COURT OF APPEAL

CANADA
PROVINCE OF QUEBEC
MONTREAL SEAT

No.: 500-09-700391-253
(500-17-113807-203)

DATE: October 9, 2025

CORAM: THE HONOURABLE MARIE-FRANCE BICH, J.A.
MARIE-JOSÉE HOGUE, J.A.
ÉRIC HARDY, J.A.

PETER GEORGE SANDOR
MARGIT SZABO SANDOR
APPLICANTS – Plaintiffs
v.

SANTÉ QUÉBEC, acting in right of Sir Mortimer B. Davis Jewish General Hospital
RESPONDENT – Defendant

JUDGMENT

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[1] Relying on article 31 of the *Code of Civil Procedure* ("*C.P.C.*"), the applicants seek leave to appeal a judgment delivered during a case management conference before the Superior Court (the Honourable Frédéric Pérodeau).[1] In a sense, the purpose of that judgment was to finalize a request for setting down for trial and judgment that the parties were unable to agree upon.

[2] Before turning to that request, the Court must first rule on an application for an extension of the time limit to appeal. Indeed, it appears that the application for leave to

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[1] *Sandor c. Sir Mortimer B. Davis Jewish General Hospital*, C.S. Montréal, no. 500-17-113807-203, May 23, 2025, Pérodeau, j.c.s. [impugned judgment].

appeal and the notice of appeal were filed two working days late. On this issue, considering that the explanations provided by the applicant Margit Szabo Sandor in her sworn statement to justify the applicants' delay are satisfactory, the Court will grant the requested extension.

[3] That said, the issue that the judge presiding the case management conference had to resolve related to, on the one hand, the description of the dispute that the parties were required to jointly provide in their request for setting down for trial and judgment, and, on the other hand, the fact that the applicants had indicated therein the existence of a forced intervention, whether by a call in warranty or impleading, when in fact no such request had been made.

[4] The case management conference was held in the context of a medical liability case in which the applicants filed a $20M suit against the respondent, in September 2020, which was still not ready to be heard on the merits, although it had required a judge's attention, on a few occasions, to facilitate its readiness for trial.

[5] During the case management conference, the judge noted that the applicants had indicated their intention of calling several witnesses. He expressed his concern to the parties in that regard. Following a discussion with the parties, he concluded that the testimony of eleven witnesses was not useful to the debate, nor even relevant, some of those witnesses, for instance, being called to testify merely to produce as evidence documents whose origin was undisputed. In his view, the guiding principles of civil procedure, notably proportionality, required that the names of those witnesses be struck from the list contained in the request for setting down for trial and judgment.

[6] Finally, the judge set the duration of the hearing at seven days, four to be allotted to the applicants for their evidence and two to the respondent, the remainder being reserved for the oral submissions.

[7] The applicants complain that the judgment ruled on the relevance of calling eleven of their witnesses, whereas that issue was not on the case management conference's agenda, that they will thus be denied their right to present evidence they deem relevant and, lastly, that the hearing time allotted to them is insufficient.

[8] Whether contemplating the application for leave to appeal through the lens of article 31 *C.P.C.*, as the applicants propose, or through that of article 32 *C.P.C.*, the leave requested should be denied. Not only is the impugned decision not unreasonable, applying the test under article 32 *C.P.C*, but moreover, it shows no apparent weakness. Quite the contrary, the proposed appeal is doomed to failure,[2] which precludes, *ipso facto*, the leave requested.

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[2] *Roy c. Landry*, 2025 QCCA 976, at para. 6; *Touwende Sawadego c. Chokki* 2024 QCCA 452, at para. 7; *Commission de protection du territoire agricole du Québec c. Lapointe*, 2024 QCCA 74, at para. 16;

[9] The judge rightly governed himself by the guiding principles of procedure found in the *Code of Civil Procedure*, notably that of proportionality set forth in its article 18, which of course must be read in conjunction with the second paragraph of article 19 which provides that the parties "must be careful to confine the case to what is necessary to resolve the dispute."

[10] It is sufficient to note what has been stated many times, i.e., that justice is a public service whose resources are not unlimited.[3] Courts must ensure its accessibility through proper case management in keeping with the guiding principles of procedure.[4] Indeed, that is the guidance given to them by Karakatsanis, J. in this oft-quoted passage of her unanimous reasons in *Hryniak v. Mauldin*:[5] "[t]his culture shift requires judges to actively manage the legal process in line with the principle of proportionality."

[11] Pursuant to the case management powers vested in him[6], the judge may, on his own initiative, inquire as to the relevance of calling those eleven witnesses, and after having heard the parties, remove from the list of witnesses announced by the applicants those whose testimony appear to him to be useless, unnecessary or irrelevant.

[12] Moreover, in setting the duration of the hearing at seven days, four of which were allotted to the applicants for their evidence, the judge was also, to quote the words of Kasirer, J.A. (as he then was), [TRANSLATION] "at the heart of his jurisdiction set forth in article 158, para. 1 *C.P.C.*"[7] He is owed deference. The Court notes in passing that the total time required by the applicants in their draft request for setting down for trial and judgment dated May 12, 2025, was 4 days and 4 hours, and, in their draft dated May 22, 2025, 5 days and 3 hours, which is more or less what was granted to them.

[13] Thus, the Court finds no apparent weakness in the impugned judgment and the application for leave to appeal should consequently be denied.

FOR THESE REASONS, THE COURT:

[14] **GRANTS** the application for extension of the time limit to file a notice of appeal and an application for leave to appeal;

Corporatek inc. c. Édition Francis Lefebvre, 2023 QCCA 867, at paras. 4-5; *Compagnie d'assurance Travelers du Canada c. Gervais Dubé inc.*, 2022 QCCA 1107, at para. 17; *Francoeur c. Francoeur*, 2020 QCCA 1748, at para. 8.

3 *Ratelle c. S.L.*, 2010 QCCA 415, at para. 48.

4 Second paragraph of the preliminary provision of the du *Code of Civil Procedure* as well as articles 9 and 19.

5 2014 CSC 7, [2014] 1 S.C.R. 87, at para. 32.

6 Art. 158 *C.C.P.*

7 *Desrosiers c. Dumas*, 2017 QCCA 1054, at para. 13.

[15] **EXTENDS** by two working days the time limit that the applicants had to file a notice of appeal and an application for leave to appeal;

[16] **ACKNOWLEDGES** the filing of the notice of appeal and of the application for leave to appeal;

[17] **DISMISSES** the application for leave to appeal;

[18] **THE WHOLE**, with legal costs.

MARIE-FRANCE BICH, J.A.

MARIE-JOSÉE HOGUE, J.A.

ÉRIC HARDY, J.A.

Peter George Sandor
Margit Szabo Sandor
Self-represented

Mtre Myriam Sahi
CHAMPAGNE, CABINET EN DROIT DE LA SANTÉ
For the Respondent

Date of hearing: October 6, 2025

English translation of the judgment of the Court