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Docket: A-33-25

ID 128

Calgary, Alberta, December 8, 2025

CORAM: WEBB J.A.
WOODS J.A.
LEBLANC J.A.

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FEDERAL COURT OF APPEAL COUR D'APPEL FÉDÉRALE	
December 8, 2025	
Abbie Abe (MM)	
Calgary, AB	71

BETWEEN:

FRANCESCO GABRIELE QUALIZZA, JOEL THOMAS WILLIAM ELLIS,
PATRICK MERCIER, JILL LYNE DUCHESNEAU, JOSEPH BENJAMIN STEWART,
ERIC DAVID FAUCHER, SCOTT PETER BACON, STEPHEN TROY CHLEDOWSKI,
AMANDA LEIGH BENHAM, JOSHUA MARTIN MCCULLOCH, KYLE CORRIVEAU,
JOSEPH DANIEL ERIC LOUIS MONTGRAIN, DUSTIN SHANE WIEBE,
STEPHEN WJ MORRIS, DAVID GARCIA VARGAS, MICHAEL JOSEPH LIS,
NATASHA KATRINA LIS, SOLANGE SINE DJOUECHE, PETER VLASSOV,
FREDERIC VILLENEUVE-NORMAND, ESTATE OF JONATHAN EMMERSON
JENKINSON, VALENTIN LAVROV, MARIE-EVE LABONTE, JESSE DALE FRIESEN,
TANIA CATHERINE NORDLI, ANDRZEJ SKULSKI, DENNIS JOHN PAUL
TONDREAU, EMMY-LOU LAURIE FORGET, DALLAS ALEXANDER FLAMAND,
CHELSEA ELAINE ROGAL, BARON HORDO, TAYLOR MICHAEL HARVIE,
VANESSA RAE LAROCHELLE, JACQUELINE MARIE FRANCE BOEHME, JAMES
PAUL DANIEL FORMOSA, KAITLYN E CAMPBELL, LUCAS TIMOTHY
VANCUREN, JERMAINE SHERIDAN BURRELL, ANTHONY DAVID HIATT,
MICHAEL ST-LAURENT, ARMAND EDWARD A. GARNER, AMIT SODHI,
CAMILLE FELIX J TURGEON, SAMANTHA GWENDOLYN STYLES,
CAROL-ANN MARY T OUELLETTE, ROBERT JAMES TEREMCHUK,
NATHANIEL J P TONDREAU, NIKOLA J GUY TONDREAU, LISA PAULINE
LEOPOLD, HAILEY NOELLE SCHRODER, DOMINIQUE LAUZIER,
VALERIE OUELLET, JOHN M GILLIS, MORGAN CHRISTOPHER WARREN,
MARK ANDREW GOOD, SEAN MICHAEL MARCOTTE, MARK ANDREW
LOLACHER, GABRIEL VILLENEUVE, KIRA ANNE YAKIMOVICH,
MATHIEU W PETIT-MARCEAU, KIMBERLY NEDRA ETTTEL,
CHRISTOPHER WILLIAM RAMBHAROSE, MICHAEL RYAN FRANK,
EVAN JEFFERY MCFATRIDGE, PIERRE-ELIE LASNIER, ALESSANDRU WARD
FORSTER BROWN, DANIS DOIRON, CARL JOSEPH D RIVEST-MARIER,
JAROSLAW T CIESINSKI, STEPHEN WILLIAM HOLT, RANDOLPH RAYMOND
JENKINS, ANDREW JOHN MACPHEE, VALERIE PALIN-ROBERT,
ROGER CORY STOESZ, SHANE THOMAS WHITSON, CHRISTIAN KURT
CARTER, MATTHEW JAMES ROWE, DAVE BOUCHARD, LAURIE C. BAKER,

FREDERIC LAUZIER, LUCAS SHANE O'CONNOR, LAURA DIANNE ALLAN,
GEORGE VRINIOTIS, SIENNA GERMAINE QUIRK, CHARLES BRUNO
ALEXANDRE TURMEL, JAROSLAW GRZEGORZ MARCZEWSKI, CHRISTOPHER
NIGHTINGALE ANDERSON, FRANCIS JOSEPH MICHEL ARCHAMBAULT,
CHRISTOPHER RAYMOND AUSTIN, JOHN ANTHONY BAKLINSKI, DAVID GLEN
BARKHOUSE, MICHAEL BARRETTE, DARRIN THOMAS BEATON, BOBAK
BEHESHTI, ANDRES FELIPE BOCANEGRA BELTRAN, NATHAN KYLE JOHNSON,
CONRAD JOSEPH BENOIT, MATHIEU BERNARD, BRIAN JAMES BEWS,
MICHAEL CHRISTOPHER BILL, ROBERT STEWART BISHOP, JEFFERSON
MALCOME BISSENGUE, STEVEN BOLDUC, THOMAS GILL BONNETT, CHARLES
ANTHONY VALMHOR BORG, PATRICK JAMES BOSCHALK, KARLA RAE
BOWLER, KENNETH SCOTT BRADLEY, DWAYNE ARMAND BRATZKE, RYAN
DOUGLAS BREAU, CHARA LOREN BROWNE, WILLIAM FREDERICK BULL,
MARK A CALOW, JAMES GREGORY CAMERON, BRETT GRANT GORDON
CAMPBELL, DAMIAN RONALD CAYER, JESSE SHAYNE CHAMBERS, VLADIMIR
CHARNINE, SHAUN KYLE CHARPENTIER, DANIEL ROBERT CHESHIRE, DAVE
CIMON, CHARLES BENOIT-JEAN COTE, REMI COTE, MATTHIEU COULOMBE,
REBEKAH KATHLEEN COURTNEY, MAVERICK JEREMY JOSEPH COWX,
JONATHAN WAYNE CROUCH, NICOLE JOHNNA CROWDER,
BARTLOMIEJ DAVID CYCHNER, BEATA MARGARET CZAPLA, SARA DARBY,
BRADY DAMIEN DEDAM, VIRGIL SEVERIN DESSOUROUX,
SEAN ROBERT DIXON, ROBERT ADAM DOLIWA, DANIEL PIERRE DROLET,
SAMUEL DROUIN, BENJAMIN GRAHAM DUNBAR, MATTHEW ALEXANDER J.
DURDA, STEPHEN ANDREW TERENCE ELLS, AUSTIN KARN FAULKNER,
ERIC MICHEL C S FONTAINE, WILLIAM JOSEPH R FORGET, SEAN MICHAEL
FRANCIS, KORY MICHAEL FRASER, JASON JOSEPH KEVIN FRECHETTE,
CHRISTOPHER BENJAMIN FUELLERT, STEVEN JAMES GALLANT, STEVEN ROY
GAMBLE, TANYA LEE GAUDET, EMILIE GAUTHIER-WONG,
TOMMY GAUVREAU, NICOLAS ALEXANDER GLEIS, MARCEL JOSEPH G E
GOBEIL, TAMMY DANIELLE GREENING, EUGENE PIETER GREYLING,
KEVIN CLARENCE J GRIFFIN, DOMINIC JOSEPH S GUENETTE, DARCY WAYNE
HANSEN, BRETT NEVIN WELLCOME, RORY ALEXANDER HAWMAN,
JAMES ADAM HEALD, KYLE KEITH HEPNER, JASON STANLEY GILBERT
IGNATESCU, THANARAJAN JESUTHASAN, KEVIN THOMAS JOHNSON,
GARY ADAM JOHNSTON, RYAN GREGORY JONES, JAMIE ALEXANDER CURTIS
JORSTAD, ATILA STEPHEN KADLECSIK, DUSTY LEWIS KENNEDY,
HUNTER ELMER KERSEY, LIAM OWEN KIROPOULOS, CHRISTOPHER ROBERT
KNORR, EVAN VICTOR KOZIEL, MARTIN PHILIPPE LABROSSE,
GERALD JN- FRITZ LAFORTUNE, ANDRE LAHAYE, KELLY-LEE MARIE LAKE,
NICHOLAS EDWARD LANGE, SARAH-EMILIE LASNIER, DOMINIC JOSEPH M.
LAVOIE, TARA LAVOIE, DRAKE MICHAEL LE COUTEUR, MARC LECLAIR,
PIERRE LEMAY, JONATHAN JOSEPH A. LEMIRE, DANIEL PAUL LOADER,
GARRETT CURTIS LOGAN, JORDAN TERRENCE LOGAN, ALEXANDRE GUY
RICHARD LOISELLE, ADAM FERNAND C. LUPIEN, WALTER GEORGE LYON,
JOSEPH BREFNI W. MACDONALD, CHRISTIEN TAVIS ROGER MACDONNELL,
JEAN JOSEPH MADORE, CHARLES JOSEPH J. MAGNAN,

ANDREW ROBERT PAUL MALLORY, MARYLENE GINETTE S. MARTIN,
MARCO MASTANTUONO, JAMIE RICHARD MCEWEN, JOHANNES WOUTER
MULDER, TYLER EDWIN NEUFELD, LAURA LEE NICHOLSON, KERI MERRIAM,
NIXON, JONATHAN NOEL, JOSHUA BRUCE OLSON, CAROLINE MARY AUDREY
OUELLET, JOSEPH ANTHONY PAPALIA, MELANIE MARIE I. PARE,
ALEXANDRU PATULARU, JOSHUA ALEXANDER PICKFORD, AGNES PINTER-
KADLECSIK, JEAN-SIMON PLAMONDON, KRISTER ALEXANDER
POHJOLAINEN, AURA A. PON, BRODY ALLEN POZNIKOFF, STEFAN PRISACARI,
MONIKA ANNA QUILLAN, ROMAIN RACINE, DOMINIC LAURENS WILLIAM
RAGETLI, STEPHANE RATTE, BRYAN THOMAS RICHTER, WILLIAM RIOS,
JENNA LEIGH ROBERTS, JOSHUA CALVIN ROBERTS, LAURIE ROSE, RORY
ALEXANDER DAVID ROSEN, SEBASTIEN SALVAS, CAMERON RAY S. SANDERS,
CARL JEAN G. SAVARD, TORSTEN SCHULZ, PAUL RUSSELL SHAPKA, BLAKE
ALEXANDER SHEEDY, QUINTON JAMES STENDER, CALEB ETHAN M. STENER,
GABRIEL-ALEXANDRE ST-GELAIS, NICOLAS JOSEPH ST- GERMAIN, ROBERT
CHRISTOPHER STULL, JAMES ROARK SUTER, DALEN DREW TANNER, JUSTIN
MYLES TENHAGE, JACOB CYRIL THERIAULT, SIMON BOBBY H TILLY,
JEAN-PHILIPPE TRUDEL, ALBERT JASON TSCHETTER, SHELLEY DIANE
TULLY, MAGALI TURPIN, JULIAN PHILIP TUTINO, GREGORY VINCENT-
WALKER, CADE AUSTIN WALKER, BRENNEN BO ANTHONY WATSON,
BENJAMIN KYLE WESTON, MATTHEW MAX WHICHER, JOSHUA JAMES
WHITE, ANDREW ERNEST WILKOWSKI, DONALD JAMES WILLIAMS, CURTIS
MALCOM WILSON, WADE GEORGE WILSON, ANDREW DEAN WYCHNENKA,
MARC ZORAYAN, BRANDON TYLER PETER ZWICKER, WILLIAM H L LEVI
WALL, KAREN PAIGE NIGHTINGALE, MARC- ANTOINE POULIN, KEEGAN
MARSH, RYAN MICHAEL, THOMAS PATRICK HAYES, JAMES MARK
CHARLEBOIS, HALSTON RANDAL NICHOLSON, MELISSA-JANE SARAH
KRIEGER, GIANLUCA LUCHETTA, BENJAMIN JAMES WILCOX, MARK RONKIN,
SERGE JOSEPH LEO FAUCHER, JACOB THOMAS FIDOR, LUCAS GERARD
ZIEGELBAUER, SPENCER DANIEL LORD, IAN OCEGUERA, JOHN NESRALLAH,
DANIEL NINIAN RODRIGUES, CORY JASON KRUGER, STEPHEN YOUNG SMITH,
FOURAT YACoub YOUSIF JAJOU, ANTHONY BILODEAU, JONATHAN MICHAEL
RECO SKIE, THOMAS L. EDWARDS, LINDSAY ANNE MACKENZIE, SARAH
EVELYN LAPRADE, DANY PILON, JAMES ANDREW COOK, DEREK JOHN
GAUTHIER, DAVID ADAM DOBBIE, GABRIELLE CHARPENTIER, DANIEL
JOHANNES RECKMAN, ZACHARY CLEELAND, MATEUSZ CAMERON
KOWALSKI, TARA J. MACDONALD, PAUL DAVID WILSON, BRENDAN V. T.
LEBERT, JOCELYN LAMOTTE, ANTHONY J. DUKE, RILEY MALCOLM
MACPHERSON, KIM NOEL LAUZON, KURTIS ROCKEFELLER RUTHERFORD,
SERGIU GEORGE CANDEA, JESSE HENRY FIELD, WILLIAM EDWARD
BRENDON, CAMERON SAMUEL NOBERT, DAVID HOUDE, ALYSSA JOY
BLATKEWICZ, COLIN PERRY KAISER, FABRICE DOURLANT, CORY LANCE
GARGIN, ANITA GRACE HESSLING, JENNIFER BETHANY FRIZZLEY, DAVID
ANDREW BENSON, BRANDON JOHN ARMSTRONG, REJEAN BERUBE,
JEAN-PHILIPPE JOSEPH BOUCHARD, DHILLON DAVID COLE,

**PIERRE-OLIVIER COTE-GUAY, IAN M MENZIES, ERIC MONNIN, ELLIOT
GAMACHE, NICHOLAS NEIL LLOYD CROCKER, ROBERT ALLAN HENDERSON,
GABRIEL GILLES RJ RAMSAY, DEVIN JAMES MCKENNA**

Appellants

and

**HIS MAJESTY THE KING IN RIGHT OF CANADA, CHIEF OF THE DEFENCE
STAFF GENERAL WAYNE EYRE, VICE CHIEF OF DEFENCE STAFF
LIEUTENANT-GENERAL FRANCES J ALLEN, LIEUTENANT GENERAL JOCELYN
J M J PAUL, VICE ADMIRAL ANGUS L TOPSHEE, and LIEUTENANT GENERAL
ERIC J KENNY, MINISTER OF NATIONAL DEFENCE, THE HONOURABLE ANITA
ANAND, FORMER DEPUTY MINISTER OF NATIONAL DEFENCE JODY THOMAS,
SURGEON GENERAL MAJOR-GENERAL JGM BILODEAU, CHAPLAIN GENERAL
BRIGADIER- GENERAL JLG BELISLE, JUDGE ADVOCATE GENERAL REAR-
ADMIRAL GENEVIEVE BERNATCHEZ, and BRIGADIER GENERAL LIAM WADE
RUTLAND**

Respondents

JUDGMENT

The appeal is dismissed with costs to the respondents fixed at the all-inclusive amount of
\$2,340.

"Wyman W. Webb"

J.A.