRANS NORTH TURBO AIR LIMITED

PLAINTIFF

AND:

NORTH 60 PETRO LTD., PATRICK O'HAGAN AND BRIAN LARKIN

DEFENDANTS

AND BETWEEN: S.C. No. 00-A0226

ROBERT BRIAN CAMERON

PLAINTIFF

AND:

NORTH 60 PETRO LTD., PATRICK O'HAGAN AND BRIAN LARKIN

DEFENDANTS

AND BETWEEN: S.C. No. 00-A0211

ALMON LANDAIR LTD.

PLAINTIFF

AND:

NORTH 60 PETRO LTD., PATRICK O'HAGAN AND BRIAN LARKIN

DEFENDANTS

AND BETWEEN: S.C. No. 00-A0212

SUMMIT AIR CHARTERS LTD.

PLAINTIFF

AND:

NORTH 60 PETRO LTD., PATRICK O'HAGAN AND BRIAN LARKIN

DEFENDANTS

R. PATRICK SAUL and  
DARRYL G. PANKRATZ

Appearing for Trans North Turbo Air Limited  
and Robert Brian Cameron

PETER CHOMICKI, Q.C.

Appearing for Almon Landair Ltd. and  
Summit Air Charters Ltd.

RICK B. DAVISON, Q.C. and  
BRUCE CHURCHILL-SMITH

Appearing for the defendants

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**MEMORANDUM OF RULING  
DELIVERED FROM THE BENCH**

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[1] VEALE J. (Oral): I am going to rule that Dr. Eagar cannot give expert evidence with respect to the donna conna board and the smoldering for the reason that he has specifically not been qualified as a fire propagation or origin and cause fire expert but rather as a professional engineer with welding and cutting and, of course, extensive academic credentials in metallurgy; but in my view, it is not appropriate for him to proceed to give evidence, as I have qualified him in this proceeding, in paragraph 16 of his letter dated March 30, 2002, Exhibit B-151.

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VEALE J.