

Supreme Court of Canada to Hear Forum Non Conveniens Appeal

The Supreme Court of Canada has just granted leave to appeal in *Teck Cominco Metals Ltd. v. Lombard General Insurance Company of Canada* (also indexed as *Lloyd's Underwriters v. Cominco Ltd.*), a decision of the British Columbia Court of Appeal (available [here](#)).

In British Columbia the insurance companies each sought a declaration that they did not have to defend or indemnify Teck Cominco in respect of environmental damage claims. Teck Cominco moved to stay those proceedings, primarily on the basis that related litigation was already underway in the State of Washington, USA. The motion was denied and that decision was upheld on appeal, such that the British Columbia proceedings could proceed.

It is unusual for the Supreme Court of Canada to agree to hear an appeal about the most appropriate forum for the resolution of a dispute. As is its practice, the court did not provide any reasons for its decision to grant leave. The court may be wanting to address the role of comity in stay motion cases where there has been a prior positive assertion of jurisdiction by a foreign court.