

COURT OF APPEAL

CHECKLIST IN CIVIL MATTERS

Last updated : 2012-01-01

Note: This guide, created for those who are involved in the appellate process for the first time, does not bind the Court nor its judges, and it does not preclude those who use it from reading the relevant sections of the Code of Civil Procedure and the Rules of the Court of Appeal of Quebec in Civil Matters (RCA). Even though a natural person (as opposed to a legal person, which must be represented by a lawyer) can represent himself or herself, it is strongly recommended that a lawyer be consulted.

1. How to file an appeal?

Unsatisfied with a judgment of the Court of Quebec or the Superior Court, and you would like to file an appeal by yourself? **It is strongly recommended that you consult a lawyer before instituting an appeal** in order to verify if a right to appeal is provided by law and, if so, if leave to appeal is necessary or not. In the latter case, a motion for leave to appeal will be required while in the former case, for an appeal as of right, only an inscription in appeal has to be filed. Reading articles 26 to 30 C.C.P. is imperative as well as articles 494 and ff. C.C.P. Everyone must act diligently, since usually, an appeal must be brought within 30 days of the date of the judgment.

A) APPEAL AS OF RIGHT: HOW TO PROCEED WITH AN INSCRIPTION IN APPEAL

- Usually, within 30 days of the date of the judgment (art. 494, par.5 C.C.P.). Specific statutes may, however, prescribe a shorter time period (for example, the Bankruptcy and Insolvency Act prescribes a 10-day delay);
- A duplicate and two copies of an inscription in appeal must be filed at the Office of the court **of first instance** (art. 495, par.1 C.C.P.). It is strongly

recommended that the appellant attach a copy of the judgment appealed from, in order to facilitate case management;

- Must be served on the adverse party or his attorney, and then filed at the Office of the court **of first instance** (art. 495, par.1 C.C.P.);
- A judicial stamp of \$310 (natural person) or \$375 (legal person) must be paid. In case of an appeal from an interlocutory judgment (a judgment rendered during the course of the proceedings but before the final judgment) which falls under the second paragraph of article 511 C.C.P., these amounts are respectively \$222 and \$271. It should be noted that in case of legal aid mandate, it is important to enclose a copy of the mandate with the inscription in appeal, since no judicial stamp will have to be paid;
- Presentation and content:
 - Size of the paper: 8 ½ x 11 (21.5 cm x 28 cm) (art. 9 RCA);
 - Description of the parties (art. 10 RCA and art. 496, par.1 C.C.P.);
 - Name of the court that rendered the judgment appealed from (art. 496, par.1 C.C.P.);
 - Date of judgment (art. 496, par.1 C.C.P.);
 - Duration of the proof and hearing in first instance (art. 496, par.1 C.C.P.);
 - Conclusions sought by the appellant (art. 496, par.1 C.C.P.);
 - Detailed statement of the grounds of appeal (art. 496, par.1 C.C.P.).

B) APPEAL WITH LEAVE: HOW TO PROCEED WITH A MOTION FOR LEAVE TO APPEAL

- Usually, the motion must be initiated within 30 days of the date of the judgment (art. 494, par.3 C.C.P.). Specific statutes may, however, prescribe a shorter time period (for example, the Bankruptcy and Insolvency Act prescribes a 10-day delay);

- The motion must be filed, in duplicate, at the Office of the Court **of Appeal**, after having been served on the adverse party (art. 33 RCA and art. 494, par.3 C.C.P.);
- Must be presented to a judge of the Court of Appeal as soon as possible (art. 494, par.3 C.C.P.);
- Presented before a judge, from Monday to Friday, at 9:30 a.m., in Room RC-18 at Montreal and in Room 4.30 at Quebec, with a notice of at least two clear juridical days before the date of presentation (art. 32 and 33 RCA and art. 494 par.3 C.C.P.);
- Presentation and content:
 - Size of the paper: 8 ½ x 11 (21.5 cm x 28 cm) (art. 9 RCA). However, documents accompanying the motion may be in size 8 ½ x 14 (21.5 cm x 35.5 cm);
 - Description of the parties (art. 10 RCA);
 - Name of the court that rendered the judgment appealed from;
 - Date of judgment;
 - Duration of the proof and hearing in first instance (art. 494, par.1 C.C.P.);
 - Conclusions sought by the appellant (art. 494, par.1 C.C.P.);
 - Detailed statement of the grounds of appeal (art. 494, par.1 C.C.P.);
 - Notice of presentation;
 - Must be accompanied by a copy of the judgment appealed from and of the proceedings of the joined issue (art. 494, par.1 C.C.P.) as well as by all documents that are required for its consideration, and in particular by proceedings, exhibits, depositions, minutes, judgments or excerpts therefrom, as well as any statutory or regulatory provisions cited, with the exception of those of the Civil Code of Quebec or the Code of Civil Procedure (art. 22, par.1 RCA), as the Court has no access to the file of first instance when it considers the motion for leave to appeal;
- If the motion for leave to appeal is granted, it should be noted that the appellant will receive, simultaneously

with a copy of the judgment granting leave to appeal, a letter specifying the amount of the judicial stamp to be paid. The amount of the judicial stamp is \$310 (natural person) or \$375 (legal person). In case of an appeal from an interlocutory judgment (a judgment rendered during the course of the proceedings but before the final judgment – see art. 29 and 511 C.C.P.), these amounts are respectively \$222 and \$271. It should be noted that in case of legal aid mandate, it is important to send a copy of the mandate to the Office of the Court, since no judicial stamp will have to be paid;

2. Next steps

The Clerk will assign a file number in appeal as soon as an inscription in appeal or a motion for leave to appeal is received at the Office of the Court (ex. : Montréal 500-09-000000-000 and Quebec 200-09-000000-000).. This file number has to be subsequently mentioned on every proceeding or letter sent to the Court.

It is possible at any time to discontinue your appeal. However, because discontinuance involves the obligation to pay the costs occasioned by the suit (art. 264 C.C.P.), you have to come to an agreement with the adverse party if you do want to avoid having to pay these costs.

A) JUDICIAL MEDIATION (art. 40 to 44 RCA and 508.1 ff. C.C.P.)

You would like to participate in dispute settlement of your file and resolve the case in a free and expeditious way? You want to take part in discussions with the adverse party in order to attempt to resolve your case? Judicial mediation is for you!

- Is held before a judge, in order to assist the parties to resolve their dispute;
- May be held only upon the **joint** request of the parties;
- The Judge who presides at the mediation must approve any agreement;
- Possible at any stage of the appeal;

- Free and confidential;
- Suspends the delays otherwise applicable to file the factums;

Pamphlets and forms are available at the Office of the Court as well as on our web site www.tribunaux.qc.ca under "About the Court", "The Mediation Service Program of the Court of Appeal" tab.

B) WRITTEN STATEMENT CERTIFYING DIRECTIONS TO TRANSCRIBE (art. 495.2 C.C.P. and art. 15 RCA)

For the appeal to be regularly brought, the appellant must serve and file a written statement certifying that he has directed an official stenographer to transcribe the depositions or excerpts of depositions that are necessary for the consideration of all the issues in dispute.

- An original must be filed at the Office of the Court of Appeal by the appellant or his attorney, within 45 days after the judgment appealed from or with 15 days after the judgment authorizing the appeal (art. 495.2 C.C.P.);
- Must have been served upon the adverse party or his attorney (art. 495.2 C.C.P.);
- Must be on the form in Schedule I of the RCA (art. 15, par.1 RCA);
- Even if it is not necessary for the appeal to transcribe the stenographic notes, a statement so certifying must be filed (Schedule I of the RCA);
- It is possible, for the parties wishing to avoid the costs of transcription, to agree on a joint statement of the facts that must be inserted at the beginning of Schedule III (art. 64, par. 2 RCA).

C) APPEARANCE

The respondent or any other party (mis en cause, intervener) must file a written appearance at the Office of the Court.

- An original must be filed at the Office of the Court of Appeal by the respondent or the mis en cause, within

10 days following receipt at the Office of the Court of the inscription (the mention "inscription requête" appearing on the *plumitif* is used for calculating this time limit) or within 10 days following receipt by the respondent of the copy of the judgment authorizing the appeal (art. 499, par.1 C.C.P.);

- Service is not required (however, sending a courtesy copy to the adverse party is strongly encouraged);
- Size of the paper: 8 ½ x 11 (21.5 cm x 28 cm) (art. 9 RCA);
- A judicial stamp of \$152 (natural person) or \$178 (legal person) must be paid.

D) INCIDENTAL APPEAL

A respondent also unsatisfied with the judgment rendered **may**, at the same time as the filing of the written appearance, lodge an incidental appeal by filing such a declaration at the Office of the Court. A respondent may also bring an appeal with an inscription in appeal, provided it is done so within the legal delay to file an appeal. In both cases, the appeals would be heard at the same time.

- At the same time as his appearance, the respondent/incidental appellant must file at the Office of the Court of Appeal an original of his declaration in incidental appeal (art. 500 C.C.P.);
- Must have been served upon the adverse party (art. 500 C.C.P.);
- Must set out the conclusions sought by the respondent/incidental appellant and a detailed statement of the means he intends to set up (art. 500 C.C.P.);
- The respondent/incidental appellant has to file the written statement certifying directions to transcribe (art. 495.2 C.C.P.), as does the appellant, otherwise his appeal will be considered as having been irregularly brought (art. 15, par.2 RCA).

E) PREPARATION OF FACTUMS OR DOCUMENTS STANDING IN LIEU THEREOF:

In some matters (family, interlocutory), a written argument will usually be required, unless a judge decides otherwise. Generally, in other matters, a factum will have to be submitted, unless a judge decides otherwise. It is also possible to ask for special case management. The Chief Justice's attached notice explains the mechanism set up in 2003 to offer this case management.

i) Standard track: Factums (written argument and schedules)

- Seven copies must be filed at the Office of the Court and two copies must be served on the adverse party (art. 503 and 504.1 C.C.P.);
- Presentation and content:
 - Size of the paper: 8 ½ x 11 (21.5 cm x 28 cm) (art. 9 RCA);
 - Each volume must contain no more than 225 sheets of paper (art. 72 RCA);
 - Must be divided into five parts, identified by Roman numerals (art. 64 RCA):
 - I- Facts
 - II- Issues in dispute
 - III- Argument
 - IV- Conclusions
 - V- Authorities
 - Except where a judge has permitted otherwise, the four first parts can not exceed 30 pages in length (art. 68 e) RCA and *Notice of Chief Justice of Quebec Michel Robert to the clerk, litigants and their counsel dated of January 24, 2007*);
 - The pages of the argument and of Schedule I are printed only on the left side (art. 71 RCA). The pages of Schedules II and III are printed on both sides (art. 71 RCA);
 - The text of the argument must have at least one and one-half spaces between the lines, with the exception of quotations, which

- must be single-spaced and indented (art. 68 f) RCA);
- The type character must be in 12-point font size and there must be no more than 12 characters per 2.5 cm (art. 68 f) RCA);
 - Each paragraph of the argument has to be numbered (art. 68 g) RCA);
 - The cover of each volume must set out the following: the Court of Appeal's file number, the court of first instance that rendered the judgment appealed from, the judicial district, the name of the judge who rendered judgment, the date of the judgment and the court file number, the names of the parties and their status in appeal and in first instance, the name of the party filing the factum and the name of the party's attorney (art. 68 b) RCA);
 - the first volume of the factum shall contain a **general table of contents** at the front, and each subsequent volume shall contain a **table of its contents** (art. 68 c) RCA);
 - For the argument, the page numbers must be indicated in the upper left-hand corner of each page (art. 68 d) RCA). For the schedules, the page numbers must be indicated at the top of each page (art. 68 d) RCA);
 - At the end of the schedules, the party must attest that the factum is in compliance with the Rules of the Court of Appeal and indicate the length of time requested for oral argument (art. 73 RCA);
 - If agreed by all parties and authorized by a judge of the Court of Appeal, it is possible to file certain documents of the factum in computer format (art. 507, par.3 C.C.P. and 62 and 75 RCA).

Appellant's factum

- Must be filed within 120 days of the filing of the inscription or of the judgment authorizing the appeal or within 120 days of the judgment dismissing a motion to dismiss the appeal pursuant to article 501 C.C.P. (art. 503 C.C.P.). (This delay may, however, be extended if, before the expiry of the prescribed time, the appellant serves and files at the Office of the Court a motion for an extension. This motion is presented, from Monday to Friday, before the Clerk, in Room RC-18 at Montreal and in Room 4.30 at Quebec, at 9:00 a.m.. The extension may be granted for a period which, barring exceptional circumstances owing to the nature of the case, may not exceed 30 days (art. 503.1 C.C.P. and 509.1 C.C.P.)). **If the established time is not respected, the Clerk will refuse the factum and the appeal will be deemed to be abandoned.**
- The colour of the cover must be yellow (art. 68 a) RCA);
- In addition to the five parts mentioned above, the factum of the appellant must include three schedules (art. 65 RCA):
 - 1) The judgment appealed from and, if applicable, the reasons for judgment;
 - 2) The inscription in appeal (or the motion for leave to appeal), the proceedings of the joined issue and the regulatory or statutory provisions cited, other than those of the Civil Code of Quebec or the Code of Civil Procedure;
 - 3) The exhibits and depositions that are necessary for the consideration of all the issues in dispute;
- The appellant must also attest that the depositions obtained have been placed at the disposal of the other parties, free of charge (art. 73 RCA).

Respondent's factum

- Must be filed within 90 days of the filing of the appellant's factum in the Office of the Court (art. 504.1 C.C.P.). (This delay may, however, be extended if, before the expiry of the prescribed time, the respondent serves and files at the Office of the Court a motion for an extension. This motion is presented, from Monday to Friday, before the Clerk, in Room RC-18 at Montreal and in Room 4.30 at Quebec, at 9:00 a.m.. The extension may be granted for a period which, barring exceptional circumstances owing to the nature of the case, may not exceed 30 days (art. 505 C.C.P. and 509.1 C.C.P.)). **If the established time is not respected, the Clerk will refuse the factum and the respondent will be foreclosed from filing it.**
- The colour of the cover must be green (art. 68 a) RCA);
- Respondent's schedules must include only those elements that are not already included in the appellant's factum.

Factum of the respondent/incidental appellant

- In the event of an incidental appeal, the factum of the respondent must include two parts, the first being the factum in the main appeal and the second being the factum in the incidental appeal. The second part must be in the form prescribed for the factum of the appellant (art. 66, par.1 RCA). Thus, the respondent can file two parts of 30 pages each in his factum;
- Must be filed within 90 days of the filing of the appellant's factum in the Office of the Court (art. 66, par.2 RCA and 504.1 C.C.P.). (This delay may, however, be extended if, before the expiry of the prescribed time, the respondent/incidental appellant serves and files at the Office of the Court a motion for an extension. This motion is presented, from Monday to Friday, before the Clerk, in Room RC-18 at Montreal and in Room

4.30 at Quebec, at 9:00 a.m.. The extension may be granted for a period which, barring exceptional circumstances owing to the nature of the case, may not exceed 30 days (art. 505 C.C.P. and 509.1 C.C.P.)). **If the established time is not respected, the Clerk will refuse the factum and the respondent will be foreclosed from filing it and the incidental appeal will be deemed to be abandoned (art 66, par.3 RCA);**

- The colour of the cover must be green (art. 68 a) RCA);
- The schedules must include only those elements that are necessary for the consideration of the issues raised in the incidental appeal (art. 65, par. 3 RCA).

Factum of the appellant/incidental respondent

- In response to an incidental appeal, the appellant/incidental respondent may serve and file a factum, in the form prescribed for the factum of the respondent (art. 67, par.1 RCA). The colour of this cover must however be yellow;
- Must be filed within 30 days of the filing of the factum of the incidental appellant in the Office of the Court (art. 67, par.1 RCA). (This delay may, however, be extended if, before the expiry of the prescribed time, the appellant/incidental respondent serves and files at the Office of the Court a motion for an extension. This motion is presented, from Monday to Friday, before the Clerk, in Room RC-18 at Montreal and in Room 4.30 at Quebec, at 9:00 a.m.. The extension may be granted for a period which, barring exceptional circumstances owing to the nature of the case, may not exceed 30 days (art. 505 C.C.P. and 509.1 C.C.P.)). **If the established time is not respected, the Clerk will refuse the factum and the incidental respondent will be foreclosed from filing it (art. 67, par.2 RCA);**

Factum of the mis en cause or intervenier

- The colour of the cover must be grey (art. 68 a) RCA);
- No delay is specified in the Rules of the Court of Appeal. The *mis en cause* and the intervenier are equated with the respondent by analogy and accordingly, their factums must be filed within 90 days of the filing of the appellant's factum in the Office of the Court.

ii) Fast track ordered by the Court or a judge: The written argument and schedules

- Four copies of the argument and the documents that ordinarily constitute the schedules to a factum must be filed at the Office of the Court and one copy must be served on the adverse party (art. 45, 50, 51 and 57 RCA);
- The timetable for filing the documents, the authorized number of pages, the length of time allocated to the parties for oral argument and the date of the hearing will be determined by a judge when granting leave to appeal, or when examining the inscription in appeal (art. 45, 46, 51, 52, 56 and 57 RCA and 507.0.1 C.C.P.). **The delay determined to file the documents may be extended, upon the request of a party, by means of a motion presentable before the Clerk, at 9:00 a.m., from Monday to Friday, in Room RC-18 at Montreal and in Room 4.30 at Quebec (art. 503.1, 505 and 509.1 C.C.P.). If the timetable is not respected, the Clerk will refuse the argument and the appeal will be deemed to be abandoned or the respondent will be foreclosed from filing it (art. 48, 49, 54, 55, 59 and 60 RCA);**
- Presentation of the argument:
 - Size of the paper: 8 ½ x 11 (21.5 cm x 28 cm) (art. 9 RCA). However, documents submitted

with the argument may be in size 8 ½ x 14 (21.5 cm x 35.5 cm) (art. 9 RCA);

- The argument must have at least one and one-half spaces between the lines (art. 47, 53 and 58 RCA);
- The type character must be in 12-point font size and there must be no more than 12 characters per 2.5 cm (art. 47, 53 and 58 RCA);
- Respect any orders given by the judge or the clerk.

F) PREPARATION OF BOOK OF AUTHORITIES:

For the hearing of the appeal, all parties may file, in addition to the factums, a book of authorities (art 85, par.1 RCA). It will be especially helpful to do so if a party wants to bring to the attention of the Court new decisions or doctrine not already included in its list of authorities.

- Must be filed at least 30 days before the date fixed for the hearing of the appeal (art. 86, par.1 RCA). The book of authorities may, however, not be filed if the date of hearing has not yet been determined;
- Must be filed at the Office of the Court in quadruplicate (art. 86, par.1 RCA);
- The relevant excerpts must be highlighted to facilitate tracking (art. 85, par.1 RCA);
- Must be served on the other parties (art. 86, par.1 RCA).

A book of authorities may also be filed for a motion before the Court, the Judge or the Clerk. In such a case, only one copy of the book of authorities needs to be filed, as soon as possible before the motion (art. 86 RCA).

G) READINESS:

For all appeals filed after January 1, 2003, the Clerk declares the case ready to be placed on the roll. This declaration occurs once all the

factums have been filed or, if applicable, once the respondent is foreclosed from filing a factum. A copy of this declaration is notified to all parties. The file then takes its place awaiting to be placed on the roll. The Master of the Rolls will then attribute a date of hearing to each file, in accordance with the date of readiness of the cases, subject to the priorities prescribed by law or that the Chief Justice determines.

- **Appeals filed prior to January 1, 2003:** The certificate of readiness must be filed at the Office of the Court within 15 days of the filing of the factums. The certificate must indicate the names of the attorneys responsible for the file and the length of time requested for oral argument (art. 76 RCA);
If one of the parties does not sign the certificate of readiness, the adverse party may file a motion to place the case on the roll. The motion must be accompanied by a certificate duly completed by the party presenting the motion and must be served on the adverse party (art. 77 and 78 RCA). This motion must be filed at least two clear juridical days before the date of presentation and is presentable from Monday to Friday, before the Clerk, in Room RC-18 at Montreal and in Room 4.30 at Quebec, at 9:00 a.m. (art. 36 and 37 RCA);
- **Appeals filed as of January 1, 2003:** The Master of the Rolls declares all cases not under special case management ready to be placed on the roll once all the factums have been filed. He will send a declaration of readiness to the parties indicating the approximate date the appeal will be heard and the anticipated duration of the hearing (art. 79 RCA).

H) HEARING:

The Court sits from September to June. The Master of the Rolls prepares the roll three months in advance. The roll, available on the Court's web site, is updated weekly in order to consider discontinuances, settlements, modifications, etc. A copy of the roll is sent by mail to the attorneys for the parties or to any party not represented by an attorney at least 30 days in advance. Sending of this roll represents the notice of hearing.

- Sittings begin at 9:30 a.m., from Monday to Friday (art. 88, par.1 RCA);
- If the parties consent, they may request that the appeal be decided on the basis of the factums and without an oral hearing (art. 80, par.1 RCA);
- Dress: For the attorney, the wearing of a gown is obligatory. For individuals, dress must be in accordance with Court decorum (art. 19, par.1 RCA);
- All persons must ensure that their cellular telephones and pagers are turned off (art. 20, par.1 RCA);
- **The Office of the Court has to be informed of any discontinuance, settlement or bankruptcy as soon as it occurs (art. 14 RCA). An original of the discontinuance, settlement agreement or notice to stay has to be filed at the Office of the Court afterwards.**

I) TAXATION OF COSTS:

Since judicial fees are only for members of the Bar, a party not represented by a lawyer is only entitled to recover taxable disbursements.

- The bill of costs must be filed at the Office of the Court in duplicate. It must be accompanied by proof of payment for each amount claimed;
- Must be served upon the party who owes the costs, with a notice of at least five days of the date when it will be presented for taxation (art. 480, par.1 C.C.P.);
- A judicial stamp of \$34 (natural person) or \$50,25 (legal person) must be paid;
- The bill of costs is presentable in Room RC-01 at Montreal and in Room 4.27 at Quebec, from Monday to Friday, at 9:00 a.m.;
- The taxation may be revised, within 30 days, by a judge of the Court of Appeal (art. 521 C.C.P.);
- The bill of costs may be contested, preferably in writing. The contestation must be filed at the Office of the Court, after having been served on the adverse party. The Clerk must be informed of the contestation before the date of presentation of the bill of costs. In

case of oral contestation, the parties must present themselves at the Office of the Court of Appeal at the date mentioned on the notice of presentation joined to the bill. Please make sure to advise the adverse party as well as the Clerk in charge of the taxation of contested bills of costs before the contestation:

- Montreal: 514 393-2022
- Quebec: 418 649-3401

MOTIONS PRESENTED TO THE COURT OF APPEAL

A motion may be presented before the Court, before a judge or before the Clerk. When the expression "the Court" is used, the motion has to be presented to a panel of three judges. If the expression "the Court or a judge" is used, the motion can be presented in front of a judge. A non-exhaustive list is given for each situation. When both a judge and the Court have concurrent jurisdiction, the more appropriate option is chosen by the Court. Thus, if the Court and a judge both have jurisdiction, the motion is placed on the judge's roll.

A) MOTIONS PRESENTABLE BEFORE A PANEL OF THREE JUDGES:

Examples of motions presentable before a panel of three judges:

- Safeguard orders (art. 46 C.C.P.);
- Restoration of an appeal (if a certificate of abandonment or foreclosure has been issued) (art. 46 C.C.P. and art. 16, par.1 RCA);
- Revocation of judgment (art. 483 C.C.P.);
- Dismissal (art. 501 C.C.P.);
- Ordering that the case be restored to the same state as before trial (art. 506 C.C.P.);
- Production of indispensable new evidence (art. 509, par.2 C.C.P.);
- Rectification of judgment (art. 520 C.C.P.);
- Leave to appeal beyond the time limits (art. 523 C.C.P.);

- For damages caused by a dilatory or abusive appeal (art. 524 C.C.P.);
 - Provisional release of a person confined appealing the judgment refusing the issuance of a writ of habeas corpus (art. 860 C.C.P.);
 - Stay of proceedings, or a suspension thereof (art. 94 RCA);
 - Prohibition of a person from filing any other proceeding without prior authorization (art. 95, par.1 RCA).
- Four copies must be filed at the Office of the Court, at least five clear juridical days before the date of presentation (art. 28 RCA and 496.1 C.C.P.). However, a motion to dismiss an appeal based on subparagraphs 4.1 or 5 of the first paragraph of article 501 of the Code of Civil Procedure must be served and filed at least 30 days before the date established for the presentation of the motion (art. 28 RCA);
 - Must be served upon the adverse party (art. 28 RCA);
 - The date of presentation of the motion must first be arranged with the Office of the Court (art. 27 RCA). Therefore, it is absolutely necessary to contact the Clerk at (514) 393-2022 at Montreal or (418) 649-3401 at Quebec prior to submitting a notice of presentation. Motions presentable before a panel of three judges are heard on Mondays, in the Room Pierre-Basile-Mignault at Montreal and in Room 4.33 at Quebec, at 9:30 a.m.;
 - Dress: For the attorney, the wearing of a gown is obligatory. For individuals, dress must be in accordance with Court decorum (art. 19 RCA);
 - The book of authorities must be filed in quadruplicate, if applicable (art. 86, par.1 RCA);
 - A motion may not be adjourned solely on the basis of the consent of the parties if there is less than one clear juridical day remaining before the scheduled date of presentation (art. 30, par.3 RCA). However, in case of a motion to dismiss an appeal based on subparagraphs 4.1 or 5 of the first paragraph of article 501 of the Code of Civil Procedure, this delay has to be at least of 10 days (art. 30, par.4 RCA).

B) MOTIONS PRESENTABLE BEFORE A JUDGE:

Examples of motions presentable before a judge:

- Leave to appeal (art. 494 C.C.P.);
- Reduction of the delay of service of a motion presentable before the Court (art. 496.1 C.C.P.);
- Security (art. 497, par.2 C.C.P.);
- Dismissal of an appeal, if the appellant fails to furnish security (art. 497, par.3 C.C.P.);
- Correction of an irregularity in the procedure of appeal (art. 502 C.C.P.);
- Fixing another time for the filing of the factums (art. 505.1 C.C.P.);
- Filing a factum in computerized form (art. 507, par.3 C.C.P.);
- In case of a family matter, for an appeal to be conducted according to the ordinary rules (art. 507.0.1 par.2 C.C.P.);
- Continuance of suit (art. 509 par.1 C.C.P.);
- Joinder of appeals (art. 509 par.1 C.C.P.);
- Amendment (art. 509 par.1 C.C.P.);
- Intervention (art. 509 par.1 C.C.P.);
- Disavowal (art. 509 par.1 C.C.P.);
- Recusation (art. 509 par.1 C.C.P.);
- Dismissal of an appeal, if the appellant fails to appoint another attorney (art. 509 par.1 C.C.P. and 251 par.2 C.C.P.);
- Revision of a decision rendered by the Clerk (art. 509.1, par.3 C.C.P.);
- Suspension of the hearing of the appeal (additional damages for bodily injury) (art. 510.1 C.C.P.);
- Leave to appeal from an interlocutory judgment (art. 511 C.C.P.);
- Revision of the taxation of the bill of costs (art. 521 C.C.P.);
- Suspension of the execution of a judgment of the Court of Appeal while an application for leave to appeal is being filed with the Supreme Court of Canada (art. 522.1 C.C.P.);

- Execution of a judgment up to the amount that is not under appeal (art. 523.1 C.C.P.);
 - Ordering or suspending provisional execution of the judgment appealed from (art. 550, par.1 C.C.P.);
 - Provisionally suspending an injunction (art. 760, par.2 C.C.P.);
 - Filing an argument exceeding 30 pages in length (art. 68 e) RCA);
 - Revision of the Clerk's decision to refuse a factum (art. 74, par.4 RCA).
- Two copies must be filed at the Office of the Court, at least two clear juridical days before the date of presentation (art. 33 RCA);
 - Must be served upon the adverse party (art. 33 RCA);
 - Is presented from Monday to Friday, in Room RC-18 at Montreal and in Room 4.30 at Quebec, at 9:30 a.m. (art. 32 RCA);
 - Dress: The wearing of a gown is not required (art. 19, par.2 RCA);
 - Only one copy of the book of authorities needs to be filed, if applicable (art. 86, par.2 RCA).
 - A motion may not be adjourned solely on the basis of the consent of the parties if there is less than one clear juridical day remaining before the scheduled date of presentation (art. 35, par.3 RCA).

C) MOTIONS PRESENTABLE BEFORE THE CLERK:

Examples of motions presentable before the Clerk of the Court of Appeal:

- Authorization for the filing of an additional statement (art. 509.1, par.1 C.C.P. and 496, par.3 C.C.P.);
- Extension of the prescribed time to file the appellant's factum (art. 509.1, par.1 C.C.P. and 503.1, par.1 C.C.P.);
- Extension of the prescribed time to file the respondent's factum (art. 509.1, par.1 C.C.P. and 505, par.1 C.C.P.);

- To cease representing a party (art. 509.1, par.1 C.C.P.);
 - Substitution of attorney (art. 509.1, par.1 C.C.P.);
 - To place a case on the roll (art. 77 and 78 RCA).
- Two copies must be filed at the Office of the Court, at least two clear juridical days before the date of presentation (art. 37 RCA);
 - Must be served upon the adverse party (art. 37 RCA);
 - Is presented from Monday to Friday, in Room RC-18 at Montreal and in Room 4.30 at Quebec, at 9:00 a.m. (art. 36 RCA);
 - Dress: The wearing of a gown is not required (art. 19, par.2 RCA);
 - Only one copy of the book of authorities needs to be filed, if applicable (art. 86, par.2 RCA).

D) MOTIONS PRESENTABLE BEFORE THE CHIEF JUSTICE:

Examples of motions presentable before the Chief Justice:

- To hear a case by preference (art. 81 RCA);
 - To obtain directions in relation to the appeal (art. 508.5 C.C.P.).
- Two copies must be filed at the Office of the Court, at least two clear juridical days before the date of presentation;
 - Must be served upon the adverse party;
 - The date of presentation of the motion must be arranged with the Office of the Court. Therefore, it is absolutely necessary to contact the Clerk at 514 393-2022 at Montreal or 418 649-3401 at Quebec prior to submitting a notice of presentation. The motion will then be heard in Courtroom 2.22, at the date determined by the Chief Justice;
 - Only one copy of the book of authorities needs to be filed, if applicable (art. 86, par.2 RCA).