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   Appearing for Trans North Turbo Air Limited
DARRYL G. PANKRATZ   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):   The plaintiff, Trans North Turbo Air, seeks to call

Garry Doering in rebuttal or reply evidence after the close of its case, but before the

close of the defence case.

[2]   Although the evidence may not be the proper subject of reply, according to a

strict interpretation of the rule, I am going to exercise my discretion to allow the

evidence of Garry Doering to be admitted with respect to Exhibit B-96, a photograph

taken from the airport control tower, which was made an exhibit for identification in

the evidence of Matthew Cornish, a witness called by the defendant, North 60 Petro

Ltd.

[3]   His evidence apparently will deal with the issue of snow conditions, which is

an important issue in this case. I reserve the right to and I will give further written

reasons in due course. The defendant, North 60, may want to make an application

with respect to the timing of evidence as we had originally intended to complete evidence on today's date, or consider whether they require further evidence, which they have the right to call.

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VEALE J.