



The Court of Appeal of Alberta

Notice to the Profession

June 30, 2004

I

The Consolidated Practice Directions of the Court of Appeal are hereby amended, as follows:

1. Part A.5, paragraphs (a) to (e) inclusive, are repealed.
2. Add to Part A a new paragraph 8 as follows:

8. Parties filing a civil appeal are directed to use Form N for the Notice of Appeal.

[June 2004]

3. Parts D.8 and D.9 are repealed and replaced with the following:

8. The appellant's and respondent's books of authorities must be filed at the same time that their respective factum is filed. The only exception will be for a joint book of authorities which must be filed no more than ten days after the last respondent's factum is filed.

9. When a book of authorities is not filed within the time fixed by this Practice Direction, the party in default shall not be entitled to costs for preparation of the book of authorities unless the court otherwise orders.

[June 2004]

4. Part F is repealed and replaced with the following:

F. Motions

1. Motions Court:

- (a) The Court of Appeal directs that a party filing a notice of motion returnable before a panel of the Court must file an affidavit (if applicable) and a memorandum.
- (b) The notice of motion and supporting documents must be filed together, in quintuplicate, and except in urgent cases, must be filed and served at least 21 business days before the motion is heard.
- (c) A respondent to the motion must, at least 14 business days before the motion is heard, file and serve:
 - (i) either a memorandum, or a letter indicating that they will not be filing a memorandum, and
 - (ii) an affidavit (if applicable),all of which must be filed in quintuplicate.
- (d) Criminal motions that may be heard and decided by the motions court include applications to:
 - (i) dismiss for want of prosecution, and
 - (ii) withdraw as counsel of record.
- (e) Subparts 3 to 7 of this Practice Direction apply.

2. Justice Chambers:

- (a) The Court of Appeal directs that a party filing a notice of motion returnable before a justice in chambers must file an affidavit (if applicable) and a memorandum.
- (b) On motions to which Rule 516.1 applies:

- (i) the notice of motion and supporting documents must be filed together, in triplicate, and except in urgent cases, must be filed and served at least 21 business days before the motion is heard, and
- (ii) a respondent to the motion must, at least 14 business days before the motion is heard, file and serve:
 - (A) either a memorandum, or a letter indicating that they will not be filing a memorandum, and
 - (B) an affidavit (if applicable),all of which must be filed in triplicate.
- (c) On motions to which Rule 516.1 does not apply:
 - (i) the notice of motion and supporting documents must be filed together, in triplicate, and except in urgent cases, must be filed and served at least 7 business days before the motion is heard, and
 - (ii) a respondent to the motion must, at least 5 business days before the motion is heard, file and serve:
 - (A) either a memorandum, or a letter indicating that they will not be filing a memorandum, and
 - (B) an affidavit (if applicable),all of which must be filed in triplicate.
- (d) Motions that may be heard and decided by one justice of appeal include motions to extend time to file or serve a notice of appeal.
- (e) One justice will sit to hear motions at 9:30 a.m. every Tuesday, Wednesday, and Thursday (statutory holidays excepted) in both Edmonton and Calgary. The only other exception will be the months of July and August at which time one justice will sit to hear motions for both Edmonton and Calgary from whichever city is specified.

- (f) These motions must be pre-booked with the Registry before sending documentation for filing.
- (g) Motions to one justice may be made on other days or times only in cases of true emergency, and by arrangement with the Deputy Registrar.
- (h) Subparts 3 to 9 of this Practice Direction apply.

3. Notices of Motion & Supporting Documentation:

- (a) Every notice of motion must contain, before the signature of counsel/party, the estimate of time required for oral argument (including reply) if under 15 minutes for a regular motion or 30 minutes for an application for leave to appeal.
- (b) Every notice of motion must contain, on the left-hand side of the backer, a Notice to the Respondent which must state the following:

“Notice to the Respondent:

A respondent who fails to comply with the requirements of the Alberta Rules of Court and the Court of Appeal Consolidated Practice Directions, within the prescribed time, will not be allowed to present oral argument on the application, nor be entitled to costs of the application, unless otherwise ordered. Failure to appear may also lead to an order or judgment being made against the respondent in their absence.”

- (c) Where a party will be relying on material which has been previously filed, the materials must be contained in or attached to the notice of motion, affidavit, memorandum, or a separate covering letter. The party must provide sufficient copies of those documents to the Registry for distribution purposes, and must serve the other parties with same, all within the time periods set out in this Practice Direction.

4. Contents of Memoranda:

- (a) The memorandum must:
 - (i) on a regular motion, be no longer than three double-spaced pages, or

(ii) on a leave to appeal application, be no longer than ten double-spaced pages,

and should ordinarily be shorter.

(b) A party may pick their own format, but should put in the memorandum whatever they consider useful to make the motion intelligible. Those contents would vary from case to case. The Court suggests that the party should ordinarily include the following in this order:

(i) the relief sought,

(ii) a succinct statement of the facts relevant to that relief, including dates of any relevant steps in the proceedings, details of previous applications to the Court, whether the appeal itself has been set down for hearing, and if so when,

(iii) the precise statute sections and subsections, subrule numbers, or principles under which the application is made, and

(iv) the grounds upon which the relief sought should be granted.

(c) Memoranda in reply to a motion must include, before the signature of counsel/party, the estimate of time required for oral argument if under 15 minutes for a regular motion or 30 minutes for an application for leave to appeal.

(d) If time extensions or delay might be relevant, or if the facts are bulky or complex, then counsel should include a chronology. (It need not be counted in the three-page limit.) Well-known authorities need not be listed or reproduced, but others important to the motion must be.

5. Proceed Without Oral Argument:

(a) A judge/panel will entertain applications to hear and decide some motions by reading the notice of motion and supporting materials, without any oral argument.

(b) To have the judge/panel consider this option, all parties to the motion or their counsel must sign letters agreeing to this procedure.

- (c) Any judge assigned to the motion will decide whether or not to accept the application. The judge may, at any time, call for full or partial oral argument or further written submissions.
- (d) The judge/panel anticipates that purely written argument will likely be appropriate only in cases which are more straightforward.

6. Scheduling Motions:

- (a) The clerks will not schedule motions on a hearing date too early for the required notice to be given, unless otherwise ordered. Instead, the clerks will insert the next available date for hearing on the notice of motion and schedule it accordingly:
 - (i) the only exception to this direction will be for leave to appeal applications where the leave application must be made before the expiration of a limitation period, and the expiry of that limitation period falls inside the notice period for filing and serving documents set out in 1(b) or 2(b)(i) above, and
 - (ii) in these instances only, the clerks will accept only those leave to appeal applications brought for the purpose of meeting the limitation period and with respect to which the applicant is seeking an adjournment. If the adjournment is granted, the application will be adjourned over to a day which will allow the parties to comply with the notice provision in 1(b) or 2(b)(i) above.
- (b) The clerks will not file a notice of motion unless the applicant provides, at the same time the notice of motion is being filed, the supporting affidavit (if applicable), memorandum and any other supporting materials required for the application. The only exception to this direction will be on leave applications where a preservation of time is being requested.
- (c) Applications to preserve time on leave applications may be scheduled to be heard by the duty judge, in person or by way of telephone or video conference call. Counsel/party must be prepared at that time to discuss filing deadlines for all materials which are to be filed for the leave application, and should take into consideration subpart 8 of this practice direction, as a timetable will be set by the duty judge at that time.

7. Materials Filed Late:

- (a) When materials are not filed within the time fixed by this Practice Direction, the party in default shall not be entitled to costs of the application, unless otherwise ordered.
- (b) When a respondent fails to file materials within the time fixed by this Practice Direction, the respondent will not be allowed to present oral argument on the application, unless otherwise ordered.
- (c) The late-filed materials will be marked accordingly by the clerk.

8. Applications for Leave to Appeal - Deemed Abandoned:

Where an application for leave to appeal has not been heard within 6 months from the date the notice of motion is filed, the motion will be deemed abandoned, unless otherwise ordered before the expiration of this 6-month period.

9. Leave to Appeal Summary Conviction Appeals:

- (a) One cannot appeal further to the Court of Appeal from the Court of Queen's Bench in a summary conviction matter except with leave on a question of law alone: Criminal Code s. 839. Such leave must be sought beforehand from one justice of appeal in chambers in accordance with subpart 2 of this Practice Direction.
- (b) The applicant's memorandum must contain the information set out in subpart 4 of this Practice Direction and must also:
 - (i) specify the precise question or questions of law alone,
 - (ii) contain material to show that the question may govern the case in question, and
 - (iii) contain the reasons of the Provincial Court judge and the judge of the Court of Queen's Bench.
- (c) No such appeal will be put on the hearing list before leave to appeal is granted.

- (d) There can be no:
 - (i) restoration of an operator's permit (stay of license suspension), or
 - (ii) judicial interim release,before leave to appeal is granted.
- (e) This procedure will also apply to applications for a certificate of importance in prosecutions under Alberta statutes.
- (f) Case law bars any appeal or prerogative relief from a denial of leave to appeal.

[June 2004]

5. A new Part J is added, as follows:

J. Procedural or Custody Appeals

1. General

The aim of this Part is to provide a faster, less expensive procedure for this class of appeal, without case-by-case monitoring by a judge or Registrar.

2. Definition and Scope

- (a) (i) Subject to paras. (b), (c), (d) and (e), the procedure in this Part J. applies to any appeal from any order, or part of an order, which does not finally determine all or some significant part of the substantive rights in issue in an action.
- (ii) The test is what the order appealed did, not what the notice of motion sought. For example, refusal of summary judgment comes within this Part J. Its grant does not.
- (b) This Part J. does not apply to any appeal from any of the following:
 - (i) an order striking out a statement of claim, statement of defence or third party notice;

- (ii) an order refusing to open up default judgment or a noting in default;
 - (iii) an order permitting or directing default judgment;
 - (iv) an order staying the action indefinitely;
 - (v) an order dismissing the action on procedural grounds;
 - (vi) a final judgment at trial or at summary trial;
 - (vii) summary judgment on the merits;
 - (viii) order *nisi* of foreclosure or of cancellation of agreement for sale;
 - (ix) a declaration.
- (c) “Substantive rights” in para. (a) do not include privilege, confidentiality, privacy, costs, or liability to pay fees or costs.
- (d) Appeals from any of the following will come within this Part J:
- (i) an order as to custody of, or access to, a minor; or
 - (ii) a ruling during a trial.
- (e) One Justice of Appeal may
- (i) declare whether a given appeal fits within these guidelines; or
 - (ii) for the purpose of including or excluding an appeal, consolidate appeals or sever an appeal into separate appeals.

3. Leave to Appeal

- (a) Leave must be obtained before the following can be appealed:
- (i) any case where leave to appeal is mandated by statute, or Rule, or regulation;

- (ii) any case management or pre-trial order directing adjournments, time periods or time limits;
 - (iii) any ruling during trial, where the appeal is brought before the trial is concluded; or
 - (iv) any decision on security for costs.
- (b) If not otherwise specified by a statute, Rule or regulation, such leave shall be sought from one Justice of Appeal.
- (c) A notice of motion applying for leave and supporting materials shall be filed and served:
 - (i) within the time limited in the applicable statute, Rule or regulation; or
 - (ii) where no time limit is specified, within 20 days after the order or judgment for which leave is sought has been signed, entered and served.
- (d) From the date that the notice of motion is filed, the time to appeal will not run until the decision on the application for leave is filed.
- (e) The applicant's supporting materials for the leave application shall be bound with orange coloured stock front and back covers and shall, unless otherwise ordered, consist of:
 - (i) a table of contents describing each document along with corresponding page or tab numbers;
 - (ii) a memorandum no longer than 10 double-spaced pages;
 - (iii) a copy of the order or judgment upon which leave to appeal is sought, (including any order of the Queen's Bench Master or Provincial Court Judge, if applicable);
 - (iv) any reasons for the order or judgment;

- (v) transcripts of the hearing before the court, board or tribunal to be appealed, if available in time;
 - (vi) all other material, including but not limited to affidavits, transcripts of oral testimony and other documents, which was before the court, board or tribunal that made the order or judgment; and
 - (vii) the record or return from the court, board or tribunal, as applicable.
- (f) The respondent's memorandum shall be no longer than 10 double-spaced pages and shall be bound with lilac coloured stock front and back covers.
 - (g) At least 10 business days prior to the application, the applicant(s) may file and serve a reply in the form of a memorandum, which shall be no longer than 3 double-spaced pages, or if the applicant(s) chooses not to file a reply, must file a letter within this same time period advising the Registrar of same, all of which must be filed in triplicate.
 - (h) Any failure by the applicant(s) to comply with filing deadlines in the Alberta Rules of Court and Practice Directions will result in the application for leave being struck.
 - (i) Where leave to appeal is granted, the appellant(s) shall file a notice of appeal in Form N and serve all parties within 14 days from the date the decision on the leave application is granted. Any failure to file within this time frame will result in the appeal being struck.

4. Creation of Procedural Fixed Hearing List

- (a) Upon filing of Notice of Appeal, the Registrar will send a letter to unrepresented parties, along with a copy of this Part J. advising the parties of the time frames for filing.
- (b) The fixed hearing list will be created by the Registrar for each sittings, 17 days before opening of the sittings.
- (c) Subject to para. (d), the following appeals will then be placed on that list:
 - (i) those where both the Appeal Book and the appellant's factum have been filed 22 or more days before the opening of the sittings; and

- (ii) those ordered on by a Justice of Appeal.
- (d) The following appeals will not be placed on that list:
 - (i) those timely adjourned by consent (under part 9(a) below); and
 - (ii) those adjourned by a Justice of Appeal.
- (e) When any party to an appeal placed on that list is not represented by counsel, the Registrar will notify the party by letter by ordinary mail, at the last known address, or via fax if a fax number is provided, of the hearing week selected.

5. Deadlines for Procedural Appeal Books

- (a) The appellant must order any necessary transcript within 7 days of filing of the appeal.
- (b) The appellant must file and serve the Appeal Books within one month of filing of appeal, or one business day after the Appeal Books are ready, whichever comes first.
- (c) If the transcript will not be ready within one month of filing the appeal, the appellant may mention that fact in the table of contents, and file and serve the transcript later as a separate Appeal Book volume as soon as it is ready.

6. Contents of Procedural Appeal Books

- (a) If the appellant desires, and the total contents do not exceed 200 pages, the Appeal Book may
 - (i) leave affidavits and their exhibits together in their original arrangement;
 - (ii) not number all the pages in the Appeal Book consecutively, and use lettered or numbered cardboard tabs instead, so long as each tab's contents are clearly and consecutively paged in one continuous run;
 - (iii) be all in one volume and, if so, have a red cover; and

- (iv) reproduce transcript in single-spaced or double-spaced format.
- (b) No agreement as to contents is necessary. If respondent disagrees with inclusion of an item in the Appeal Books, he or she must say so in his or her factum. If the respondent disagrees with the omission of an item, the respondent may file and serve the omitted item in white covers and entitle it "Disputed Appeal Book". If under 15 pages, the Disputed Appeal Book may be an appendix to the respondent's factum.
- (c) Subject to part (d), an Appeal Book must contain all of the following:
 - (i) table of contents;
 - (ii) transcript of any oral, or written, reasons of the judge appealed from, and of any Master or tribunal who was appealed to the judge who is now appealed from;
 - (iii) transcript of oral argument, unless argument exceeded one-half day;
 - (iv) notices of motion or notices of appeal from any Master, referee, or tribunal from whom the judge now appealed from was hearing an appeal;
 - (v) respondents' notices given for this motion under R. 384(3); and
 - (vi) affidavit evidence or any other material which is
 - (A) referred to in item (iv) or (v), or
 - (B) expressly referred to in the reasons of the judge appealed from, or
 - (C) expressly cited in the transcript of argument, or
 - (D) expressly cited in a brief filed for the relevant motion;
 - (vii) formal order under appeal;
 - (viii) notice of appeal;

- (ix) certificate in Form O, or if the appellant is unrepresented, Form S.
- (d) If desired, the appellant may place in the Appeal Book any pleadings which the appellant thinks useful to the appeal.
- (e) If desired, the respondent may reproduce other pleadings which the respondent thinks useful to the appeal, as appendix to the respondent's factum.
- (f) The Appeal Book need not duplicate an item already in a leave to appeal book described in Part 3(e), if the Appeal Book's Table of Contents mentions and cross references that item specifically, and if the appellant files any additional copies of it which the Registrar may require.

7. Factums

- (a) Each factum must contain
 - (i) table of contents;
 - (ii) list of grounds of appeal (Part II);
 - (iii) discussion of Standard of Review
 - (iv) Part IV Nature of Relief Desired;
 - (v) any brief of argument, or copies of authorities, filed by any party with the court appealed from, for or against the motion in question.
- (b)
 - (i) Aside from (a), a factum shall not duplicate what is already in that party's brief of argument or authorities filed in the court appealed from, and instead shall merely cross reference the relevant passages.
 - (ii) Any of the other usual contents of a factum shall be included if not found in the brief filed in the court appealed from.
- (c) The usual Rules on factums apply, subject to paragraphs (a) and (b).

- (d) A factum shall not exceed a total of 12 pages, excluding appendices, and excluding any brief of argument filed in the court appealed from. The factum plus the brief filed shall not exceed a total of 30 pages.
- (e) The original and 4 copies of the appellant's factum and authorities shall be filed and served by the earlier of:
 - (i) two weeks after the Appeal Book is filed; or
 - (ii) six weeks after the appeal is filed.
- (f) The original and 4 copies of the respondent's factum and authorities, or letter of intention not to file a factum, shall be filed and served by 12:00 noon, at least 15 days before the opening day of the sittings.
- (g) Where a factum, or letter of intention not to file a factum, is not filed by the respondent within the time periods set out in para. (f), the party in default will not be allowed to present oral argument, nor be entitled to costs, unless otherwise ordered.
- (h) If a respondent fails to file a factum, the appeal may proceed in the absence of that factum.

8. Book of Authorities

- (a) None of the contents of either party's book of authorities should duplicate authorities filed by either side in the court appealed from, unless the original is hard to read or reproduce, or is unavailable.
- (b) Each book of authorities must be filed at the same time as that party's factum.
- (c) Passages need not be highlighted.

9. Adjournments of Procedural Appeals

- (a) Adjournments of appeals scheduled to move to the fixed hearing list may be obtained by application in writing, by consent, on or before 4:30 p.m. on the day which is 20 days before the opening of the sittings.

- (b) An adjournment by consent may only be to the next sittings, and no later.
- (c) There may be no more than two consent adjournments.
- (d) An opposed adjournment must be requested no later than 12 noon on the day 20 days before the opening of the sittings. It will be granted or refused by the list manager or duty judge.

10. Posting of the Procedural List and Sitting Schedule

The Fixed Procedural Appeal List will be posted in accordance with Part A.6 of the Consolidated Practice Directions. It will also be posted for viewing on the Alberta Courts' website at www.albertacourts.ab.ca and the Registry counter, 16 days before the opening day of the sittings.

11. Attendance of Counsel on Procedural Appeals

- (a) Gowned counsel, and parties who have no counsel, must appear ready to argue the appeal at the opening of the sittings, if it is on the fixed procedural appeal list.
- (b) If an appeal is not on that list, counsel need not appear, unless directed to, or served with a notice of motion returnable then.
- (c) The lists for procedural appeals will be neither called nor spoken to.

12. Striking from Procedural List, Restoration, and Deemed Abandonment

- (a) The list manager or duty judge may give directions in individual cases, and any party may move on notice to set or vary the timetable.
- (b) If either the Appeal Book or the appellant's factum has not been filed within three months of filing the appeal, the Registrar will strike the appeal from the general procedural appeal list.
- (c) The appellant may file with the Registrar a letter of consent of all parties to an appeal which sets out the reason why the appeal should be restored to the procedural appeal list. The Registrar will forward the letter to a Justice of Appeal for consideration and the setting of a filing deadline for the next step, if deemed appropriate.

- (d) Where no consent has been obtained, the appellant may apply to a Justice of Appeal in chambers to restore procedural appeals to the procedural appeal list by filing and serving a notice of motion, a supporting affidavit (if applicable) and memorandum, which clearly sets out the reason for default.
- (e) Where an appeal has been restored to the list, unless otherwise ordered by a judge, the Appeal Book and the appellant's factum must be filed within 21 days from the date that the appeal was restored, or the appeal will be again struck from the general procedural appeal list.
- (f) Any appeal which has been struck from the general procedural appeal list and has not been restored within three months from the day that the case was struck from the list, will be deemed to have been abandoned.

13. Procedural Cross Appeals

If a cross appeal or notice of intention to vary is filed, where either the main appeal or the cross appeal falls within this Part J., the party filing it must apply immediately, on notice, to the list manager or duty judge, to set a timetable and give directions for the appeal.

14. Computation of Times for Procedural Appeals

- (a) Notwithstanding Rule 545, any reference to number of “days” in this Part J. refers to actual calendar days, weekends and holidays included.
- (b) Any time limit which expires on a weekend or holiday is automatically extended to the next business day.

15. Modification

On application, the list manager or duty judge may vary the guidelines in this Part J. in a particular appeal.

16. Application of Other Parts of Consolidated Practice Directions and Rules

All Rules of Court and Court of Appeal Practice Directions apply to procedural appeals, except

- (a) Parts A.7, B.3, B.4, B.5, all of D.4 after first two sentences, D.8, E, G.6, and I, of the Consolidated Practice Directions.
- (b) Rr. 515, 515.1(1)-(7), 515.1(9), 517, 530(8)(a), 530(10), 530(14), 530(15), 530(18), 538(1)-(3), and Form N.
- (c) Any parts of other Rules or Practice Directions which parts are inconsistent with this Part J.

[June 2004]

6. A new Part K is added, as follows:

K. Electronic Appeals (E-Appeals)

- 1. Further to the introduction of electronic appeal books, the Court of Appeal of Alberta seeks to expand and encourage the use of technology to improve the efficiency of appeals. Accordingly, facta and supporting materials for appeals filed on or after October 1, 2004, where the trial was ten (10) days or longer, must be filed in an electronic format unless otherwise ordered. Facta and supporting materials in appeals arising from trials of less than ten (10) days may also be filed in electronic format with leave of the Court.
- 2. Electronic versions of facta must be hyperlinked to authorities, and the appeal book. The use of electronic facta will allow counsel/parties to better integrate submissions and expedite the reader's access to the applicable law and evidence, thereby facilitating and enhancing the Court's pre-hearing preparation process and drafting of reasons for judgment. It is anticipated that conversion to electronic facta will ultimately reduce the cost of appellate litigation and preserve scarce resources.
- 3. Counsel/parties will be required to prepare and file electronic copies of the factum and book of authorities with the Registry for review and approval prior to filing their hard copies. Once approved, counsel must print and file the required number of facta but will only need to file one original and one copy of the book of authorities.
- 4. Manuals setting out the full requirements for the creation and filing of electronic appeals will be available at www.albertacourts.ab.ca/ca/ by September 1st, 2004. Should there be a demand for training sessions, such courses may be offered as early as mid-September, 2004.

[June 2004]

7. A new form N is added as follows:

FORM N

IN THE COURT OF APPEAL OF ALBERTA

All applicable areas must be completed. Please type or print. Attach additional pages if necessary.

BETWEEN:

(The style of cause remains the same as in the Trial Court and must show status for both courts - Practice Direction A.2.)

APPELLANT OR RESPONDENT (circle one)
(Plaintiff, Petitioner or Applicant) Circle status at trial

- AND -

APPELLANT OR RESPONDENT (circle one)
(Defendant or Respondent) Circle status at trial

CIVIL NOTICE OF APPEAL

1. **APPEAL FROM:** Judgment Order Decision

PORTION BEING APPEALED (R. 511):

- Whole, or
- Only specific part(s)

If specific part(s), indicate which part(s): _____

PROVIDE A BRIEF DESCRIPTION OF THE ISSUES: _____

OF THE THREE OPTIONS BELOW, INDICATE WHERE THE ORDER ORIGINATED:

- COURT OF QUEEN'S BENCH**
File number: _____
Location: _____
Justice: _____
On appeal from a Queen's Bench Master or Provincial Court Judge? Yes No
(If you are appealing an order of a Queen's Bench Master or Provincial Court Judge, a copy of that order is also required.)
- ADMINISTRATIVE TRIBUNAL**
Specify Tribunal: _____
- APPEAL OF A DECISION BY A BOARD**
Specify Board: _____

2. **PARTICULARS OF JUDGMENT, ORDER OR DECISION APPEALED FROM:**

Date pronounced: _____
Date entered: _____
Date served: _____

Attach a copy pursuant to R.506(2). If a copy is not attached, provide reason: _____

(Upon the judgment or order becoming available, the Appellant shall forthwith file a copy with the Registrar.)

3. IF THE ORDER ORIGINATED IN THE COURT OF QUEEN'S BENCH, CHECK ONE OF THE FOLLOWING, TO INDICATE THE TYPE OF ORDER THAT IS UNDER APPEAL:

- Interim order made
 - In chambers
 - During trialSpecify nature of order: _____
- Final order or refusal to grant final order before trial (eg. summary judgment, striking pleadings, etc.)
- Judgment after trial

4(a). IS THIS APPEAL ABOUT PROCEDURE OR CUSTODY OR ACCESS ONLY UNDER PART J. OF THE CONSOLIDATED PRACTICE DIRECTIONS? Yes No

IF YES, CHECK APPLICABLE BOXES:

- Error correcting only Yes No
- Involves new law Yes No

4(b). IS THIS A FAMILY LAW APPEAL? Yes No

IF YES, CHECK APPLICABLE BOXES:

- Divorce
 - Error correcting only Yes No
 - Involves new law Yes No
- Maintenance Only
 - Child support Spousal support Spousal and child support
 - Error correcting only Yes No
 - Involves new law Yes No
- Maintenance arrears
 - Child support Spousal support Spousal and child support
 - Error correcting only Yes No
 - Involves new law Yes No
- Matrimonial property
 - Error correcting only Yes No
 - Involves new law Yes No
- Adoption
 - Error correcting only Yes No
 - Involves new law Yes No
- Guardianship
 - Error correcting only Yes No
 - Involves new law Yes No
- Parentage
 - Error correcting only Yes No
 - Involves new law Yes No
- Protection against family violence
 - Error correcting only Yes No
 - Involves new law Yes No
- Other, please specify:
 - Error correcting only Yes No
 - Involves new law Yes No

5. HAS THIS FILE BEEN UNDER CASE MANAGEMENT IN THE COURT OF QUEEN'S BENCH? Yes No

If yes, case management justice: _____

Trial date: _____

6. **IS THIS CASE RELATED TO ANY CASE PRESENTLY BEFORE OR ABOUT TO BE FILED IN THIS COURT?** (e.g. arises from same controversy; involves same, similar or related issues, etc.) Yes No

If yes, name of related case(s): _____
Action or appeal number(s): _____
Nature of relationship: _____

7. **IS THE CONSTITUTIONAL VALIDITY OF AN ACT OR REGULATION BEING CHALLENGED AS A RESULT OF THIS APPEAL?** Yes No

8. **HAS MEDIATION BEEN ATTEMPTED IN THE TRIAL COURT?** Yes No

9. **ARE YOU WILLING TO PARTICIPATE IN JUDICIAL DISPUTE RESOLUTION WITH A VIEW TO SETTLEMENT OR CRYSTALLIZING OF ISSUES?** Yes No

10. **WOULD CASE MANAGEMENT BE BENEFICIAL?** Yes No

11. **COULD THIS MATTER BE DECIDED WITHOUT ORAL ARGUMENT?** Yes No

12. **SHOULD THE APPEAL BE EXPEDITED?** Yes No
If yes, provide reason: _____

13. **IS THERE A STATUTORY BAN, BAN ON PUBLICATION OR AN ORDER OF THE COURT WHICH AFFECTS THE PRIVACY STATUS OF THIS FILE?** Yes No

If yes, provide details including which party/parties the ban or order affects and the section the ban was granted under: _____

14. **APPELLANT'S ESTIMATED TIME OF ARGUMENT (if less than 45 minutes):** _____

15. **LIST RESPONDENT(S) OR COUNSEL FOR THE RESPONDENT(S):**

Name	
Law Firm (if applicable)	
Address	Postal code
Telephone number	Fax number

NOTE: The address set out in section 15 will be considered the respondent's address for service until such time as the respondent files documentation specifying otherwise.

All parties listed in section 15 must be served with a filed copy of the Notice of Appeal within the prescribed appeal period. (R. 510(1))

Date

Signature of Appellant(s) or Counsel
(Legibly print or stamp name (R. 5.1))

Notice to the Respondent:

A respondent who fails to comply with the requirements of the Alberta Rules of Court and the Court of Appeal Consolidated Practice Directions, within the prescribed time, will not be allowed to present oral argument, nor be entitled to costs, unless otherwise ordered.

Failure to appear at the appeal hearing may also lead to an order or judgment being made against the respondent in their absence.

Notice To All Parties:

Parties are required to provide an address for service if it is different than the address set out in this document.

Parties are also required to notify the Registrar of any change of address throughout the proceedings, to ensure that they can be contacted at all times.

An address for service within 30 kilometres of the office of the Registrar must be provided (R. 5(1)(b)(i)).

Appeal Number:
Q.B. Number:

IN THE COURT OF APPEAL OF ALBERTA

BETWEEN:

APPELLANT OR RESPONDENT (circle one)
(Plaintiff, Petitioner or Applicant)
Circle status at trial

- AND -

APPELLANT OR RESPONDENT (circle one)
(Defendant or Respondent)
Circle status at trial

CIVIL NOTICE OF APPEAL

Appellant(s) or counsel for the appellant(s):

Name

Law Firm (if applicable)

Address Postal code

Telephone number Fax number

Revised: June 14, 2004

[June 2004]

II

Paragraphs 5 and 6 (new Parts J and K) will apply to appeals filed on or after October 1, 2004. The other paragraphs above will be effective immediately.

“Catherine A. Fraser”

Fraser, C.J.A.

***NOTE:** A copy of the Consolidated Practice Directions and Practice Notes can be found on the Alberta Courts’ website at www.albertacourts.ab.ca/ca/practicenotes.