

news

Bell appeal shot down again

Yellowknife man moves ahead with class-action lawsuit over 911 service fee

by Cara Lovrook
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Bell Mobility was unsuccessful in its second appeal to halt a class-action lawsuit against the company.

The case was heard on Tuesday in the NWT Court of Appeal concerning the \$6-million lawsuit launched in 2007 by Yellowknife James Anderson.

The class-action suit was filed against the cell phone provider over its charge for the non-existent 911 service, which is not provided in any NWT community. The company charges customers 75 cents per month for the service.

Bell "decided to appeal the first judge's decision," said Keith Landy, the Toronto-based lawyer representing Anderson, in reference to the

appeal of the October 2008 NWT Supreme Court ruling into the matter.

Bell Mobility failed to quash the lawsuit last year after a decision from Supreme Court Justice R.S. Yeale ruled in favour of the plaintiff.

Landy said the three justices in the Court of Appeal came to the same conclusion.

"There was no defects in the statement."

"There was no defects in the statement of claim and it can proceed," he said. During the hearing, the Court of Appeal justices didn't even ask any questions of Landy, only of the Bell Mobility lawyers.

"It would be wonderful if Bell would take the same position as Maple Leaf Foods," Landy said, referring to the quick settlement the food company offered after last

year's incidence of meat tainted with listeriosis bacteria.

The lawyer said he is eager to move forward with the lawsuit, but said he couldn't give any idea of how long it may take. Landy said Bell Mobility has yet to file a defence.

"On one hand I feel optimistic because we have a solid case and excellent legal team," said Anderson, adding he is also feeling frustrated at the length of time it is taking to move the case through the court system.

The \$6-million class-action lawsuit against Bell Mobility for charging a fee for non-existent 911 service was back in the NWT Court of Appeals last Tuesday.

Cara Lovrook/NSI, photo

