

# COURT OF APPEAL RULES



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## PART I

### TITLE AND INTERPRETATION

#### Title

- 1 These rules may be cited as *The Court of Appeal Rules*.

#### Interpretation

- 2 In these rules:

“**Act**” means *The Court of Appeal Act*;

“**application**” includes a motion;

“**court**” means the Court of Appeal;

“**court appealed from**” includes, where appropriate, a tribunal;

“**file**” means to file with the registrar and pay the prescribed fee, if any;

“**judge**” means, unless otherwise indicated, a judge of the Court of Appeal acting under section 15 of the *Act*;

“**judgment**” includes any judgment, order, decree or decision;

“**local registrar**” means a local registrar of the Court of Queen’s Bench;

“**registrar**” means the registrar of the Court of Appeal.

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## PART II

### PURPOSE AND APPLICATION OF THE RULES

#### Purpose of rules

- 3 The purpose of these rules is to provide for the orderly and expeditious administration of justice in the court.

#### Application of the rules

4(1) Where it is in the interests of the proper administration of justice to do so, the court or a judge may waive compliance or relieve against non-compliance with these rules and direct the procedure to be followed.

(2) Non-compliance with these rules may subject the party in default to an order for costs.

#### Where no provision

- 5 Where the statute giving a right of appeal or a right to apply to the court or to a judge does not specify the procedure to be followed, these rules apply as far as may be practicable.

## PART III

### INITIATING APPEALS

**Notice of appeal**

**6** Unless otherwise provided by statute, all appeals shall be initiated by notice of appeal or cross-appeal. (Forms 1a and 1b)

**Style of cause in notice**

**7(1)** The style of cause shall set out without abbreviation of names:

- (a) the name of the appellant together with the designation “Appellant”, followed by the appellant’s status in the court appealed from;
- (b) the name of each party against whose interest the appeal is taken, together with the designation “Respondent”, followed by the respondent’s status in the court appealed from;
- (c) the name of each party against whose interest the appeal has not been taken, together with the designation “Non-party”, followed by the party’s status in the court appealed from.

(2) The status of the party in the court appealed from shall be in parentheses.

**Contents of notice of appeal**

**8** A notice of appeal, in addition to identifying the judgment or order from which the appeal is taken, shall, in separate numbered paragraphs:

- (a) specify whether all or part of the judgment is being appealed and, if a part, which part;
- (b) identify the source of the right of appeal and the basis for the jurisdiction of the court to determine the appeal;
- (c) set forth the grounds of the appeal;
- (d) state precisely the relief sought;
- (e) provide the information required under Rule 65(1) (Address for service); and
- (f) contain a request that the appeal be set down for hearing in either Regina or Saskatoon.

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## PART IV

### SERVING AND FILING NOTICE OF APPEAL

**Serving notice of appeal**

**9(1)** The appellant shall serve the notice of appeal upon all parties against whose interest the appeal is taken.

(2) The notice of appeal shall be served within 30 days after the date of the judgment or order being appealed from, except where otherwise provided by these rules and subject to the provisions of any statute governing the appeal.

(3) Service shall be effected in accordance with Rule 67 (Service) or by serving the party's lawyer on record in the court appealed from.

(4) The court or a judge may direct the notice of appeal be served on any person not a party and may make such interim orders as the court or judge considers just.

**Filing notice of appeal**

**10(1)** The notice of appeal shall be filed, with proof of service, within 10 days after service upon the last of the parties to be served, and in cases where service is not required, the notice of appeal shall be filed within 30 days after the date of the judgment or order appealed from.

(2) A notice of appeal shall not be filed after the expiration of the time period prescribed in this rule without an order of a judge.

**Appeals requiring leave**

**11(1)** Subject to any statute governing the appeal, where leave to appeal is necessary, the application for leave shall be made within 15 days after the date of the judgment or order sought to be appealed from or within such time as ordered by the court or a judge.

(2) The notice of appeal shall be served within 10 days after the date of the order granting leave to appeal.

**Appeals from incidental orders made at trial or chambers**

**12(1)** Where an order is made or a decision is given during or after a trial, and such order or decision is only incidental to the trial, the time for appealing from such order or decision shall continue for 30 days after the date of the judgment at trial, and a party appealing from the trial judgment may also include in the notice of appeal an appeal from such incidental order or decision.

(2) Where an order is made or a decision is given during or after the hearing of an application in chambers and such order or decision is only incidental to the application and does not dispose of the matter in issue therein, the time for appealing from such order or decision shall continue for a period of 15 days after the date of the judgment on the matter in issue in such application, and a party appealing from the judgment may also include in the notice of appeal an appeal from such incidental order or decision.

**Amendment to notice of appeal**

**13** A notice of appeal or cross-appeal may be amended at any time with leave of the court or a judge.

**Date of judgment**

**14** In this Part, “**date**” of judgment or order means:

(a) the date of filing with the registrar, local registrar or chambers clerk of the Court of Queen's Bench, as the case may be, of the written reasons for judgment or the written fiat; or

(b) where the judgment or order has been pronounced in court or chambers with no provision for written reasons to follow, the date of the oral pronouncement.

## PART V

## STAY OF PROCEEDINGS

**Stay**

**15(1)** Unless otherwise ordered by the judge appealed from or by a judge, the service and filing of a notice of appeal does not stay the execution of a judgment or an order awarding *mandamus*, an injunction, alimony, or maintenance for a spouse, child or dependant adult. Unless otherwise ordered by a judge, the service and filing of a notice of appeal stays the execution of any other judgment or order pending the disposition of the appeal. (Forms 5a and 5b)

(2) Where leave to appeal from an interlocutory order is granted, the judge hearing the application may give directions as to staying proceedings.

(3) Where a writ of execution has been issued but is stayed after being issued because of an appeal, the appellant is entitled to obtain a certificate from the registrar that the execution of the writ has been stayed pending the appeal. On the deposit of the certificate with the sheriff, the execution of the writ is stayed but the execution debtor shall pay the sheriff's fees, and the amount so paid shall be allowed to the execution debtor as part of the costs of the appeal.

(4) Where a judgment or order is stayed pending an appeal, all further proceedings in the action, other than the issue of the judgment and the taxation of costs under the judgment, are stayed, unless otherwise ordered.

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PART VI

## CROSS-APPEAL

**Cross-appeal**

**16(1)** If a respondent desires to contend that the judgment appealed from should be varied, the respondent shall:

- (a) within 15 days after being served with the notice of appeal, serve a notice of cross-appeal on all parties affected; and
  - (b) within 10 days after service on all parties, file the notice of cross-appeal with proof of service.
- (2) A notice of cross-appeal shall:
- (a) identify the part of the judgment sought to be varied;
  - (b) specify the grounds for variation; and
  - (c) state precisely the relief sought.

(3) The omission to serve a notice of cross-appeal does not necessarily preclude a party from seeking a variation of the judgment appealed from, as contemplated by Rule 58(c) (Powers of the court), but the omission may be grounds for an adjournment of the hearing of the appeal or for a special order as to costs.

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## PART VII

### INTERVENTION

#### **Intervention**

17(1) Any person interested in any proceeding before the court may, by leave of the court, intervene in the proceeding on the terms and conditions the court may direct.

(2) Any intervenor before the court appealed from shall be served with a notice of appeal and notice of cross-appeal, if any, but shall not have the status of an intervenor on appeal unless leave to intervene is first granted by the court.

(3) An application to intervene shall be made to the court on notice to all parties and other interveners in the proceeding.

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## PART VIII

### PERFECTING APPEAL: APPEAL BOOK AND FACTUM

#### A. Appeal Book

##### **Appeal book required**

18 An appeal book is required in every appeal, unless otherwise ordered.

##### **Agreement as to transcript of evidence**

19(1) In every appeal from a judgment after hearing oral evidence, where the evidence has been recorded, each party is responsible for including in the appeal book a transcript of only those parts of the evidence that are relevant to the appeal.

(2) The parties shall make every reasonable effort to reach a written agreement as to those parts of the transcript of evidence required for the appeal, within 30 days after the last party has been served with the notice of appeal.

(3) The parties shall file any written agreement within the 30 day period mentioned in Subrule (2).

- (4) If the parties fail to agree, a transcript of the whole of the evidence is deemed to be required.
- (5) If the court is satisfied that the costs of the appeal have been increased unduly by the failure of a party to co-operate in reaching a written agreement, the court may take this into account when awarding costs.

**Contents of transcript**

**20(1)** The transcript shall contain:

- (a) those parts of the transcript of evidence required under Rule 19 (Agreement as to transcript of evidence);
  - (b) the reasons for the judgment appealed from, if delivered orally and recorded; and
  - (c) in the case of an appeal from judgment in a jury trial, the judge's charge to the jury, together with counsel's addresses to the jury.
- (2) Notwithstanding anything contained in this rule, a party may apply to a judge for an order dispensing with a transcript of evidence for the appeal.

**Praecipe for transcript**

**21(1)** Where a transcript is required, the appellant shall, within 10 days of the expiration of the time period prescribed in Rule 19 (Agreement as to transcript of evidence), file a praecipe requisitioning the transcript. (Forms 2a and 2b)

(2) Where an appellant is not represented by a lawyer, the registrar shall obtain an estimate of the cost of the transcript and shall notify the appellant of the estimate. Within 10 days of being so notified, the appellant shall deposit with the registrar the amount of the estimated cost.

(3) The registrar shall obtain one typed copy and one set of computer data files containing the transcript requisitioned in accordance with this rule.

(4) The computer data files shall be prepared and made available to the registrar, and a party to the appeal or a party's lawyer, in such form and at such fee, as the registrar, with the approval of the court, may direct.

(5) The registrar shall immediately notify the parties when the transcript has been received.

(6) On receipt of the notice mentioned in Subrule (5), the appellant shall immediately pay the amount, if any, due for the transcript. If the amount of the appellant's deposit exceeds the cost of the transcript, the excess shall be returned to the appellant.

**Agreement as to contents and completion of appeal book**

**22(1)** Subject to Rule 43 (Expedited appeal), where an appeal book is required, the appellant shall serve on each respondent a draft agreement as to the contents of the appeal book and the date upon which the appeal book is to be completed.

(2) The draft agreement shall be served within the following times:

(a) in the case of an appeal where a praecipe has been filed under Rule 21 (Praecipe for transcript), within 10 days after receipt of the registrar's notification that the transcript of evidence has been received;

(b) in the case of an appeal where no praecipe is required, within 10 days after the date the last respondent was served with the notice of appeal.



- (3) Within 10 days after the receipt of the draft agreement, each respondent shall return the draft agreement to the appellant, signed in approval, or, if not approved, accompanied by a memorandum of objections to it.
- (4) The parties shall make every reasonable effort to exclude irrelevant material from the appeal book, avoid duplication and otherwise confine the contents to that which is necessary for the purposes of the appeal.
- (5) If, within 30 days after the date the last respondent received the draft agreement, the parties do not agree upon the contents of the appeal book or the date upon which it is to be completed, the appellant shall apply to a judge to have the matter in dispute settled.

**Contents of appeal book**

**23(1)** The appeal book shall contain the following material in the following order:

- (a) a comprehensive index, including:
    - (i) a sub-index of exhibits, whether included in the appeal book or not, listing them with a reference to the page in the appeal book where each exhibit is reproduced and the page in the transcript where each is referred to in the evidence for the first time;
    - (ii) a sub-index of witnesses listing their names, by whom each was called, and whether the evidence of the witness was given in examination-in-chief, cross-examination, re-examination or examination by the court appealed from;
  - (b) the pleadings, indicating by underlining where the pleadings have been amended and by appropriate note when the amendments were made, and any particulars of the pleadings;
  - (c) the judgment or order of the court appealed from;
  - (d) the reasons for the judgment or order appealed from, if any;
  - (e) the notice of appeal;
  - (f) the notice of cross appeal, if any;
  - (g) the notice served under *The Constitutional Questions Act*, if any, and particulars of service;
  - (h) the exhibits, clearly identified by letter and number appearing on each page of the exhibit; and
  - (i) the transcript.
- (2) The top of each page of the transcript of evidence shall state the name of the witness, by whom the witness was called and whether the evidence of the witness was given in examination-in-chief, cross-examination, re-examination or examination by the court appealed from.
  - (3) The pages of the appeal book shall be numbered consecutively as follows:
    - (a) the index shall be numbered i, ii, and so on;
    - (b) the pages preceding the transcript, except the index, shall be numbered 1a, 2a and so on;
    - (c) the transcript shall be numbered 1, 2 and so on.

**Form of appeal book**

- 24(1)** The style of cause shall appear only on the cover of each volume of the appeal book.
- (2) The cover of the appeal book shall be blue.
- (3) Where the appeal book exceeds 200 pages, it shall be bound in separate volumes of 200 pages or less.
- (4) Where there is more than one volume:
- (a) the complete index shall appear at the beginning of each volume; and
  - (b) the cover of each volume shall show the consecutive volume number and the numbers of the pages contained in that volume.
- (5) Where there are three volumes or more, the spine of each volume shall show the consecutive volume number and the numbers of the pages contained in that volume.
- (6) The contents of the appeal book shall be printed, typed or photocopied, and both sides of the page should be used where practicable.
- (7) The book shall be bound in a manner satisfactory to the registrar.

**Transmittal of file from court below**

**25** The appellant shall require the local registrar to transmit to the registrar the file in the court appealed from, including all exhibits in order that they may be received by the registrar before or at the time of the filing of the appeal book. The registrar shall not file any appeal book unless that file and those exhibits are in the registrar's custody.

**Service and filing of appeal book**

- 26** On or before the date agreed upon or fixed under Rule 22 (Agreement as to contents and completion of appeal book), the appellant shall:
- (a) serve a copy of the appeal book on each respondent and intervener; and
  - (b) file the appeal book, with three or more copies as the registrar requires, together with proof of service.

## B. Factum

**Factum required**

**27** Each of the parties to the appeal shall serve and file a factum in accordance with these rules.

**Contents of factum**

**28(1)** A factum shall, except where otherwise provided or otherwise ordered, consist of the following seven parts:

**Part I. Introduction:** The appellant and respondent shall each briefly summarize the context for the appeal.

**Part II. Jurisdiction and Standard of Review:** The appellant shall state the source of the right of appeal, the basis for the jurisdiction of the court to determine the appeal and the applicable standard of appellate review. The respondent shall state its position with respect to the same matters.

**Part III. Summary of Facts:** The appellant shall concisely state the facts. The respondent shall state its position taken with respect to the appellant's statement of facts and any facts it considers relevant.

**Part IV. Points in Issue:** The appellant shall concisely state the points in issue in the appeal. The respondent shall state its position in regard to the appellant's points which the respondent wishes to put in issue. If a respondent intends to contend that the judgment should be upheld, whether in whole or in part, for reasons not found in the judgment and not raised in the appellant's factum, it shall state that intention.

**Part V. Argument:** This part shall contain a statement of the argument, setting out concisely the points of law or fact to be argued and the basis for the argument, with a particular reference to the page and line of the appeal book and the authorities relied upon in support of each point. When a statute, regulation, rule, ordinance or bylaw is cited or relied upon, either as much of the statute, regulation, rule, ordinance or bylaw as may be necessary to the determination of the appeal shall be copied as an appendix to the factum or sufficient copies of the statute, regulation, rule, ordinance or bylaw may be filed.

**Part VI. Relief:** This part shall state the precise order the party desires the court to make, including any special disposition as to costs.

**Part VII. Authorities:** This part shall contain a table of the authorities and statutes that the party has referred to, arranged alphabetically and citing the Supreme Court Reports where possible.

- (2) Parts I to VI of a factum shall not exceed 40 pages, unless otherwise ordered.
- (3) Each paragraph in Parts I to VI inclusive shall be numbered consecutively.

**Form of Factum**

**29(1)** The colour of the cover of the appellant's factum shall be buff, the respondent's green, and the intervener's red.

(2) A factum shall set out on its cover the style of cause and whether it is the factum of the appellant, respondent or intervener. Where there is more than one appellant, respondent or intervener, the name of the party shall also be given.

(3) A factum shall be printed:

- (a) on one side of the paper only with the printed pages facing up on the left;
- (b) in type of 12 point;
- (c) with at least one and one-half line spacing, except for quotations from authorities, which shall be indented and single-spaced; and
- (d) with margins of no less than 3.0 centimetres or one and one-half inches.

(4) The factum shall include an index after which all pages shall be numbered consecutively and shall be bound in the sequence outlined in Rule 28 (Contents of factum).

(5) The factum shall be signed by the lawyer responsible for its preparation.

**Factum dealing with matrimonial property**

**30** In an appeal dealing with matrimonial property, where the distribution or valuation of the property is in issue, the factum shall contain:

- (a) a Schedule A listing, as determined at trial:
  - (i) each item of property;
  - (ii) the value of each item of property;
  - (iii) the distribution of each item of property, including exemptions; and
  - (iv) the liabilities of each party and their allocation; and
- (b) a Schedule B, specifying the precise relief the party desires the court to grant in relation to each item of property, including the valuations, exemptions, and distributions proposed by the party.

**Factum dealing with foreclosure, judicial sale, bankruptcy, or insolvency**

**31** In an appeal dealing with a foreclosure, judicial sale, bankruptcy, or insolvency where the disposition or valuation of the property is in issue, the factum shall contain the schedules required under Rule 30 (Factum dealing with matrimonial property), adapted with any necessary modification.

**Service and filing of factum**

**32(1)** An appellant shall serve and file the appellant's factum at the same time and in the same manner as the appeal book is served and filed under Rule 26 (Service and filing of appeal book).

(2) A respondent or intervener shall serve and file its factum within 30 days after receipt of the appeal book.

(3) All parties filing factums with proof of service shall give the registrar three or more copies as may be required.

**Factum in reply**

**33(1)** Within 15 days after receipt of a respondent's factum dealing with a cross-appeal, an appellant may serve and file a factum in reply.

(2) Within 15 days after receipt of a respondent's factum contending that the judgment appealed from should be upheld, whether in whole or in part, for reasons not found in the decision, the appellant may serve and file a factum in reply.

**Late filing of factum**

**34(1)** A factum shall not be filed later than the time period prescribed by these rules without leave of a judge.

(2) If any party fails to file a factum within the time period prescribed by these rules, any other party may apply to a judge, on notice to the party in default, for directions, including a direction that the appeal be referred to the court for disposition in light of such failure.

**Factum not required from unrepresented party**

**35** Notwithstanding any other rule, a party not represented by a lawyer, shall not be required to serve or file a factum but shall serve and file a written argument, not to exceed 15 pages, within the time period prescribed by these rules for the serving and filing of a factum.

**Book of authorities**

**36(1)** A party may file a book of authorities along with that party's factum and shall serve the book on all other parties and file three or more copies, as the registrar requires.

(2) Where practicable, the parties may file a common book of authorities.

(3) A book of authorities shall contain an index and shall have the cases in it individually tabbed by number or letter. Where possible, Supreme Court Reports shall be used for decisions of that court.

**Estimate of time for hearing**

**37** A party filing a factum shall give an estimate to the registrar of the length of time required to present that party's argument.

**Raising additional arguments**

**38** A party intending to present arguments, raise points of law and cite authorities not mentioned in the factum may do so only with leave of the court.

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**PART IX****ENTERING AN APPEAL FOR HEARING****Entering and fixing time for hearing**

**39(1)** The registrar shall enter an appeal for hearing when the appeal is perfected as contemplated by Part VIII (Perfecting Appeal: Appeal Book and Factum).

(2) An appeal is perfected when the last factum required to be filed is filed.

(3) Subject to direction by the Chief Justice, the registrar shall fix the time and place for the hearing of an appeal, and shall notify the parties.

**Disposition without oral hearing**

**40** Where the parties agree, an appeal entered for hearing may be determined on the basis of factums.

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**PART X****PRE-HEARING CONFERENCE****Pre-hearing conference**

**41(1)** A party may at any time apply to the registrar who, after consultation with the Chief Justice or the court, may direct the attendance of the parties at a pre-hearing conference.

- (2) The court may on its own initiative order a pre-hearing conference.
- (3) The purpose of the pre-hearing conference shall be to consider matters that might expedite the hearing and determination of the appeal.
- (4) A lawyer who represents the party at the pre-hearing conference shall represent the party on the hearing of the appeal, unless the lawyer obtains leave from the court to withdraw.

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## PART XI

### OTHER APPEALS

#### **Appeals from divorce judgments**

**42(1)** In an appeal from a judgment granting a divorce, the appellant shall file the notice of appeal not later than 30 days after the date of the judgment granting the divorce.

(2) Immediately upon the filing of the notice of appeal, or of an application to extend the time for appeal, the registrar shall inform the local registrar of the judicial centre in which the judgment was rendered of such filing and shall then send written confirmation to the local registrar.

#### **Expedited appeal**

**43(1)** In this rule, “**expedited appeal**” means one of the following appeals:

- (a) an appeal from a judgment in chambers;
- (b) an appeal from a judgment rendered after trial on an agreed statement of facts without additional oral evidence;
- (c) an appeal from a judgment relating to the custody of a child or dependent adult or to the appointment of a legal custodian or guardian of a child or dependent adult;
- (d) an appeal that the court or a judge orders to be treated as an expedited appeal because of its urgency.

(2) The regular procedure for appeals set forth in these rules applies to expedited appeals subject to the following variations:

- (a) no agreements as to the transcript of evidence or the contents of the appeal book are required;
- (b) the appellant shall serve and file the appeal book and factum with all appropriate copies:
  - (i) within 30 days after filing the notice of appeal; or
  - (ii) in the case of an appeal requiring a transcript, within 30 days after the registrar notifies the appellant that the transcript has been received;

- (c) the respondent shall serve and file its factum with appropriate copies within 15 days after receipt by a respondent of the appellant's appeal book and factum.

**Stated case**

**44(1)** In every stated case where the applicable statute provides a time limit within which the court must rule on the case, the registrar shall, subject to direction by the Chief Justice, enter the case for hearing by the court on receipt of the case. The applicant may apply to a judge for directions as to the filing of or dispensing with a case book and factum.

- (2) A stated case shall be treated in the manner of an expedited appeal.

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## PART XII

### ABANDONMENT AND DISMISSAL FOR WANT OF PROSECUTION

**Abandonment**

**45** A party intending to abandon an appeal, cross-appeal or application shall serve on all other parties a copy of the notice of abandonment and file the original with proof of service. The other parties shall be entitled to their taxable costs without order. (Form 8)

**Dismissal for want of prosecution**

**46(1)** An appellant shall diligently prosecute its appeal, perfecting the appeal within the time period prescribed by these rules. If an appellant fails to do so, a respondent may apply to a judge for an order requiring the appeal be perfected by a fixed date, failing which the appeal may be exposed to dismissal by the court for want of prosecution. (Forms 6 and 7)

- (2) If an appeal has not been set down for hearing within one year after the notice of appeal has been filed, the registrar may, upon notice to the parties, refer the matter to the court to be dismissed as abandoned. Notice shall be given in Form 9, and the parties shall have 15 days to apply to the court to show cause why the appeal should not be dismissed.

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## PART XIII

### RE-HEARING

**Re-hearing**

**47(1)** There shall be no re-hearing of an appeal except by order of the court as constituted on the hearing and determination of the appeal.

- (2) An application requesting a re-hearing shall be by notice of motion, served and filed before the formal judgment is issued.
- (3) The notice of motion shall state the grounds for the application and shall be supported by a memorandum of argument.
- (4) The notice and memorandum shall be served on all other parties that appeared upon the appeal.
- (5) Within 10 days after the service of the notice and memorandum, the other parties to the appeal may serve and file a memorandum in writing in response to the motion.
- (6) The formal judgment shall not be issued until an application requesting a re-hearing has been disposed of.

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## PART XIV

### APPLICATIONS

#### **Form of applications**

- 48(1) Unless otherwise provided, an application to the court or a judge shall:
  - (a) be by notice of motion in the form provided in the rules or in accordance with Subrule (2); and
  - (b) have attached all material upon which the applicant relies to support the application.
- (2) Where no form is provided by the rules for a particular motion, the notice shall:
  - (a) state the basis for the motion;
  - (b) set forth the grounds upon which the motion is made; and
  - (c) state precisely the relief sought by the applicant.
- (3) An application to a judge shall be made returnable on a regular chambers date.
- (4) Regular chambers sittings are to be held:
  - (a) in Regina on the second and fourth Wednesdays of each month; and
  - (b) in Saskatoon on the first day of each regular court sitting.
- (5) If a judge or the registrar is satisfied that the matter is urgent, the judge or registrar may arrange a special chambers sitting.
- (6) Where the parties agree, an application in chambers may be determined on the basis of written submissions.



(7) Where the parties agree or the registrar directs, an application in chambers may be made by telephone conference.

**Applications for leave to appeal**

**49** Where an application is made for leave to appeal, the applicant shall:

- (a) provide the registrar with the file of the court appealed from; and
- (b) file with the application:
  - (i) the judgment or order issued by the court appealed from;
  - (ii) the reasons for the judgment or order, if any;
  - (iii) a draft notice of appeal; and
  - (iv) a memorandum specifying the grounds for seeking leave.  
(Forms 4a and 4b)

**Crown Practice applications**

**50(1)** An application to the court for a prerogative writ of *mandamus*, for a writ of *certiorari* or order to quash proceedings without the actual issue of the writ, for a writ of *habeas corpus*, for prohibition, or for an information in the nature of a *quo warranto* shall be made by notice of motion, in accordance with the practice of this court.

(2) The court may grant *ex parte* an order for the immediate issue of a writ of *habeas corpus*.

(3) A party making an application under this rule shall file the address information required by Rule 65 (Address for service).

**Queen's Bench Rules to apply**

**51** Subject to these rules, "PART TWENTY-EIGHT" and Rules 441A, 441B, 447, and 460 to 473 of *The Queen's Bench Rules* shall apply, with any necessary modification, to an application to the court or a judge.

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## PART XV

### COSTS AND ENFORCEMENT OF JUDGMENT

**Costs**

**52** The court may make any order as to the costs of an appeal, cross-appeal or application to the court that it considers appropriate. A judge may make any order as to costs in a proceeding before the judge.

**Security for costs**

**53(1)** The court or a judge may in special circumstances order that security be given for the costs of an appeal.

(2) Where a judge makes an order under this rule and the order is not complied with, the party in whose favour the order was made may apply to the court on 10 days notice to have the appeal dismissed.

**Taxation of costs**

**54(1)** Unless otherwise ordered, the costs of an appeal or application shall be taxed as between party and party by the registrar, in accordance with the fees set out in the appropriate column of Schedule I.

(2) "PART FORTY-SIX" of *The Queen's Bench Rules* shall apply, with any necessary modification, to a taxation of costs pursuant to this rule. For the purpose of applying that PART to the taxation of costs under these rules, any reference in that PART to "the court" shall be interpreted as a reference to a judge.

(3) The court or a judge may direct that costs be taxed as between solicitor and client.

**Payment of costs by lawyer**

**55** The court or a judge may direct that costs be paid by a lawyer without recourse to the lawyer's client.

**Set-off**

**56** The court may order a set-off of costs or of judgments, whether obtained in the court or in the court appealed from.

**Enforcement of judgment**

**57** The formal judgment of the court, together with a certificate as to the taxation of costs, shall be filed with the local registrar of the court appealed from and shall upon filing become the judgment of that court and may be enforced in like manner.

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## PART XVI

### POWERS OF THE COURT

**Powers exercised by the court**

**58** Consistent with the powers vested in it, the court may:

(a) order that a judgment appealed from be set aside, in whole or in part, and order a new trial or a new trial on any question without interfering with a finding or with the decision on any other question;

(b) decline to order a new trial on the ground of misdirection, the improper admission or rejection of evidence, or because the verdict of the jury was not taken on a question the trial judge was not asked to leave to them, if, in the opinion of the court, no substantial wrong or miscarriage of justice occurred. If, in the opinion of the court, a substantial wrong or miscarriage of justice occurred but affects only part of the matter in controversy, or only one or some of the parties, the court may give judgment as to the part of the controversy not affected and direct a new trial as to the affected part or as to the other party or parties;

(c) give any judgment or make any order that ought to have been made, or make any further order the case may require notwithstanding that the notice of appeal or the notice of cross-appeal sought to reverse or vary only part of the judgment appealed from.

**Fresh evidence**

**59(1)** A party desiring to adduce fresh evidence on appeal shall, in accordance with existing law, apply to the court for leave to do so by notice of motion returnable on the date fixed for hearing the appeal.

(2) The notice of motion shall be served on all parties and filed not later than 10 days before the date fixed for hearing the appeal.

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## PART XVII

### GENERAL RULES

**Powers of registrar**

**60(1)** The registrar may hear and determine applications under Rules 10(2) (Filing notice of appeal), 18 (Appeal book required), 22(5) (Agreement as to contents and completion of appeal book), 28(1) (Contents of factum) or 34(1) (Late filing of factum).

(2) Any matter arising before the registrar may be referred by the registrar to a judge for a decision by the judge.

**Prescribing terms and conditions**

**61** Where these rules provide that the court, a judge, or the registrar may make an order or direction, the court, the judge or the registrar, as the case may be, may impose terms and conditions in the order or direction, as may be necessary.

**Material to be legible and to comply with rules**

**62(1)** All material to be filed shall be legible and on good quality paper measuring 28 centimetres or 11 inches by 21½ centimetres or 8½ inches.

(2) The registrar may refuse to receive for filing any material that does not substantially comply with these rules.

(3) Material that does not comply with these rules may be subject to an order of the court or a judge for costs.

**Forms**

**63** The forms in the Appendix to these rules are to be used where applicable, with such variations as the circumstances require.

**Style of cause**

**64(1)** The style of cause shall be set out on:

- (a) the front page of a document commencing a proceeding before the court or a judge;
- (b) the cover of any other document required to be filed with the registrar.

(2) Where an intervenor has been added on appeal, the style of cause shall thereafter contain the name of the intervenor.

**Address for service**

**65(1)** In every appeal, each party shall file the following address information:

- (a) if a party is represented by a lawyer, the name, address, telephone and fax numbers of the lawyer's law firm, and the name of the lawyer in charge of the file; or
  - (b) if a party is not represented by a lawyer, the full name, occupation, business or residential address, and telephone and fax numbers, if any, of the party.
- (2) The address filed under Subrule (1) shall be the party's address for service in Saskatchewan where any document may be served on the party.
- (3) The registrar shall not file any document unless the party seeking to file the document has filed the address information required under Subrule (1).
- (4) Except where otherwise provided by these rules or otherwise ordered, a party who fails to file address information shall not be entitled to notice of any subsequent proceeding.
- (5) Until the respondent files address information, the respondent's address for service is the address on record in the court appealed from.

**Illusory or fictitious address information**

**66** If any address information is illusory or fictitious, any party may apply to the court for an order:

- (a) setting aside the filing or issuing of all documents filed or issued by the party in default; and
- (b) dismissing the appeal, if the party in default is an appellant, or allowing the appeal, if the party in default is a respondent.

**Service**

**67(1)** Unless otherwise provided by these rules or otherwise ordered, where service is required by these rules, service shall be effected by:

- (a) serving a party personally; or
  - (b) leaving the document at the party's address for service.
- (2) Proof of service made pursuant to Subrule (1) shall be verified by:
- (a) a certificate or affidavit of service; or
  - (b) an admission of service endorsed by the party's lawyer or lawyer's agent.
- (3) A document served pursuant to Subrule (1) is deemed to have been served on the date it was received or is admitted to have been received.

**Notification by registrar**

**68(1)** Where, in these rules, the registrar is required to notify the parties, the notification shall be sent by ordinary mail.

(2) Where notification is sent by ordinary mail, it is deemed to have been received five days after the date the notice was mailed.

**Receipt by fax**

**69(1)** The registrar may accept a copy of a document transmitted by facsimile, provided that the party shall file the original document with the registrar immediately thereafter.

(2) If the original document is filed, the date of filing is deemed to have been the date the facsimile was received by the registrar.

**Computing time**

**70** Except as otherwise provided by these rules, "PART FORTY-THREE" of *The Queen's Bench Rules* shall apply, with any necessary modification.

**Extension of time**

**71** The court or a judge may enlarge or abridge the time periods fixed by these rules or by order on such terms as the case may require. The order enlarging or abridging the time may be made before or after the fixed time period has expired. (Forms 3a and 3b)

**Representation by lawyer**

**72(1)** Except as otherwise provided by these rules, "PART ONE, DIVISION V" of *The Queen's Bench Rules* apply, with any necessary modification, to proceedings in the court or in chambers.

(2) A lawyer shall not cease to represent a party in a proceeding before this court after the contents of the appeal book have been settled, except with leave of the court.

(3) Where no agreement to settle the contents of the appeal book is required, a lawyer shall not cease to represent a party in a proceeding before the court in the 30 day period immediately preceding the hearing of an appeal or application, except with leave of the court or a judge, as the case may be.

**Mechanical recording devices**

**73** Except as otherwise provided by *The Recording of Evidence by Sound Recording Machine Act*, no person shall record by any device, machine or system the proceedings in the court or chambers without leave of the court or a judge, as the case may be.

**Practice directives**

**74** The court may issue practice directives from time to time, clarifying or supplementing the practice before the court.

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## PART XVIII

### REPEAL, TRANSITIONAL AND COMING INTO FORCE

**Repeal**

**75** The rules of the court in force on the day preceding the day these rules come into force are repealed.

**Transitional**

**76(1)** Proceedings commenced prior to the coming into force of these rules and continued after their coming into force shall be governed by these rules without prejudice to anything lawfully done prior to the coming into force of these rules.

(2) Notwithstanding Subrule (1), the court or a judge may give directions respecting the application of these rules or an amendment to these rules to proceedings mentioned in Subrule (1).

**Coming into force**

**77** These rules come into force on July 1, 1997.

APPENDIX TO THE COURT  
OF APPEAL RULES

**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 the \_\_\_\_\_ 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 2b (Rule 21(11))  
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 within 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, Saskatchewan on Wednesday the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at 10:00 a.m. for the following relief: (month) (year)
  - (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 the \_\_\_\_\_ 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 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, Saskatchewan on Wednesday the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at 10:00 a.m.  
(month) (year)

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 Mr./Madam 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 \_\_\_\_\_ , \_\_\_\_\_ , 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, Saskatchewan on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at 10:00 a.m. for the  
(month) (year)

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  
Mr./MADAM JUSTICE  
IN CHAMBERS:

} Wednesday, the \_\_\_\_\_  
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 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 \_\_\_\_\_, \_\_\_\_\_, a sum equal to the judgment  
(month) (year)  
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 \_\_\_\_ day 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 \_\_\_\_\_, \_\_\_\_\_ at 10:00 a.m. (month) (year)

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  
Mr./MADAM JUSTICE  
IN CHAMBERS:

}

Wednesday, the \_\_\_\_\_

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, 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 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, this \_\_\_\_ 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)

\_\_\_\_\_  
Registrar, Court of Appeal

TO: \_\_\_\_\_  
The Appellant(s)