

APPENDIX TO THE COURT OF APPEAL RULES

FORM 1a (Rule 6) IN THE COURT OF APPEAL FOR SASKATCHEWAN

Between

_____ Appellant (*status in court appealed from*)

- and -

_____ Respondent (*status in court appealed from*)

NOTICE OF APPEAL

TAKE NOTICE:

1. THAT _____ the above named Appellant hereby appeals to the Court of Appeal from the judgment (or order) of the Honourable Mr./Madam Justice _____ issued on ____ day of (month) , (year) .

2. THAT the whole of the judgment (or order) or the following parts are being appealed:

3. THAT the source of the Appellant's right of appeal and the court's jurisdiction to entertain the appeal is:

4. THAT the appeal is taken upon the following grounds:

(Here set forth in numbered paragraphs the grounds upon which it is contended the judgment (or order) appealed against is erroneous.)

5. THAT the Appellant requests the following relief:

6. THAT the Appellant's address for service is:

Telephone number: _____

Fax number: _____

The lawyer in charge of the file is: _____

7. THAT the Appellant requests that this appeal be heard at (Regina or Saskatoon) .

DATED at _____, Saskatchewan, this ____ day of (month) , (year) .

Name and Signature of the Lawyer for the Appellant

TO:

Respondent(s)

FORM 1b (Rule 6)
IN THE COURT OF APPEAL FOR SASKATCHEWAN

Between

_____ Appellant (*status in court appealed from*)

- and -

_____ Respondent (*status in court appealed from*)

NOTICE OF CROSS-APPEAL

TAKE NOTICE:

1. THAT the Respondent hereby cross-appeals from the judgment (or order) at issue in this appeal.

2. THAT the Respondent seeks to have the judgment (or order) varied in part as follows:

3. THAT the cross-appeal is taken upon the following grounds:

(Here set forth in numbered paragraphs the grounds upon which the cross-appeal is taken.)

4. THAT the Respondent requests the following relief:

DATED at _____, Saskatchewan, this ____ day of (month), (year).

Name and Signature of the Lawyer for the Respondent

TO:

The Appellant(s)

FORM 2a (Rule 21(1))
IN THE COURT OF APPEAL FOR SASKATCHEWAN

Between

_____ Appellant (*status in court appealed from*)

- and -

_____ Respondent (*status in court appealed from*)

PRAECIPE FOR TRANSCRIPT
(when appeal is taken by a lawyer)

Required on behalf of the Appellant, one typed copy and one set of computer data files containing a transcription of the evidence, as required pursuant to Rule 20 of *The Court of Appeal Rules*, together with the reasons for the judgment appealed from, if delivered orally and recorded, and the judge's charge to the jury and counsel's addresses to the jury, if any, and if required.

The trial (or hearing) took place at _____ on the __ day(s) of (month) , (year) .

I agree to pay the cost of such transcription to the Registrar when notified of it having been received.

DATED at _____, Saskatchewan, this _____ day of (month) , (year) .

Name and Signature of the Lawyer for the Appellant

TO: The Registrar

FORM 2b (Rule 22(2))
IN THE COURT OF APPEAL FOR SASKATCHEWAN

Between

_____ Appellant (*status in court appealed from*)
and
_____ Respondent (*status in court appealed from*)

PRAECIPE FOR TRANSCRIPT
(*when appeal is taken in person*)

Required on behalf of the Appellant, one typed copy and one set of computer data files containing a transcription of the evidence, as required pursuant to Rule 20 of *The Court of Appeal Rules*, together with the reasons for the judgment appealed from, if delivered orally and recorded, and the judge's charge to the jury and counsel's addresses to the jury, if any, and if required.

The trial (or hearing) took place at _____ on the __ day(s) of (month), (year).

I agree to pay the sum estimated by the Registrar with 10 days of being notified by the Registrar of the sum.

DATED at _____, Saskatchewan, this _____ day of (month), (year).

Name and Signature of the Appellant

TO: The Registrar

FORM 3a (Rule 71)
IN THE COURT OF APPEAL FOR SASKATCHEWAN

Between

_____ Prospective Appellant(*status in court appealed from*)
- and -
_____ Prospective Respondent(*status in court appealed from*)

NOTICE OF MOTION
TO
EXTEND TIME FOR APPEAL

TAKE NOTICE:

1. THAT the Prospective Appellant intends to apply to the presiding judge in Chambers at the Court House, 2425 Victoria Avenue, Regina, on Wednesday the ___ day of (month) , (year) at 10:00 a.m. for the following relief:

- (a) An order pursuant to Rule 71 of *The Court of Appeal Rules* extending the time within which the Prospective Appellant may serve a notice of appeal from the judgment (or order) of the Honourable Mr./Madam Justice _____ issued on _____ day of (month) , (year) .
- (b) An order pursuant to Rule 52 of *The Court of Appeal Rules* that the Prospective Respondent shall (or shall not) have the costs of this application.

2. THAT the following material will be filed in support of this application:

- (a) This notice of motion with proof of service.
- (b) The affidavit of _____.
- (c) The formal judgment (or order) from which the Prospective Appellant desires to appeal.
- (d) The decision of the Honourable Mr./ Madam Justice _____ upon which the judgment (or order) is based.
- (e) A draft notice of appeal.
- (f) A draft order extending the time for appeal.
- (g) A memorandum specifying the basis for the proposed extension.

3. THAT Prospective Appellant's address for service is:

Telephone number: _____

Fax Number: _____

The Lawyer in charge of the file is: _____

DATED at _____, Saskatchewan, this _____ day of (month), (year).

Name and Signature of the Lawyer for the Prospective Appellant

TO:

The Prospective Respondent(s)

FORM 3b (Rule 71)
IN THE COURT OF APPEAL FOR SASKATCHEWAN

Between

_____ Prospective Appellant
- and -
_____ Prospective Respondent

BEFORE THE HONOURABLE)
Mr./ MADAM JUSTICE)
IN CHAMBERS:)
Wednesday, the _____
day of (month), (year).

DRAFT ORDER

UPON THE APPLICATION of the Prospective Appellant and having read the notice of motion with proof of service, the affidavit of _____, the formal judgment (or order) and the decision of the Honourable Mr./Madam Justice _____, together with such other material as was filed in support of the application, and having regard for the submissions of counsel:

IT IS HEREBY ORDERED:

1. THAT the time within which a notice of appeal may be served, appealing from the judgment (or order) of the Honourable Mr./Madam Justice ___ issued the ___ day of (month), (year), is extended to and includes the day of (month), (year).
2. THAT the Respondent shall have the costs of this application in any event of the cause.

ISSUED at _____, Saskatchewan, this _____ day of (month), (year).

Registrar, Court of Appeal

FORM 4a (Rule 49)
IN THE COURT OF APPEAL FOR SASKATCHEWAN

Between

_____ Prospective Appellant *(status in court appealed from)*

- and -

_____ Prospective Respondent *(status in court appealed from)*

NOTICE OF MOTION
TO
OBTAIN LEAVE TO APPEAL

TAKE NOTICE:

1. THAT the Prospective Appellant intends to apply to the presiding judge in Chambers at the Court House, 2425 Victoria Avenue, Regina, on Wednesday the day of (month) , (year) at 10:00 a.m. for the following relief:

- (a) An order pursuant to Rule 49 of *The Court of Appeal Rules* granting the Prospective Appellant leave to appeal the judgment (or order) of the Honourable Justice _____ dated the ____ day of (month) , (year) .
- (b) An order pursuant to Rule 52 of *The Court of Appeal Rules* that the costs of this application be costs in the cause.

2. THAT the following material will be filed in support of this application:

- (a) This notice of motion with proof of service.
- (b) The judgment (or order) from which the Prospective Appellant desires to appeal.
- (c) The decision of the Honourable Mr./Madam Justice _____ upon which the judgment (or order) is based.
- (d) A draft notice of appeal.
- (e) A draft order granting leave to appeal.
- (f) A memorandum specifying the grounds for seeking leave.

DATED at _____, Saskatchewan, this ____ day of (month) , (year) .

Name and Signature of the Lawyer for the Prospective Appellant TO:

The Prospective Respondent(s)

FORM 4b (Rule 49)
IN THE COURT OF APPEAL FOR SASKATCHEWAN

Between

_____ Prospective Appellant
- and -
_____ Prospective Respondent

BEFORE THE HONOURABLE)
Mr./MADAM JUSTICE)
IN CHAMBERS:)
Wednesday, the _____
day of (month), (year).

DRAFT ORDER

UPON THE APPLICATION of the Prospective Appellant and having read the notice of motion with proof of service, the formal judgment (or order) and the decision of the Honourable Mr./Madam Justice _____, together with such other material as was filed in support of the application, and having regard for the submissions of counsel:

IT IS HEREBY ORDERED:

1. THAT the Prospective Appellant be granted leave to appeal from the judgment (or order) of the Honourable Mr./Madam Justice _____ issued the _____ day of (month), (year).

OR

1. THAT the Prospective Appellant be granted leave to appeal from the judgment (or order) of the Honourable Mr./Madam Justice _____ dated the _____ day of (month), (year), to the extent the judgment (or order) gives rise to the following questions:

(Here set forth the specific issues in relation to which leave is to be, or was granted.)

2. THAT the costs of this application be costs in the cause.

ISSUED at _____, Saskatchewan, this _____ day of (month), (year).

Registrar, Court of Appeal

FORM 5a (Rule 15)
IN THE COURT OF APPEAL FOR SASKATCHEWAN

Between

_____ Appellant (*status in court appealed from*)

- and -

_____ Respondent (*status in court appealed from*)

NOTICE OF MOTION
TO
LIFT STAY OF EXECUTION

TAKE NOTICE:

1. THAT the Respondent intends to apply to the presiding judge in Chambers at the Court House, 2425 Victoria Avenue, Regina, on _____ the _____ day of ____(month)____, ____(year)____ at 10:00 a.m. for the following relief:

- (a) An order pursuant to Rule 15 of *The Court of Appeal Rules*, lifting the stay of execution of the judgment (or order) of the Honourable Mr./Madam Justice _____ issued the _____ day of ____(month)____, ____(year)____.
- (b) Alternatively, an order requiring, as a condition of the continuation of the stay, that the following steps be taken:

(Here set forth the terms the Respondent wishes to see imposed if the stay is to be continued in whole or in part, as for example:

- (i) That the Appellant pay into this Honourable Court the sum of \$____ on or before the _____ day of ____(month)____, ____(year)____.
- (ii) That this sum to be deposited by the Registrar into an interest bearing account to be held there pending the determination of this appeal.)

2. That the following material will be filed in support of this application:

- (a) This notice of motion with proof of service.
- (b) The affidavit of _____.
- (c) The formal judgment (or order) from which the Appellant desires to appeal.
- (d) The decision of the Honourable Mr./Madam Justice _____ upon which the judgment (or order) is based.
- (e) A draft order of the relief sought.

(f) A memorandum specifying the basis for seeking a lift of the stay.

DATED at _____, Saskatchewan, this _____ day of (month), (year).

Name and Signature of the Lawyer for the Respondent

TO:

The Appellant(s)

FORM 5b (Rule 15)
IN THE COURT OF APPEAL FOR SASKATCHEWAN

Between

_____ Appellant
- and -
_____ Respondent

BEFORE THE HONOURABLE) Wednesday, the
Mr./MADAM JUSTICE)
) day of (month), (year).
IN CHAMBERS)

DRAFT ORDER

UPON THE APPLICATION of the Respondent, and having read the notion of motion with proof of service, the affidavit of _____, the formal judgment (or order) and the decision of the Honourable Mr./Madam Justice _____, together with such other material as was filed in support of the application, and having regard for the submissions of counsel:

IT IS HEREBY ORDERED:

THAT the stay of execution imposed pursuant to Rule 15 of *The Court of Appeal Rules* is lifted.

OR

THAT the stay of execution imposed pursuant to Rule 15 of *The Court of Appeal Rules* is continued on condition:

(Here set forth the proposed conditions upon which the stay may be continued, for example, in the case of an order for the payment of funds into court:

1. The Appellant shall deposit with the Registrar, not later than the ____ day of (month), (year), a sum equal to the judgment appealed from, or a surety bond or irrevocable letter of credit in the amount of the judgment and satisfactory to the Registrar.
2. All monies deposited with the Registrar shall be invested by the Registrar in an interest bearing account, and any surety bond or letter of credit filed with the Registrar shall be retained by the Registrar until further order or final determination of the appeal.
3. Anything realized by means of a writ of execution or garnishee shall be retained by the Sheriff or Local Registrar until further order or the final determination of the appeal.
4. (Further terms as required)

5. The costs of this application shall be costs in the cause.)

ISSUED at _____, Saskatchewan, this ____ of (month), (year).

Registrar, Court of Appeal

FORM 6a (Rule 46(1))
IN THE COURT OF APPEAL FOR SASKATCHEWAN

Between

_____ Appellant (*status in the court appealed from*)

- and -

_____ Respondent (*status in the court appealed from*)

NOTICE OF MOTION
TO
PERFECT APPEAL

TAKE NOTICE:

1. THAT the Respondent intends to apply to the presiding judge of the Court of Appeal, sitting in chambers, at the Court House, 2425 Victoria Avenue, Regina, Saskatchewan, on Wednesday the _____ day of (month), (year) at 10:00 a.m. for the following relief:

- a) An order pursuant to Rule 46(1) of *The Court of Appeal Rules* requiring that this appeal be perfected promptly, failing which it may be exposed to dismissal for want of prosecution.
- b) An order pursuant to Rule 52 of *The Court of Appeal Rules* that the Respondent be awarded the costs of this application.

2. THAT the following material will be filed in support of this application:

- (a) This notice of motion with proof of service.
- (b) The affidavit of _____.
- (c) A draft order requiring perfection in accordance therewith.
- (d) A memorandum specifying the basis for the application.

DATED at _____, Saskatchewan, this _____ day of (month), (year).

Name and Signature of the Lawyer for the Respondent

TO:
The Appellant(s)

FORM 6b (Rule 46(1))
IN THE COURT OF APPEAL FOR SASKATCHEWAN

Between

_____ Appellant
- and -
_____ Respondent

BEFORE THE HONOURABLE) Wednesday, the
Mr./MADAM JUSTICE)
)
IN CHAMBERS:) day of (month), (year).

DRAFT ORDER

UPON THE APPLICATION of the Respondent, and having read the notice of motion with proof of service, the affidavit of _____, the record of the proceedings, and having regard for the submissions of counsel:

IT IS HEREBY ORDERED:

1. THAT the Appellant shall perfect this appeal as follows:

(Here set forth the steps to be taken by the Appellant, for example:

- (a) The Appellant shall file with the Registrar on or before the _____ day of (month), (year) a *praecipe* for the transcript required by Rule 21 of *The Court of Appeal Rules*.
- (b) The Appellant shall file within 30 days of being notified by the Registrar of the receipt of the transcript, serve and file the appeal book and factum.

OR

- (a) The Appellant shall, within _____ days of being served with a copy of this order, serve and file an appeal book and factum.)

2. THAT should the Appellant fail to comply with this order, leave is hereby granted to the Respondent to apply to the Court, on five days notice, to dismiss the appeal for want of prosecution.

3. THAT the Respondent shall have the costs of this application.

ISSUED at _____, Saskatchewan, this _____ day of (month), (year).

Registrar, Court of Appeal

FORM 7 (Rule 46(1))
IN THE COURT OF APPEAL FOR SASKATCHEWAN

Between

_____ Appellant (*status in court appealed from*)

- and -

_____ Respondent (*status in court appealed from*)

NOTICE OF MOTION
TO
DISMISS APPEAL FOR WANT OF PROSECUTION

TAKE NOTICE:

1. THAT the Respondent intends to apply to the Court of Appeal, at the Court House, 2425 Victoria Avenue, Regina, Saskatchewan on the _____ day of (month), (year) at 10:00 a.m. for the following relief:

- (a) An order pursuant to Rule 46(1) of *The Court of Appeal Rules* dismissing the within appeal for want of prosecution.
- (b) An order pursuant to Rule 52 of *The Court of Appeal Rules* that the Respondent have the costs of this application.

2. THAT the following material will be filed in support of this application:

- (a) This notice of motion with proof of service.
- (b) The affidavit of _____.
- (c) The order of the Honourable Mr./Madam Justice _____ dated the _____ day of (month), (year), with proof of service, requiring the perfection of this appeal.

DATED at _____, Saskatchewan, this _____ day of (month), (year).

Name and Signature of the Lawyer for the Respondent

TO:
The Appellant(s)

FORM 8 (Rule 45)
IN THE COURT OF APPEAL FOR SASKATCHEWAN

Between

_____ Appellant (*status in court appealed from*)

- and -

_____ Respondent (*status in court appealed from*)

NOTICE OF ABANDONMENT

TAKE NOTICE:

THAT the Appellant (or Applicant as the case may be), hereby abandons the appeal (or application) concerning the judgment (or order) of the Honourable Mr./Madam Justice dated the _____ day of (month), (year).

DATED at _____, Saskatchewan, the __ day of (month), (year).

Name and Signature of (the Lawyer of) the Appellant (or Applicant)

TO:

The Respondent(s)

Form 9 (Rule 46(2))
IN THE COURT OF APPEAL FOR SASKATCHEWAN

Between

_____ Appellant (*status in court appealed from*)

- and -

_____ Respondent (*status in court appealed from*)

NOTICE TO SHOW CAUSE

TAKE NOTICE:

1. THAT the Registrar has referred the within appeal to the Court of Appeal for dismissal on the ground the appeal appears to have been abandoned.
2. THAT you have 15 days from the date of this notice, to apply to the Court of Appeal to show cause why the appeal should not be dismissed, failing which the Court shall dismiss the appeal as abandoned.

DATED at _____, Saskatchewan, this ___ day of (month) , (year) .

The Registrar

TO:

The Appellant(s)