

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

**MEMORANDUM OF RULING
DELIVERED FROM THE BENCH**

[1] VEALE J. (Oral): I am prepared to qualify Mr. Klem as an expert in fire investigations, building and fire protection code requirements, fire protection systems and performance. However, I should qualify that by saying that he is not being called as an origin and cause expert, although I understand that may indirectly be dealt with just because it is part of the entire fire picture in this case and he is not qualified as an expert with respect to the Canadian National Building Code or the National Fire Code, although he can opine on the implications of those matters as they relate to the rebuttal report, and who's rebuttal report are we talking about?

[2] MR. DAVISON: We are talking about the report of my friend, which is the Gage Babcock and Associates Report and it is a report that Mr. Randall Kovacs authored.

[3] THE COURT: So to the extent that those matters arise in Mr. Randall's report, we can hear Mr. Klem's opinion and it's all subject to weight.

[4] MR. DAVISON: Thank you, My Lord.

VEALE J.