



**NEWFOUNDLAND AND LABRADOR  
REGULATION 44/25**

*Court of Appeal Civil Rules, 2025*  
under the  
*Court of Appeal Act*

*(Filed June 6, 2025)*

Under the authority of section 38 of the *Court of Appeal Act*, the Rules Committee of the Court of Appeal makes the following Rules.

Dated at St. John's, May 14, 2025.

Chief Justice Deborah E. Fry  
Chairperson, Rules Committee

**RULES**

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## PART 1 INTERPRETATION

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| Citation            | <p><b>1.</b> These rules apply to civil proceedings in the Court of Appeal and should be cited as the <i>Court of Appeal Civil Rules, 2025</i>.</p>   |
| Purpose             | <p><b>2.</b> The purpose of these rules is to provide for the orderly and expeditious administration of justice in the Court.</p>   |
| Proportionality     | <p><b>3.</b> In applying these rules, the Court shall make orders and give directions that are proportionate to the importance and complexity of the issues.</p>  |
| Practice notes      | <p><b>4.</b> (1) The Court may issue practice notes on any matter respecting appeals.</p> <p>(2) A practice note shall be published once in the Gazette but does not constitute a regulation under the <i>Statutes and Subordinate Legislation Act</i>.</p>   |
| Calculation of time | <p><b>5.</b> Unless otherwise provided, time under these rules shall be calculated on the basis that</p> <ul style="list-style-type: none"><li>(a) where the Court is closed on the day on which a thing is to be done, it may be done on the next day on which the Court is open;</li><li>(b) “within”, “not less than” or a reference to a number of days shall not include the day on which the thing is to be done; and</li><li>(c) where the time limit is less than 6 days, days on which the Court is closed shall not be counted.</li></ul> |
| Gap in rules        | <p><b>6.</b> Where a procedural issue arises that is not covered by these rules or a practice note, the Court may adopt and give directions to the parties regarding an appropriate procedure.</p>  |

The court of its own motion

**6.1** Anything authorized to be done by a party under these rules may be done by the Court of its own motion.

Definitions

**7.** In these rules, unless the context otherwise requires:

- (a) “appeal” means an appeal to the Court and includes a reference made to the Court under a statute;
- (b) “appellant” means a person who files a notice of appeal and includes a tribunal that states a case or brings a reference;
- (c) “application” means either a Form 20 request or a Form 2 application;
- (d) “Chief Justice” means the Chief Justice of Newfoundland and Labrador;
- (e) “Court” means the Court of Appeal, a panel of judges or a judge of the Court;
- (f) “court appealed from” means a court, judge, or tribunal from which an appeal lies to the Court;
- (g) “electronic version” means an electronic version in a format acceptable to the Court;
- (h) “file” means to file and serve a document in accordance with rule 28;
- (i) “judgment” means the formal disposition of a matter by the Court and includes an order for judgment, and in the case of a panel of judges, the disposition by a majority of those judges;
- (j) “order appealed from” or “order under appeal” means
  - (i) the formal order settled by the court appealed from and filed after the decision has been given,
  - (ii) an order or decision of a tribunal,
  - (iii) an order or decision made in an uncompleted matter, or

- (iv) any document accepted by a court or tribunal as having the same effect as a formal order;
- (k) “registrar” means the person appointed and designated as registrar in accordance with the *Court of Appeal Act*;
- (l) “respondent” means a person served with a notice of appeal or named as a respondent in an appeal or an application;
- (m) “tribunal” means any person or body from which an appeal lies to the Court, including any board, commission, committee, minister, public official, or other public or governmental agency or authority, including the Lieutenant-Governor in Council, but not including a court or judge; and
- (n) “uncompleted matter” means a matter where the issues between the parties have not been determined by a final decision or order in the court appealed from.

**PART 2  
APPEALS TO THE COURT**

Notice of appeal

**8.** (1) An appeal shall be commenced by filing a notice of appeal in Form 1.

(2) A notice of appeal shall be filed with the Court

(a) within 30 days after the order appealed from has been filed in the court appealed from; or

(b) in an uncompleted matter, within 10 days after the order appealed from has been filed in the court appealed from.

(3) Where the rules of procedure of the court appealed from do not provide for the filing of a formal order, the time set out in subsection (2) shall commence 30 days from the date when the order or decision appealed from is made.

(4) A notice of appeal shall

(a) specify the order and court appealed from, the date the order was filed or made, the file number on the order, and the neutral citation, if any, where there is a written decision;

- (b) state the subject matter of the appeal by giving a brief summary of what the appeal is about and what the issues are;
- (c) identify the portion of the order under appeal if only a portion is being appealed;
- (d) state the relief, disposition or order requested;
- (e) give the names, postal addresses, email addresses and telephone numbers of the appellant and the persons being served with the notice of appeal, or of their solicitors;
- (f) indicate if there is an access restriction or publication ban in effect and the authority under which it was made;
- (g) state the reason if the appellant is requesting that the appeal be expedited; and
- (h) if applicable, state that the appeal involves the parenting of, protection of, support for or responsibility for a child.

(5) Where a party is not represented by a solicitor and for reasons of protection of a party or a child there is a question with respect to providing the information set out in paragraph (4)(e) and in serving documents under rule 28, the party may

- (a) provide an alternate name and address for service on the Form, and provide the information regarding the party to the Court in a separate envelope marked “Confidential”; or
- (b) make a Form 20 request for directions from the Chief Justice.

Appeal involving a child

**9.** (1) Every notice of appeal or application, or response to either that involves parenting of, protection of, support for or responsibility for a child shall have noted in the top left corner, between the name of the Court and the style of cause, the words “THIS MATTER INVOLVES A CHILD”.

(2) An appeal under subsection (1) shall be monitored by the registrar to ensure that the appeal proceeds as expeditiously as possible.

(3) On instruction from the Chief Justice, the registrar may, by written, oral or electronic notice to each party, specify a time by which any further step in the proceeding is required to be taken.

(4) Upon application or of its own motion, the Court may convene a hearing to give directions or make orders.

(5) Not less than 4 days before the hearing of an application or an appeal involving a child, a party may file a notice in Form 9 for the purpose of providing the Court and other parties with current information regarding any other court proceedings involving the child.

(6) Upon application or of its own motion, the panel hearing the appeal may permit or require a party, by affidavit, to provide current information regarding the child.

Appeal involving a tribunal

**10.** (1) Subject to statutory requirements, these rules shall apply with the necessary changes to an order appealed from a tribunal.

(2) Notice of the appeal shall be served on the tribunal, and the tribunal may participate in the appeal to the extent permitted by the Court.

(3) A party in a proceeding before a tribunal who is not named as a party in the appeal may apply to the Court to be added as a party, and the Court may give such directions and orders as are appropriate.

Cross-appeals

**11.** (1) A respondent to an appeal may make submissions by cross-appeal where the respondent

(a) seeks to appeal or vary an order or portion of an order appealed from that is not appealed by the appellant;

(b) contends that the order appealed from should be affirmed on grounds other than those given by the court appealed from;  
or

(c) contends that the respondent is entitled to other or different relief or disposition than given by the court appealed from.

(2) Where a respondent intends to make submissions under paragraph (1)(a) or (c), a notice of cross-appeal in Form 15 shall be

filed within 30 days after the respondent receives a copy of the notice of appeal.

(3) Failure to file a notice of cross-appeal under subsection (2) shall not preclude a respondent from making submissions on the issues, but the omission may be grounds for an order as to costs.

(4) Submissions on a cross-appeal shall be included, under the title “Cross-Appeal”, in the respondent's factum, placed after the submissions in response to the appeal or, if necessary, in a separate volume.

(5) Where a respondent files submissions on a cross-appeal, an appellant may file a reply factum within 30 days after receipt of the respondent's factum.

(6) Where an appeal is discontinued or deemed abandoned, a respondent may

(a) file a notice of election to proceed with a cross-appeal in Form 16; or

(b) make a Form 20 request to the Court for directions.

(7) Where the respondent does not file a notice of election to proceed with a cross-appeal within 30 days after receiving notice that the appeal has been discontinued or deemed abandoned, the issues on the cross-appeal shall be deemed to be abandoned without costs, unless the Court otherwise orders.

Challenge to a previous decision of the Court

**12.** (1) Where a party intends to challenge a previous decision or legal principle stated by the Court, that party, when filing its factum, shall advise the Court and other parties in writing of that intention, and the Court may, of its own motion or upon application, give directions.

(2) Where an issue is raised under subsection (1), the Chief Justice may direct that the appeal shall be heard by a panel of 5 judges, and in that case, each party to the appeal shall file with the Court the original and 5 copies of every document.

More than one notice of appeal in a proceeding

**13.** Where more than one party in a proceeding in the court appealed from files a notice of appeal, the registrar, on the instruction

of a judge, may direct that the appeals be consolidated or heard together or that one appeal shall be treated as a cross-appeal.

**PART 3  
EFFECTS OF THE RULES**

Extension or  
abridgment of time

**14.** The Court may extend or abridge any time prescribed by these rules before or after the expiration of that time.

Non-compliance  
with the rules

**15.** (1) The Court may waive compliance or relieve against non-compliance with these rules and may direct the procedure to be followed.

(2) A party who fails to comply with these rules may be subject to an order for costs.

Failure to proceed  
with an appeal

**16.** (1) An appellant shall diligently carry forward the appeal in accordance with the principle of proportionality and shall perfect the appeal within the time periods prescribed by these rules.

(2) Where an appellant fails to carry forward the appeal in accordance with subsection (1), a respondent may apply to the Court for directions and the Court may give such directions or make such orders as may be appropriate, including an order striking out the notice of appeal.

(3) The Court may

(a) where a respondent does not make an application under subs. (2) within 6 months after the transcript was filed;

(b) where no transcript was filed within 12 months after the notice of appeal was filed; or

(c) at any time of its own motion

set the matter for a status hearing for the purpose of giving directions or making orders, and may give directions regarding notice of the status hearing to the parties.

(4) At the status hearing, the Court may

(a) order the appeal to be perfected by a specified date;

- (b) adjourn the status hearing to a fixed date;
- (c) fix a date for hearing of the appeal or an application to strike the notice of appeal; or
- (d) make such other order as may be just.

Deemed  
abandonment of an  
appeal

**17.** (1) Where a Form 20 request to set a hearing date for an appeal has not been made within 1 year after the notice of appeal was filed, the registrar may give the parties notice that subsections (2) and (6) shall apply.

(2) Upon receiving notice under subsection (1), the appellant may deliver a written explanation and proposed plan in Form 14 to the Court and to the other parties, and the appeal shall not be deemed abandoned.

(3) Upon application or of its own motion, the Court may make an order or give directions regarding a proposed plan.

(4) Upon application, the Court may adjourn the appeal indefinitely where, 1) the parties agree for good reason that the appeal should not be deemed abandoned, and that, 2) at the time, it is not practical to provide a proposed plan under subsection 17(2). Where the Court adjourns an appeal indefinitely under this section, the Court shall also make an order regarding the application of subsection (1) to the appeal.

(5) Where a Form 20 request to set a hearing date for an appeal has not been made within 1 year after the appeal was adjourned indefinitely, the registrar may give the parties notice under subsection (1) that subsections (2) and (6) shall apply but the date on which the notice of appeal was filed shall be replaced by the date on which the appeal was adjourned.

(6) If the appellant does not deliver an explanation and proposed plan under subsection (2) or apply for an indefinite adjournment under subsection (4) within 60 days after the notice under subsection (1) was sent, the appeal shall be deemed abandoned.

(7) When an appeal has been deemed abandoned, the respondent is entitled to costs incurred for the purposes of the appeal.

(8) When an appeal has been deemed abandoned, the registrar shall deliver notice to the parties, but inability to locate a party in order to deliver the notice shall not affect the deemed abandonment of the appeal.

(9) When an appeal has been deemed abandoned, the appeal may, upon application, be reinstated upon such terms as the Court considers just.

(10) The terms under subsection (9) may include payment to a respondent of costs to date on a solicitor-and-client basis, which the Court may order to be paid personally by a named solicitor if the Court is satisfied that the solicitor is responsible for the failure of the appeal to proceed on a timely basis.

Notice an appeal is  
being discontinued

**18.** (1) An appellant may discontinue an appeal by filing a notice in Form 13 stating that the appellant has discontinued the appeal, whereupon the appeal shall be at an end.

(2) When an appeal is discontinued, the respondent is entitled to costs incurred for the purposes of the appeal.

#### **PART 4 PROCEDURE**

Hearing date

**19.** (1) The registrar may, upon receipt of a Form 20 request, and in consultation with the parties and the Chief Justice, set a time for the hearing of an appeal, cross-appeal or an application for leave to appeal and/or provide further directions.

(2) The Court may, of its own motion, set a date for the hearing of an appeal, cross-appeal or an application for leave to appeal.

(3) A party may request that a date be set for the hearing of an appeal, cross-appeal or an application for leave to appeal by filing Form 20, and:

(a) If all parties have filed their factums, or materials in support of an appeal or an application for leave to appeal, the registrar may, in consultation with the Chief Justice, and the parties, set a date for the hearing; or

(b) If any party has not filed their factum, then the Chief Justice may set a date within which those parties must file their factums, and may also set a date for the hearing of the appeal, cross-appeal or the application for leave to appeal.

(4) The Court may proceed in the absence of a party where the party fails to attend a hearing after having received notice.

(5) Where a party fails to attend a hearing due to accident, mistake, insufficient notice or for other good reason, that party may apply to have an order or directions arising from the hearing varied or set aside on such terms as may be appropriate.

Prehearing  
conference and case  
management

**20.** (1) The Court may at any time, of its own motion or upon request of a party in Form 20, direct a prehearing conference for the purpose of

- (a) simplifying or isolating issues on the appeal;
- (b) canvassing the possibility of a settlement or mediation hearing; or
- (c) addressing any other matter that may expedite the appeal.

(2) The Court may at any time, of its own motion or upon request of a party in Form 20, direct the case management of an appeal for the purpose of

- (a) achieving the efficient use of court resources and promoting access to the Court in a timely and cost effective manner;
- (b) providing information and resolving questions of procedure, including directions regarding steps to be taken to perfect the appeal;
- (c) giving directions regarding documents to be filed; and
- (d) setting dates for the filing of documents and hearing of the appeal.

(3) A judge conducting a prehearing conference or case management may make an order consented to by the parties, other than

an order determining the appeal, and may set the time or modify the time set for the hearing of the appeal.

(4) Discussions at a prehearing conference or during case management are without prejudice and shall not be referred to at the hearing of the appeal.

(5) The judge conducting a prehearing conference or case management shall not for that reason be disqualified from hearing the appeal unless the judge was involved in settlement or mediation discussions related to the appeal.

(6) Except by consent of the parties, a judge who was involved in settlement or mediation discussions related to the appeal shall not hear the appeal or disclose to any member of the appeal panel positions taken or admissions or concessions made by the parties or their counsel at those discussions.

Appearing by  
videoconference or  
teleconference

**21.** (1) A party seeking to be heard by video or teleconference may notify the registrar of that intention, and the Court may give directions as required.

(2) Under this rule, a prehearing conference or case management shall be held by teleconference unless a videoconference is directed by the Court.

(3) A party being heard by videoconference or teleconference shall ensure that the place where the videoconferencing or teleconferencing is held is free from distractions and noise.

(4) Unless otherwise ordered by the Court, costs associated with appearing by videoconference or teleconference shall be the responsibility of the party requesting it, and the costs may be recoverable as costs of the appeal or application.

(5) Except as otherwise provided by law or in a practice note, a person shall not record proceedings during a videoconference or teleconference by any visual or audio recording device, without leave of the Court.

Assistance of non-  
solicitor

**22.** (1) A party who is a natural person may represent themselves or be represented by a solicitor, or by a person acting for the party as trustee or in a representative capacity.

(2) Upon request of a party in Form 20, for the purpose of facilitating access to justice, the Court may, in exceptional circumstances and subject to such conditions as may be appropriate, permit a person who is not a solicitor

(a) to make submissions on behalf of a party who, by reason of physical or mental disability or other disabling circumstance, is not adequately able to make submissions on their own behalf;

(b) to sit with a party in the Court for the purpose of providing assistance, advice and support during the proceeding.

(3) A person granted permission under subsection (2) shall deliver to the Court a completed Form 17 undertaking in writing

(a) not to receive directly or indirectly any compensation for the assistance provided, except reimbursement for expenses actually incurred, unless the Court otherwise permits;

(b) stating that person does not have interests that are in conflict with the interests of the applicant under subsection (2); and

(c) to observe and be bound by the obligations that apply to an officer of the Court particularly as set out in Form 17.

Withdrawal or  
change of solicitor

**23.** (1) A party may change the solicitor representing the party in proceedings in the Court by filing a notice of change of solicitor in Form 12.

(2) A solicitor who has taken any step on behalf of a party in proceedings in the Court shall be and remain the solicitor of record unless a Form 12 has been filed or, a Form 20 request is made and the Court grants the solicitor leave to cease acting for the party in the proceedings.

(3) Where leave is granted under subsection (2), the party shall, subject to rule 8(5), without delay notify the Court and the other parties, in writing,

(a) of a new address for service; and

(b) whether the party has or intends to engage a new solicitor or intends to act on their own behalf.

(4) At any time during the proceedings, if a self-represented party engages a solicitor, that solicitor shall without delay notify the Court and the other parties, in writing, of the address for service.

Limited purpose  
retainer of solicitor

**24.** A party may retain a solicitor for a limited purpose, and if so retained, the solicitor shall file a notice in Form 11 identifying the nature and scope of the retainer.

Recording court  
proceedings

**25.** Except as otherwise provided by law or in a practice note, a person shall not record proceedings in the Court by any visual or audio recording device, without leave of the Court.

## **PART 5 FORMS AND DOCUMENTS**

Forms and materials

**26.** (1) Where applicable, the forms attached to and forming part of these rules shall be used with such changes as the circumstances require.

(2) All written material relied on in a proceeding shall be legible and printed on 8.5 x 11 inch good quality paper.

(3) The registrar may refuse to receive for filing any material that does not substantially comply with these rules and the practice notes.

(4) Where a party files material that fails to comply substantially with these rules, the Court may make an order as to costs that it considers appropriate.

Documents  
provided by the  
Court

**27.** Documents provided by the Court may be provided by electronic means.

Documents – filing  
and serving

**28.** (1) Unless otherwise prescribed in these rules or directed or ordered by the Court, a party shall file with the Court 4 copies of every document and without delay shall serve one copy of the document on each party.

(2) Where a document has been prepared for purposes of an appeal, one of the 4 copies filed with the Court shall be the original.

(3) In the case of a Form 2 application, unless otherwise prescribed in these rules or directed or ordered by the Court, a party shall file with the Court 2 copies of every document and without delay shall serve one copy of the document on each party.

(4) Where a document has been prepared for purposes of a Form 2 application, one of the 2 copies filed with the Court shall be the original.

(5) An address for service used in the court appealed from shall be used for purposes of serving a document under subsections (1) or (3) unless a party notifies the Court and other parties of a change in the address for service.

(6) A party shall serve a document on another party by delivering a copy to the address for service.

(7) A solicitor may accept service of a document on behalf of a client.

(8) Proof that a document has been served may be established by

(a) the signature of the recipient, with the date, acknowledging acceptance of service on the document or a copy;

(b) an affidavit in Form 3 by the person who delivered the document;

(c) an “Acknowledgment of Receipt” in Form 4;

(d) a confirmation of delivery obtained from the carrier where the document was delivered by registered mail or by courier;  
or

(e) email from the party that was served,

(i) identifying the document that was served; and

(ii) indicating the date and approximate time of service.

(9) Where a party files or serves a document by fax or email in order to meet a limitation period, the document shall be treated as filed

on the day it was received, but the party shall without delay file and serve printed copies of the document.

(10) Proof of service of a document is not required to be filed unless requested by the Court.

Notice to the  
Attorney General

**29.** (1) Upon an application or of its own motion, the Court may direct a party to give notice of an appeal or an application to the Attorney General in Form 10, and the Attorney General shall have the right to be heard and to participate in the proceeding.

(2) The notice shall include an appropriate notice period.

## **PART 6 APPLICATIONS**

Form 20 requests  
and Form 2  
applications -  
procedure

**30.** (1) Unless a procedure is specified in a rule, a reference in these rules to an “application” is governed by this rule.

(2) Applications can be made either by Form 20 request or by application in Form 2.

(3) An application shall be commenced by Form 20 request, unless the issues on which the direction or an order of the Court is sought are such that a hearing, pursuant to a Form 2 application, is required.

(4) A Form 20 request may be filed by electronic means by sending an email to the Court registry at [COAregistry@appeal.court.nl.ca](mailto:COAregistry@appeal.court.nl.ca), and may be delivered to other parties by means of email. Form 20 requests will be disposed of in writing by the Court.

(5) Where a Form 2 application is filed for a hearing, the Chief Justice may decide that the matter is properly determined by means of a Form 20 request instead. Alternatively, where a Form 20 request is filed, the Chief Justice may decide that a Form 2 application should be filed instead.

(6) The Court, if the parties consent in writing, may decide a Form 2 application on the basis of the documents that have been filed and written submissions.

(7) A Form 2 application shall include:

- (a) a concise statement of the relevant facts and the issues to be determined in the application;
- (b) the directions or order the applicant is requesting from the Court;
- (c) any affidavit necessary to support or provide the foundation for the application;
- (d) any relevant document; and
- (e) written submissions and authorities where the nature of the application warrants.

(8) (a) A Form 2 application shall be filed with the Court and served on each party not less than 4 days prior to the time set for hearing the application, and

- (b) a party responding to a Form 2 application shall file with the Court and serve on each party any affidavit, document or written submissions and authorities on which that party relies not less than 2 days prior to the time set for hearing the application,

but

- (c) where the materials in paragraphs (7)(d) or (e) cannot practically be filed with the application, they may be filed with the Court and served on each party within 15 days after the application is filed, and
- (d) in that case, the respondent may file with the Court and serve on each party the materials in paragraph (8)(b) within 15 days after receipt of the materials in paragraph (8)(c), and
- (e) the application shall be heard not less than 2 days after the materials in paragraph (8)(d) have been filed with the Court and served on each party.

(9) Where warranted, the materials under subsections (7) and (8) shall be indexed, tabbed and bound.

(10) A party filing materials referred to in subsections (7) and (8) with the Court shall also file, with the required written copies, a searchable electronic copy of each document which may be provided by CD or flash drive or in an alternate format as specified in a practice note issued by the Court. The electronic version may be provided in Word DOC or DOCX format, or in searchable PDF, with PDF least preferred, or as specified in a practice note issued by the Court.

(11) Where authorized by an order or direction of the Court, a statute, or a rule, a Form 2 application may be filed without notice to other parties.

(12) Where an application is made without notice to other parties, the Court may vary or set aside an order or directions made on that application on such terms as may be appropriate.

(13) A party, in writing, may waive notice of the application or may give consent to the order sought by the applicant.

(14) The Court shall set dates for the hearing of Form 2 applications in each month, but such applications may be set to be heard at another time where necessary or appropriate.

Applications heard  
by a single judge

**31.** (1) An application that is incidental to but does not result in the final determination of an appeal may be heard and disposed of by a single judge, except as provided by this rule.

(2) An application involving a determination of whether to extend the period to file an appeal or reinstate an appeal may be heard and disposed of by a single judge.

(3) Where an application is heard and disposed of by a single judge pursuant to 31(2), the matter may, with leave of the Chief Justice, be reheard by a panel of the Court.

(4) A request for a rehearing under subsection (3) shall be made by Form 20 request within 15 days after the party receives the judgment under subsection (2).

Application for  
directions or an  
order

**32.** A party may make an application to the Court for the purpose of obtaining directions or an order.

Leave to appeal  
where required by  
statute

**33.** (1) Where a statute requires leave to appeal, the appellant shall file with the notice of appeal, an application for leave to appeal.

(2) An application for leave to appeal under subsection (1) shall be heard at the same time as the appeal unless the statute prescribes, or the Court orders, that leave to appeal shall be heard separately from the appeal.

(3) If a party wishes to have the leave application heard separately from the appeal, they shall file an application requesting this within 10 days after the application for leave to appeal is filed.

(4) If the Court, of its own motion, decides that the leave application should be heard separately from the appeal, the Court will notify the parties and provide directions on filing.

(5) If a party is seeking to have leave to appeal to be heard separately from the appeal,

(a) the applicant shall, within 10 days of filing the application for leave, file an application record, tabbed and bound, containing

(i) an index;

(ii) a copy of the application and the notice of appeal;

(iii) a copy of the order sought to be appealed and the written reasons, if any; and

(iv) any other document or submissions relevant to the application seeking to have leave heard separately from the appeal.

(b) within 15 days after receiving the applicant's documents under paragraph (a), a respondent shall file a response, if any, to the application seeking leave to appeal to be heard separately from the appeal.

(6) If the Court makes an order under rule 33(2) to hear the leave application separately from the appeal,

- (a) the applicant shall file written submissions and authorities in support of the leave application, indexed, tabbed and bound within 30 days of that order; and
- (b) within 30 days after receiving the applicant's written submissions and documents under subsection 6(a), a respondent shall file written submissions and authorities indexed, tabbed and bound, in response to the application for leave.

(7) If the application for leave to appeal and the appeal are to be heard at the same time, subsection (6) shall not apply, and the applicant and respondents shall

- (a) comply with the rules regarding an appeal book and factum and, where relevant, a transcript; and
- (b) include written submissions on the leave to appeal application in the appeal factum.

Appeal of a consent order – leave required

**34.** (1) Where the order under appeal is a consent order, leave to appeal is required.

(2) An application for leave to appeal under subsections (1) of this rule shall be filed with the notice of appeal.

(3) The procedures set out in rules 33(2) to 33(7), with any necessary changes, also apply to appeals of orders under this rule.

Challenging an appeal in an uncompleted matter

**35.** (1) Where an appeal is commenced in an uncompleted matter, a party may apply to have the notice of appeal struck on the basis that the appeal should not proceed until the matter has been completed because

- (a) prejudice to a party may result if the appeal is heard before the matter is completed in the court appealed from;
- (b) hearing the appeal before the matter is completed in the court appealed from would result in delay, inconvenience or an inefficient use of judicial resources; or
- (c) there is good reason for delaying an appeal until the matter has been completed.

(2) The Court of its own motion may convene a hearing under this rule.

(3) Striking a notice of appeal under this rule does not prejudice the right of the appellant to include the same issues in an appeal when the matter has been completed in the court appealed from.

Striking out a notice of appeal or dismissing an appeal

**36.** (1) A party to an appeal may apply at any time before or at the hearing of the appeal for an order

- (a) striking out the notice of appeal; or
- (b) dismissing the appeal

on the grounds that

- (i) no appeal lies to the Court;
- (ii) the appeal is frivolous, vexatious or without merit;
- (iii) the appellant has unduly delayed the preparation and perfection of the appeal; or
- (iv) the appellant has failed to apply to have the appeal set down for hearing.

(2) An application to dismiss an appeal shall be heard and determined by a panel of not fewer than 3 judges sitting together.

(3) A notice of appeal may be struck out by a single judge, and where a notice of appeal has been struck out, the appellant may apply within 6 months to have the notice reinstated for good reason.

Additional evidence on appeal

**37.** (1) Upon application, the panel hearing the appeal may permit additional evidence for purposes of the appeal.

(2) The application shall be accompanied by an affidavit setting out

- (a) the general nature of the evidence sought to be introduced;
- (b) the way in which the evidence satisfies the criteria set out in subsection (3); and

(c) why the evidence was not introduced in the court appealed from.

(3) In determining the application, the Court shall consider

(a) whether, by due diligence, the evidence could have been brought in the court appealed from;

(b) the relevance of the evidence in the sense that it bears upon a decisive or potentially decisive issue in the appeal;

(c) the credibility of the evidence;

(d) whether the evidence, if believed, could reasonably have affected the result; and

(e) any other relevant factor.

(4) Unless the Court otherwise orders or directs, additional evidence shall be submitted by affidavit, subject to cross-examination.

(5) Unless the Court otherwise orders or directs, an application for additional evidence

(a) shall be argued at the same hearing as the appeal; and

(b) shall be decided by the panel hearing the appeal

(6) The Court may, in the presence of the parties or their solicitors, inspect or view any place, property or thing where the inspection or view may facilitate determination of the appeal.

Application to  
intervene

**38.** (1) A person who did not participate in the court appealed from may apply to be added as an intervenor for purposes of the appeal.

(2) The application shall

(a) state the intervenor's interest in the appeal;

(b) explain the failure to apply to intervene in the court appealed from; and

(c) indicate the position the intervenor intends to take on the appeal.

(3) In addition to the factors set out in subsection (2), the Court may consider any relevant factors, including whether intervention would delay or prejudice adjudication of the rights of the parties and whether the record of the court appealed from is sufficient for purposes of the intervention.

(4) The Court may define or limit the scope of participation by an intervenor in an appeal.

(5) An intervenor shall be a party for purposes of the appeal.

Appointment as a friend of the court

**39.** (1) Upon application or of its own motion, the Court may appoint a solicitor to make submissions on an appeal as a friend of the court where the Court considers that such an appointment is necessary or appropriate in the circumstances.

(2) Notice in Form 10 of a proceeding under subsection (1) shall be given to the Attorney General of the Province not less than 15 days before the proceeding is set to be heard, and the Attorney General shall have the right to be heard and to participate in that proceeding.

(3) The Court may make an order under subsection (1) on terms it considers appropriate.

Application for appointment of counsel

**40.** (1) Where, by virtue of a legal rule or principle, appointment of counsel may be necessary or appropriate, an application may be made in Form 19 with a supporting affidavit as provided in the Form.

(2) Factors the Court may consider in an application under subsection (1) include:

- (a) the complexity of the legal issues in the appeal;
- (b) the potential effect of the appeal on the development of the law;
- (c) the ability of the applicant to provide written and oral submissions;

- (d) the availability of legal aid under a provincial plan providing legal aid or similar services;
- (e) whether the applicant has requested the assistance of a solicitor who would agree to provide assistance without financial compensation, including for a limited purpose as authorized under rule 24; and
- (f) financial hardship the applicant would suffer if required to pay for a solicitor to provide assistance, including for a limited purpose as authorized under rule 24.

(3) Notice in Form 10 of an application under subsection (1) shall be given to the Attorney General of the Province not less than 15 days before the application is set to be heard, and the Attorney General shall have the right to be heard and to participate in the application.

Consent judgment

**41.** Where the parties agree in writing that the judgment or order of the court appealed from should be reversed or varied and they agree on the order that should be made, the appellant may apply to have that order confirmed by the Court.

Staying enforcement of an order under appeal

**42.** (1) Filing a notice of appeal shall not operate to stay enforcement of the order under appeal.

(2) Upon application, the Court may stay the enforcement of an order under appeal pending disposition of the appeal, provided that an application to stay the order under appeal has not been made in the Supreme Court of Newfoundland and Labrador.

(3) The Court's decision granting or refusing to stay the enforcement of the order under appeal may be reviewed upon further application by a party based on a change in circumstances.

(4) An order made by a judge of the Supreme Court of Newfoundland and Labrador granting or refusing to stay the enforcement of an order under appeal may be appealed to the Court only with leave.

(5) The stay of an order for the payment of money shall not prevent interest from accruing.

Security for costs

**43.** (1) Security for costs shall not be required in an appeal unless, upon application, by reason of special circumstances, security is ordered by the Court.

(2) Unless the Court otherwise orders, an appellant who fails to give security for costs as ordered shall be deemed to have abandoned the appeal and the respondent is entitled to costs.

Exemption from the payment of fees and charges

**44.** (1) In this rule, “fees” and “charges” mean fees and charges under the *Supreme Court Fees Regulations*.

(2) A person whose ability to commence or proceed with an appeal, or a party whose ability to participate in the appeal, is impaired for financial reasons may apply for an exemption from or suspension of the payment of all or a portion of the fees and charges which may be payable by that person or party.

(3) The application shall be in Form 18 with a supporting affidavit as provided in the Form setting out the foundation for the application.

(4) Unless the Court otherwise orders, documents filed for purposes of this rule shall be restricted to that use.

(5) No court fees shall be payable to make an application under subsection (2), and the application may be made without notice to other parties to the appeal.

(6) Factors the Court may consider in assessing the application include

- (a) undue hardship that would result from the payment of fees and charges or a portion thereof;
- (b) whether the applicant is in receipt of social assistance;
- (c) financial steps the applicant has taken, making reasonable sacrifices, to enable payment of all or a portion of the fees and charges payable for the appeal;
- (d) whether the appeal is frivolous or vexatious in the sense that there is no arguable basis or sufficient merit for the appeal; and

(e) whether the appeal is brought for a public purpose and the applicant has standing to pursue the appeal.

(7) The Court may decide an application under this section based on the written documentation without a hearing.

(8) Where the circumstances warrant, the Court may order that court services be used to provide the portion of the transcript required by the rules and copies of materials, and the Court may exempt the applicant from or suspend the payment of all or a portion of the associated fees and charges.

(9) A person who is not a party to an appeal may apply for an exemption from the payment of all or a portion of the fees and charges to obtain a copy of a court document where the payment would prevent the applicant from pursuing studies or conducting research.

Contempt of court

**45.** Upon application or of its own motion, the Court may, by order, exercise its power to punish for contempt of court.

**PART 7  
APPEAL DOCUMENTS**

Transcript -  
obtaining and  
delivering to parties

**46.** (1) In these rules,

(a) “transcript” means a printed transcript of the audio recording of the proceedings in the court appealed from but does not include

(i) a party's submissions to the court appealed from unless those submissions are necessary to enable an issue raised on appeal or cross-appeal to be determined; and

(ii) a decision of the court appealed from where a printed copy of that decision has been issued.

(b) “appellant” means the first appellant where there is more than one appellant, as required by the context.

(2) Upon filing a notice of appeal, without delay, the appellant shall obtain a copy of the audio recording from the court appealed from and shall deliver a copy to each party.

(3) The appellant shall, without delay

(a) arrange for preparation of a transcript of the portion of the audio recording necessary to prepare the factum and to enable the issues on appeal to be determined; and

(b) advise each party in writing what arrangement under paragraph (a) has been made, indicate what portion of the audio recording is being sought and specify the date when the transcript is expected to be completed.

(4) If the appellant fails to comply with subsection (2) or (3), another party may make an application to the Court for directions, and the Court may give such directions and make such order as to costs as may be appropriate.

(5) If the appellant indicates under subsection (3) that a transcript of only a portion of the audio recording is being sought and another party is satisfied that the transcript of an additional portion of the audio recording is necessary, that party shall proceed in accordance with subsection (3) with the necessary changes.

(6) A party, upon receipt of a transcript that was sought by that party, shall without delay deliver one printed copy and one electronic version of the transcript to the other parties to the appeal.

(7) A party disputing the accuracy of a transcript may make a Form 20 request to the Court for directions.

Transcript - filing

**47.** (1) The appellant shall not file the transcript in its entirety unless the whole of the transcript is necessary to enable the issues on appeal to be determined.

(2) In accordance with rule 56, together with the factum and the appeal book, the appellant shall file with the Court

(a) 4 copies of the portion of the transcript that is necessary to enable the issues on appeal to be determined; and

(b) a certificate in Form 5

- (i) stating that the appellant is satisfied that the portions of the transcript being filed are necessary to enable the issues on appeal to be determined; or
- (ii) if the appellant is satisfied, upon careful review, that the whole of the transcript is necessary to enable the issues on appeal to be determined, stating, with particulars, the reasons for drawing that conclusion.

(3) Where there is more than one appellant, and an appellant other than the first appellant is satisfied that a portion of the transcript has not been filed that is necessary to enable the issues on appeal to be determined, that appellant may file additional portions of the transcript, and the requirements of subsection (2) shall apply with the necessary changes.

(4) Where a respondent is satisfied that an appellant has not filed a portion of the transcript that is necessary to enable the issues on appeal or cross-appeal to be determined, the respondent may file additional portions of the transcript, and the requirements of subsection (2) shall apply with the necessary changes.

(5) Not less than 5 days before the hearing of the appeal, additional portions of the transcript may be filed where a party determines it to be necessary to enable the issues on appeal or cross-appeal to be determined, and the requirements of subsection (2) shall apply with the necessary changes.

(6) The Court may at any time, upon receipt of a Form 20 request or of its own motion, order the filing of all or a portion of the transcript.

(7) Where a party fails to comply with this rule, the Court may make an order as to costs that it considers appropriate.

Transcript – filing  
electronic version

**48.** In addition to the portion of the transcript required to be filed under rule 47, the appellant shall file with the Court

- (a) where a transcript of the entire proceedings has been prepared, 1 electronic version of the transcript; or
- (b) where a transcript of the entire proceedings has not been prepared,

- (i) 1 electronic version of the transcript that has been prepared; and
- (ii) 1 copy of the audio recording of the proceedings in the court appealed from.

Transcript -  
alternatives

**49.** (1) A party may apply to the Court for an order and directions to permit the use of an electronic version rather than a printed copy of the transcript.

(2) Upon application, or of its own motion, the Court may at any time dispense with the preparation and filing of a transcript and order that the appeal proceed using an audio recording of the proceedings in the court appealed from, and the Court may give such directions as may be appropriate.

Transcript - form

**50.** (1) A transcript shall be prepared in accordance with the *Recording of Evidence Act* and the Transcript Standards Manual of the Court Reporters' Office of the Supreme Court of Newfoundland and Labrador.

(2) Where possible a key word index shall be included at the end of the transcript.

(3) The cover used to bind the transcript shall be grey.

(4) The transcript may be printed on double-sided pages with 4 pages of the written transcript on a single page, provided that the print is sufficiently large to be legible.

(5) A searchable consolidated electronic version of the transcript shall be filed with the Court and delivered to each party.

(6) Where the portion of the transcript considered to be necessary to enable the issues on appeal or cross-appeal to be determined is voluminous, a party may provide, or the Court may require, a book of excerpts where that would be convenient for presentation of submissions.

Agreed statement of  
facts

**51.** Instead, or in place of a portion, of a transcript, an agreed statement of facts may be included in the appeal book under rule 52(1)(a)(v).

Electronic copies –  
factum and appeal  
book

**51.1** (1) A party filing with the Court or delivering to another party an appeal book or factum shall also file with the required written copies a searchable electronic copy of each document.

(2) The searchable electronic copy may be provided by CD or flash drive or in an alternate format as specified in a practice note issued by the Court.

(3) The electronic version may be provided in Word DOC or DOCX format, or in searchable PDF, with PDF least preferred, or as specified in a practice note issued by the Court.

Appeal book

**52.** (1) An appeal book shall be bound and shall consist of the following, in this order:

(a) Part I - Documents

- (i) index of the documents in the appeal book;
- (ii) the notice of appeal;
- (iii) the written decision appealed from, if any, or the transcript of an oral decision;
- (iv) the order appealed from;
- (v) any agreed statement of facts prepared for purposes of the appeal;
- (vi) the documents, including any agreed statement of facts filed in the court appealed from, that are necessary to enable the issues on appeal to be determined, but not the documents in Part II; and
- (vii) in an appeal involving a child under rule 9, any orders that have been made relating to the child.

(b) Part II - Evidence

- (i) index of witnesses;
- (ii) list of the exhibits;

(iii) copies of exhibits that may be conveniently copied and are necessary to enable the issues on appeal to be determined; and

(iv) copies of affidavits and written submissions and any other documents necessary to enable the issues on appeal to be determined.

(2) The items contained in the appeal book shall be separated by tabs to permit convenient reference to each document or portion thereof.

(3) The pages of the appeal book shall be numbered consecutively in the upper right corner of each page.

(4) If Part II is not lengthy it may be bound in the same volume with Part I.

(5) The cover of the appeal book shall be grey, and shall state the names of the parties, the file number of the appeal, and the volume number of the appeal book where there is more than one volume.

(6) Where there is more than one volume, each volume shall repeat the index and, in addition to the information specified in subsection (5), shall show on its cover the page numbers contained in it.

(7) Where there is more than one volume in the appeal book, there shall be a label on the spine of each volume indicating “Appeal Book, Volume ..., Tabs ... to ...”.

Factum - contents

**53.** (1) A factum shall be bound and shall consist of the following, in this order:

- (a) Index, including the page on which the submissions on each issue begin;
- (b) Part I - Overview, consisting of a brief summary of the appeal and the positions being taken in the factum;
- (c) Part II - Concise Statement of Facts, not to exceed 15 pages unless authorized by the Chief Justice and consisting of:

- (i) in the case of an appellant a concise summary of the facts relevant to the issues on the appeal;
  - (ii) in the case of a respondent, a statement of its position regarding the appellant's statement of facts and including any additional facts it considers relevant.
- (d) Part III - List of the Issues, consisting of a statement of the questions at issue in the appeal;
- (e) Part IV - Argument, consisting of a statement of the argument which must:
- (i) not exceed 40 pages unless otherwise authorized by the Chief Justice;
  - (ii) set out the points of law or fact to be argued and the basis on which the arguments are made;
  - (iii) include specific references to the appeal book and the authorities relied upon in support of each point;
  - (iv) include the authority for a principle or proposition which shall be placed immediately after the paragraph or series of paragraphs to which it applies; and
  - (v) include the citation of the authority which shall include the tab reference together with the relevant paragraphs, pages or provisions each time the authority is cited.
- (f) Part V - Order or Relief Sought, consisting of a statement of the order that the Court will be asked to make, including any order as to costs;
- (g) Index of Appendix A, consisting of the case authorities listed in alphabetical order, and Appendix B consisting of statutory or regulatory authorities listed in alphabetical order, including citations as required under rule 54(1);
- (h) Appendix A - Copies of cases in accordance with rule 54, with appropriate tabbing; and

(i) Appendix B - Copies of relevant portions of statutes, regulations, and rules with appropriate tabbing.

(2) Footnotes may be used for purposes of elaboration or explanation which would not conveniently be included in the body of the Argument, but “infra”, “below”, “supra”, “above”, “ibid” and “id” shall not be used.

(3) Except in responding to a cross-appeal, a party shall not file a reply factum without the prior approval of the Chief Justice.

(4) Approval under subsection (3) may be sought by making a Form 20 request or, if convenient, at a pre-hearing conference, case management meeting, status hearing, or at the hearing of an application.

Factum – legal and  
case authorities

**54.** (1) The Index of Appendix A shall include the neutral citation of each case where available.

(2) Copies of authorities in Appendices A or B from electronic sources may be printed on both sides of a page and be bound with the factum or in separate volumes where necessary, and may be filed provided that

(a) the copy is legible;

(b) the copy is downloaded in a minimum font size comparable to Times New Roman font size 14; and

(c) the citation in the Index of Appendix A complies with subsection (1).

(3) When a copy of an authority is contained in documents already filed by another party, an additional copy shall not be filed, but the citation of the authority shall be included in the Index of Appendices A and B with reference to where the copy of the authority is to be found.

(4) A copy of the whole of a lengthy case need not be included in Appendix A if providing a portion would be sufficient for purposes of the appeal.

(5) Copies of authorities should be highlighted or otherwise conveniently marked to identify the portion to which the Court's attention is to be drawn.

(6) The Index of Appendices A and B shall be included after Part V in the factum and, if the copies of authorities are bound in a separate volume, the Index shall be included at the front of each volume of authorities.

(7) Where there is more than one volume of authorities, there shall be a label on the spine of each volume indicating "Authorities, Volume..., Tabs ... to ...".

Factum - form

**55.** (1) The Index, Parts I to V and the Index of Appendices A and B of a factum shall be bound and

- (a) shall be legible and printed in Times New Roman font size 14 or equivalent with line spacing of one and one-half;
- (b) shall be printed on one side of the paper only, with the printed pages to the right;
- (c) paragraphs shall be numbered consecutively; and
- (d) pages shall be numbered consecutively.

(2) The colours of the covers of a factum and authorities shall be

- (a) buff or yellow for an appellant, including an appellant's reply where a reply is permitted;
- (b) blue for a respondent's factum, including a factum as a cross-appellant; and
- (c) green for an intervenor's factum,

but where there are multiple parties, a party may choose to use a different colour where that would assist in identifying that party's materials.

Filing transcript,  
appeal book and  
factum

**56.** (1) The appellant shall file the factum together with the appeal book and transcript within 60 days after the date of completion marked on the transcript or agreed statement of facts, or within 120 days after

the notice of appeal has been filed if the appeal is proceeding without a transcript or an agreed statement of facts.

(2) Where there is more than one appellant, each appellant other than the first appellant shall file its factum and additional portions of the transcript, if any, within 20 days after receipt of the documents served under subsection (1).

(3) An appellant other than the first appellant that does not intend to file a factum shall without delay notify the other parties to the appeal and the Court.

(4) A respondent shall file its factum and additional portions of the transcript, if any, within 30 days after receipt of the documents served under subsection (1) or, if subsection (2) or (3) applies, within 30 days after receipt of those documents or notification that an appellant does not intend to file a factum.

(5) An intervenor shall file its factum in accordance with subsection (1) or (2) if it makes submissions in support of that party, or, in all other circumstances, in accordance with subsection (4).

## **PART 8 ORDERS**

Formal order

**57.** (1) A formal order of the Court shall be in Form 8 and shall state the judgment of the Court.

(2) Where a judge files dissenting reasons, the formal order shall indicate the nature of the dissent.

(3) After the Court's judgment is filed, the successful party shall prepare a draft formal order and shall provide a copy to the other parties to the appeal.

(4) A party receiving a copy of a draft formal order shall, without delay, in writing, indicate consent to the draft or provide comments to the drafter of the order.

(5) Within 30 days after the Court's judgment is filed, the successful party shall

(a) file a draft formal order, indicating the consent of the other parties; or

(b) if consensus on the contents of the order cannot be reached within that time, file the draft formal order that it proposes together with a written summary of the points in contention.

(6) Where the successful party does not file a draft formal order within 30 days after the Court's judgment is filed, the unsuccessful party may prepare a draft formal order and shall provide a copy to the other parties to the appeal.

(7) Subsections (4) and (5) shall apply with the necessary changes to a draft formal order provided by an unsuccessful party.

(8) Where a draft formal order is not filed by a party within 60 days after the Court's judgment is filed, the Court may, of its own motion, prepare and file the formal order.

(9) The Court shall determine and approve the final formal order, which shall be filed, with a copy provided to each party.

(10) The formal order may be filed in the Supreme Court of Newfoundland and Labrador and thereby becomes a judgment of that court for purposes of enforcement and all subsequent proceedings may be taken as if the order had been granted by that Court.

(11) This rule does not preclude a party from making a Form 20 request to extend the time under subsection (5), to clarify a point of contention in respect of the order, or to require the successful party to file the draft formal order.

Costs

**58.** (1) The Court may make such order as to costs as it considers appropriate, including an order for a lump sum payment or an order on a basis other than is provided in the scale of costs attached to and forming part of these rules.

(2) An order for costs may include costs in the court appealed from.

(3) If no order is made under subsection (1),

- (a) the costs of any proceeding in the Court shall be included with the costs of the appeal; and
- (b) the successful party on the appeal shall have its costs of the appeal in accordance with column 3 of the scale of costs.

(4) The Court may award costs in accordance with any column or combination of columns under the scale of costs, and in exercising its discretion for this purpose, the Court may consider

- (a) the amounts claimed and the amounts recovered;
- (b) the importance of the issues;
- (c) the complexity, difficulty or novelty of the issues;
- (d) the manner in which the proceeding was conducted, including any conduct that tended to shorten or unnecessarily lengthen the duration of the matter;
- (e) the failure by a party to admit anything that should have been admitted;
- (f) seniority of counsel at the bar;
- (g) fair payment for the work of a person acting on their own behalf; and
- (h) any other relevant matter.

(5) A taxing officer shall determine the cost of an item that is not listed in the scale of costs.

(6) The rules of the Supreme Court of Newfoundland and Labrador governing the manner of payment and taxation of costs shall apply to costs in the Court.

Correction of mistakes

**59.** At any time the Court may correct an error in a judgment or order that arose from a clerical mistake or from an accidental slip or omission.



3. The total value of services provided shall be calculated by multiplying the total number of units by the unit value in effect on the date of the assessment.

4. The unit value is \$100.00.

**Items of Costs**

| Service Provided  | Number of Units |       |       |       |       |
|---|-----------------|-------|-------|-------|-------|
|   | Col 1           | Col 2 | Col 3 | Col 4 | Col 5 |
| 1. Preparation and filing of notice of appeal or cross-appeal   | 1.0             | 1.5   | 2.0   | 2.5   | 3.0   |
| 2. Applications   |                 |       |       |       |       |
| (a) Preparation and filing of the application   | 1.0             | 1.5   | 2.0   | 2.5   | 3.0   |
| (b) Preparation and filing of any affidavit or other document to support the application                        | 1.0             | 1.5   | 2.0   | 2.5   | 3.0   |
| (c) Preparation of a memorandum of fact and law   | 2.0             | 3.0   | 4.0   | 5.0   | 6.0   |
| (d) Counsel fee on uncontested application  | 1.0             | 1.5   | 2.0   | 2.5   | 3.0   |
| (e) Counsel fee at hearing of contested application, per half day   | 2.5             | 5.0   | 8.5   | 11.5  | 15.0  |
| 3. Preparation of the appeal book   | 1.0             | 1.5   | 2.0   | 2.5   | 3.0   |
| 4. Preparation of the factum for the appeal   | 2.0             | 3.0   | 4.0   | 5.0   | 6.0   |
| 5. Preparation for and attendance at prehearing conference, case management or similar conference, per half day | 1.5             | 2.25  | 3.0   | 3.75  | 4.5   |
| 6. General preparation for the appeal including any request made to, or communication with, the Court           | 0.5             | 0.75  | 1.0   | 1.25  | 1.5   |

| Service Provided   | Number of Units |       |       |       |       |
|--|-----------------|-------|-------|-------|-------|
|  | Col 1           | Col 2 | Col 3 | Col 4 | Col 5 |
| 7. Counsel fee at hearing of the appeal:                                     |                 |       |       |       |       |
| (a) first counsel, first day   | 7.5             | 15.0  | 25.0  | 35.0  | 45.0  |
| (b) first counsel, second and subsequent days                                | 3.75            | 7.5   | 12.5  | 17.5  | 22.5  |
| (c) additional counsel, where the Court approves, first day                  | 5.0             | 10.0  | 17.0  | 23.0  | 30.0  |
| (d) additional counsel, where the Court approves, second and subsequent days | 2.5             | 5.0   | 8.5   | 11.5  | 15.0  |
| 8. Preparation of the formal order   | 0.5             | 0.75  | 1.0   | 1.25  | 1.5   |
| 9. Preparation of the bill of costs  | 0.5             | 0.75  | 1.0   | 1.25  | 1.5   |
| 10. Attendance on taxation, per half day                                     | 0.5             | 0.75  | 1.0   | 1.25  | 1.5   |

### **Other Costs**

1. Disbursements, including costs of:
  - (a) court fees;
  - (b) service of documents, including an electronic version;
  - (c) copies at \$0.25 per printed page;
  - (d) transcription services and copies of transcript;
  - (e) electronic conferencing, including teleconference and videoconference;
  - (f) filing of an electronic version;
  - (g) reasonable travel expenses of counsel, including meals and lodging, for travel by counsel exceeding 40 kilometres one way from the counsel's ordinary place of business; and

- (h) other reasonable disbursements.
- 2. Law Society levy.
- 3. HST as applicable.

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File No.

**IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR**

*[Insert notice of publication ban or access restriction if applicable]*

BETWEEN:

\_\_\_\_\_

APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**NOTICE OF APPEAL**

This is notice that the Appellant appeals the order of the Supreme Court of Newfoundland and Labrador.

- (1) Information regarding the order under appeal:
  - (a) Justice who made the order
  - (b) Location where the matter was heard
  - (c) Lower court file no.
  - (d) Neutral citation of a written decision, if any
  - (e) Date the order was filed or made
- (2) Subject matter of the appeal: *(Give a brief summary of what the appeal is about and what the issues are).*
- (3) The Appellant requests: *(Set out what order the Appellant is seeking from the appeal).*
- (4) The Court and parties are advised that: *(Include any of the following that is relevant).*
  - (a) Only a portion of the order is being appealed *(Specify the portion).*
  - (b) This is an appeal in an uncompleted matter. It is appropriate to proceed at this time because *(Specify reasons).*
  - (c) The Appellant is asking that the appeal be expedited because *(Specify reasons).*
  - (d) The constitutionality or legality of the following provision of an Act, regulation or rule will be challenged in the appeal *(Specify the relevant provisions).*
  - (e) The court appealed from imposed a publication ban or restriction on access *(Attach a copy of the publication ban if one is available or quote the language of the publication ban or restriction on access).*

- (f) This appeal involves the custody of, access to, protection of, support for or responsibility for a child (*See requirement for style of cause under rule 9(1)*).
- (g) This is a tribunal appeal to which rule 10 applies.
- (h) This appeal involves a challenge to a previous decision or legal principle stated by the Court (*Describe briefly*).

Dated at (*city or town, and province*), this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_ (signature)  
(*name of Appellant or lawyer*)  
The address for service is:  
(*postal address, telephone, email*)  
(*name of lawyer handling the file*)  
Counsel for ....

To: (*name of Respondent or lawyer*)  
The address for service is:  
(*postal address, telephone, email*)  
(*name of lawyer handling the file*)  
Counsel for ...

File No.

**IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR**

BETWEEN:

\_\_\_\_\_

APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**APPLICATION TO THE COURT WITH SUPPORTING AFFIDAVIT**

This is notice that the (*Appellant or Respondent*) applies for: (*Specify the nature of the order or directions being requested from the Court*).

Subject matter of the application: (*Give a concise statement of the relevant facts and of the issues to be determined by the application*).

The affidavit that is necessary to support or provide the foundation for the application is attached.

The application is set to be heard on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at 10:00 a.m.

Dated at (*city or town, and province*), this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_ (signature)

(*name of Appellant or lawyer*)

The address for service is:  
(*postal address, telephone, email*)

(*name of lawyer handling the file*)

Counsel for ....

To: (*name of Respondent or lawyer*)

The address for service is:

(*postal address, telephone, email*)

(*name of lawyer handling the file*)

Counsel for ...

**AFFIDAVIT IN SUPPORT OF AN APPLICATION**

I, *(name, occupation optional)* , of *(city or town, and province)*, swear *(or affirm)* that the following facts are true: *(Set out the facts that give the foundation or provide support for the application. Attach any exhibits referred to in the affidavit).*

I make this affidavit in support of my application.

Sworn *(or affirmed)* before me at \_\_\_\_ *(city or town)* in the province of Newfoundland and

Labrador

this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
(signature of deponent)

\_\_\_\_\_  
(signature of Commissioner, Notary Public, etc)

File No.

**IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR**

BETWEEN:

\_\_\_\_\_

APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**SERVICE OF DOCUMENT - AFFIDAVIT**

I, *(name, occupation optional)*, of *(city or town, and province)*, swear *(or affirm)* that the following facts are true:

On the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I delivered the *(specify document)*, which is dated \_\_\_\_\_, 20\_\_\_\_ to *(name)* by *(specify the method of delivery)*.

*Where the document was not delivered to a solicitor's office,*

I identified the person I delivered the document to *(Specify the basis on which you identified the named person)*.

Sworn *(or affirmed)* before me at *(city or town)* in

the province of Newfoundland and Labrador

this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_

(signature of deponent)

(signature of Commissioner, Notary Public, etc)

File No.

**IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR**

BETWEEN:

\_\_\_\_\_

APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**SERVICE OF DOCUMENT - ACKNOWLEDGMENT OF RECEIPT**

I, (*name*), acknowledge that, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I received the (*specify document*) which is dated \_\_\_\_\_, 20\_\_\_\_.

I am the Respondent (*or specify other position*) in the appeal.

Dated at (*city or town, and province*), this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_ (signature)

File No.

**IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR**

BETWEEN:

\_\_\_\_\_

APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**TRANSCRIPT CERTIFICATE**

I, (*name*), (*counsel for the Appellant*), have reviewed the order appealed from and considered the issues on appeal discussed in my factum. I am satisfied that the whole of the transcript is not required but that the portions of the transcript I am filing are necessary to enable the issues on appeal to be determined.

Or:

I, (*name*), (*counsel for the Appellant*), have reviewed the order appealed from and considered the issues on appeal discussed in my factum. I am satisfied that the whole of the transcript is necessary to enable the issues on appeal to be determined.

The reasons for this conclusion are: (*Provide details for concluding that the whole transcript is necessary*).

Dated at (*city or town, and province*), this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_ (signature)  
(*name of Appellant or lawyer*)

The address for service is:  
(*postal address, telephone, email*)  
(*name of lawyer handling the file*)  
Counsel for ....

To: (*name of Respondent or lawyer*)  
The address for service is:  
(*postal address, telephone, email*)  
(*name of lawyer handling the file*)  
Counsel for ...

File No.

**IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR**

BETWEEN:

\_\_\_\_\_

APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**ORDER**

Before: *(name Justices on the panel in order of seniority – see guidelines).*

Whereas:

*(Set out concise basis of the appeal).*

The appeal was heard on *(date)*.

The Court heard submissions from *(name)*, counsel for the Appellant, and *(name)*, counsel for the Respondent.

The judgment of the Court was given with written reasons on *(date and neutral citation)*.

Or:

The judgment of the Court was given orally on *(date)*, with written reasons on *(date and neutral citation)*.

Accordingly, it is ordered that: *(Using the written decision, give details of what was ordered).*

In dissenting reasons, Justice *(name)* would have *(Give nature of the dissent)*.

Dated at *(city or town, and province)*, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

REGISTRAR

**IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR**

THIS MATTER INVOLVES A CHILD

*[Insert notice of publication ban or access restriction if applicable]*

BETWEEN:

\_\_\_\_\_

APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**APPEAL INVOLVING A CHILD - CURRENT INFORMATION**

Other proceedings currently before the courts involving a child or children whose interests may be at issue in this appeal:

1. Court
2. File number
3. Nature of the order being requested in those proceedings

Dated at *(city or town, and province)*, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_ (signature)

*(name of Appellant or lawyer)*

The address for service is:

*(postal address, telephone, email)*

*(name of lawyer handling the file)*

Counsel for ....

To: *(name of Respondent or lawyer)*

The address for service is:

*(postal address, telephone, email)*

*(name of lawyer handling the file)*

Counsel for ...

File No.  
**IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR**

BETWEEN:

\_\_\_\_\_

APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**NOTICE TO THE ATTORNEY GENERAL**

This is notice that this proceeding concerns a matter which may be of interest to the Attorney General of Newfoundland and Labrador.

Subject matter of the appeal: *(Give a brief summary of what the appeal is about and what the issues are).*

This notice *(is required by statute – identify the provision)* or *(was ordered or directed by the Court)* or *(other reason for giving notice).*

The issues that may be of interest to the Attorney General are: *(State the issues briefly giving sufficient information to assist the Attorney General in assessing the notice).*

The appeal is set to be heard on the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_, at 10:00 a.m.

Dated at *(city or town, and province)*, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_ (signature)  
*(name of Appellant or lawyer)*

The address for service is:  
*(postal address, telephone, email)*  
*(name of lawyer handling the file)*  
Counsel for ....

To: *(name of Respondent or lawyer)*  
The address for service is:  
*(postal address, telephone, email)*  
*(name of lawyer handling the file)*  
Counsel for ...

And to: The Attorney General of Newfoundland and Labrador  
The address for service is:  
The Department of Justice and Public Safety  
Counsel for the Attorney General of Newfoundland and Labrador  
P.O. Box 8700  
St. John's, NL  
A1B 4J6

File No.

**IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR**

BETWEEN:

\_\_\_\_\_

APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**LIMITED PURPOSE RETAINER OF SOLICITOR**

I, *(name)*, have been retained to act as the solicitor for the *(Appellant or Respondent)* for a limited purpose, the nature and scope of which is *(Briefly set out the parameters of the retainer, such as, to prepare the factum, provide research information, etc.)*.

Dated at *(city or town, and province)*, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_ (signature)  
*(name of party or solicitor)*

The address for service is:  
*(postal address, telephone, email)*  
*(name of solicitor handling the file)*

Counsel for ....

To: *(name of party or solicitor)*  
The address for service is:  
*(postal address, telephone, email)*  
*(name of solicitor handling the file)*  
Counsel for ...

File No.

**IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR**

BETWEEN:

\_\_\_\_\_

APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**NOTICE OF CHANGE OF SOLICITOR**

This is notice that I, (*name*), have been retained to act as solicitor for the (*Appellant or Respondent*) in place of (*name*).

Dated at (*city or town, and province*), this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_ (signature)  
(*name of Appellant or solicitor*)

The address for service is:  
(*postal address, telephone, email*)  
(*name of solicitor handling the file*)  
Counsel for ....

To: (*name of Respondent or solicitor*)  
The address for service is:  
(*postal address, telephone, email*)  
(*name of solicitor handling the file*)  
Counsel for ...

File No.

**IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR**

BETWEEN:

\_\_\_\_\_

APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**NOTICE AN APPEAL IS BEING DISCONTINUED**

This is notice that the Appellant discontinues this appeal and that the appeal is at an end.

Dated at (*city or town, and province*), this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_ (signature)  
(*name of Appellant or solicitor*)

The address for service is:  
(*postal address, telephone, email*)  
(*name of solicitor handling the file*)  
Counsel for ....

To: (*name of Respondent or solicitor*)  
The address for service is:  
(*postal address, telephone, email*)  
(*name of solicitor handling the file*)  
Counsel for ...

File No.

**IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR**

BETWEEN:

\_\_\_\_\_

APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**DEEMED ABANDONMENT - EXPLANATION FOR DELAY AND PROPOSED PLAN**

In response to the notice from the registrar under rule 17(1), the Appellant requests that the appeal not be deemed abandoned.

The reasons for the delay in carrying the appeal forward by filing materials or requesting that a hearing date be set are: *(Set out the reasons)*.

The Appellant states and proposes the following:

1. The transcript was requested on *(date)*.
2. The transcript *(was received)* or *(is expected to be received)* on *(date)*.
3. The transcript *(was delivered to the other parties on (date))* or *(will be delivered to the other parties without delay when it is received)*.
4. The transcript, appeal book and Appellant's factum will be filed no later than *(date)*.
5. The Appellant has consulted with the Respondent.

The Respondent

- (a) agrees with the proposed dates set by the Appellant, and
- (b) will file its factum no later than *(date)*.

The Appellant, with the agreement of the Respondent, requests that the hearing of the appeal be set for *(date)*. *(To obtain a hearing date, the Appellant should contact the registry and proceed according to rule 19)*.

Or:

The parties have not reached an agreement and the Appellant has filed an application for an order or directions from the Court.

Dated at (*city or town, and province*), this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_ (signature)

(*name of Appellant or lawyer*)

The address for service is:

(*postal address, telephone, email*)

(*name of lawyer handling the file*)

Counsel for ....

To: (*name of Respondent or lawyer*)

The address for service is:

(*postal address, telephone, email*)

(*name of lawyer handling the file*)

Counsel for ...

File No.

**IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR**

*[Insert notice of publication ban or access restriction if applicable]*

BETWEEN:

\_\_\_\_\_

APPELLANT/  
RESPONDENT BY CROSS-APPEAL

AND:

\_\_\_\_\_

RESPONDENT/  
APPELLANT BY CROSS-APPEAL

**CROSS-APPEAL - NOTICE**

This is notice that the Respondent cross-appeals against the order under appeal.

Subject matter of the cross-appeal: *(Give a brief summary of what the cross-appeal is about and what the issues are).*

The Respondent requests: *(Set out what order the Respondent is seeking).*

Dated at *(city or town, and province)*, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_ (signature)  
*(name of Respondent or lawyer)*

The address for service is:  
*(postal address, telephone, email)*  
*(name of lawyer handling the file)*

Counsel for ...

To: *(name of Appellant or lawyer)*  
The address for service is:  
*(postal address, telephone, email)*  
*(name of lawyer handling the file)*  
Counsel for ...

File No.

**IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR**

[Insert notice of publication ban or access restriction if applicable]

BETWEEN:

\_\_\_\_\_

APPELLANT/  
RESPONDENT BY CROSS-APPEAL

AND:

\_\_\_\_\_

RESPONDENT/  
APPELLANT BY CROSS-APPEAL

**CROSS-APPEAL - ELECTION TO PROCEED**

The appeal having been (*discontinued*) or (*deemed abandoned*), the Respondent elects to proceed with the cross-appeal.

Dated at (*city or town, and province*), this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_ (signature)  
(*name of Respondent or lawyer*)

The address for service is:  
(*postal address, telephone, email*)  
(*name of lawyer handling the file*)

Counsel for ....

To: (*name of Appellant or lawyer*)  
The address for service is:  
(*postal address, telephone, email*)  
(*name of lawyer handling the file*)  
Counsel for ...

File No.

**IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR**

BETWEEN:

\_\_\_\_\_

APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**ASSISTANCE BY NON-SOLICITOR - UNDERTAKING**

I, (*name*), undertake that:

1. I will not receive directly or indirectly any compensation for the assistance, related to this appeal, that I am providing to (*name*), except for reimbursement for expenses actually incurred, unless the Court otherwise permits;
2. My interests are not in conflict with the interests of (*name*);
3. I will observe and be bound by the obligations of an officer of the court, the chief of which are:
  - (a) To treat discussions with (*name*) as confidential;
  - (b) To behave in a manner that will not disrupt the court process;
  - (c) To be honest and forthright in all representations I make and information I provide to the Court;
  - (d) To abide strictly by and perform all undertakings I give to the Court and other parties, including their lawyers;
  - (e) To show respect for the process and officers of the Court and for other parties and their lawyers at all times; and
  - (f) To comply with the directives and customs of the court process.

Dated at (*city or town, and province*), this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

---

(signature of person making the undertaking)  
(*postal address, telephone, email*)

File No.

**IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR**

BETWEEN:

\_\_\_\_\_

APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**EXEMPTION FROM PAYMENT OF FEES AND CHARGES**

The Appellant applies for an exemption from, or suspension of, the payment of the fees and charges payable under the *Supreme Court Fees Regulations*.

The reasons for the application are set out in the attached affidavit.

The application is set to be heard on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, at 10:00 a.m.

Dated at (*city or town, and province*), this \_\_\_ day of \_\_\_\_\_, 20\_\_\_.

\_\_\_\_\_ (signature)

(*name of Appellant*)

The address for service is:  
(*postal address, telephone, email*)

To: (*Name of Respondent or lawyer*)  
The address for service is:  
(*postal address, telephone, email*)  
(*name of lawyer handling the file*)  
Counsel for ...

**EXEMPTION FROM PAYMENT OF FEES AND CHARGES - AFFIDAVIT**

I, *(name, occupation optional)*, of *(city or town, and province)*, swear *(or affirm)* that the following facts are true: *(Use the following statements that apply to you and any other facts you wish to add)*.

1. I would suffer financial hardship if I was required to pay the fees and charges payable under the *Supreme Court Fees Regulations* because *(for example, you are unemployed or employed at minimum wage)*.
2. I am in receipt of social assistance *(If you are not presently in receipt of social assistance, but you have been in the past, you may state when and for how long)*.
3. I have taken the following steps in an attempt to arrange my finances so that I could pay all or a portion of the fees and charges: *(The Court will consider whether you have made reasonable financial sacrifices)*.
4. Other relevant facts are: *(List any other facts you want the Court to consider)*.

I make this affidavit in support of my application for an exemption from, or suspension of, the payment of the fees and charges payable under the *Supreme Court Fees Regulations*.

Sworn *(or affirmed)* before me at *(city or town)* in

the province of Newfoundland and Labrador

this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_

(signature of deponent)

\_\_\_\_\_  
(signature of Commissioner, Notary Public, etc)

File No.

**IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR**

BETWEEN:

\_\_\_\_\_

APPELLANT

AND:

\_\_\_\_\_

RESPONDENT

**APPOINTMENT OF COUNSEL - APPLICATION**

The Appellant applies for the appointment of counsel.

The basis for this application is: *(State the legal rule or principle which supports the application, for example, the Canadian Charter of Rights and Freedoms).*

The reasons for the application are set out in the attached affidavit.

The application is set to be heard on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, at 10:00 a.m.

Dated at *(city or town, and province)*, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_ (signature)

*(name of Appellant)*

The address for service is:  
*(postal address, telephone, email)*

To: *(Name of Respondent or lawyer)*

The address for service is:

*(postal address, telephone, email)*

*(name of lawyer handling the file)*

Counsel for ...

## APPOINTMENT OF COUNSEL - AFFIDAVIT

I, *(name, occupation optional)*, of *(city or town, and province)*, swear *(or affirm)* that the following facts are true: *(Use the following statements that apply to you and any other facts you wish to add)*.

1. At the appeal I will be arguing the following points *(Give a brief overview of what your appeal is about)*.
2. I need a lawyer to argue my case because I do not have the necessary skills to organize the facts, research the law, and present the case myself. *(The Court will consider your familiarity with the Court's process and your general education)*.
3. I would suffer financial hardship if I was required to pay for a lawyer for all or part of my appeal because *(For example: you are unemployed or employed at minimum wage, or are receiving social assistance. If you are not presently in receipt of social assistance, but you have been in the past, you may state when and for how long)*.
4. I have taken the following steps to try to obtain a lawyer who, without being paid, will help me with my appeal but I have not been successful *(List steps you have taken such as contacting the Law Society or particular lawyers)*.
5. I applied for legal aid and was refused. I appealed the initial refusal for legal aid to the legal aid commission and was refused.
6. I have taken the following steps in an attempt to arrange my finances so that I could pay a lawyer for all or part of my appeal: *(Describe)*.
7. Other relevant facts are: *(List any other facts you want the Court to consider)*.

I make this affidavit in support of my application for the appointment of counsel for my appeal.

Sworn (*or affirmed*) before me at (*city or town*) in

the province of Newfoundland and Labrador

this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_

(signature of deponent)

\_\_\_\_\_

(signature of Commissioner, Notary Public, etc

IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR

REQUEST

Date: \_\_\_\_\_

Case: \_\_\_\_\_ File No.: \_\_\_\_\_

REQUEST: \_\_\_\_\_

\_\_\_\_\_

- Notice was given to the other parties.
- Consent to the request       No position to the request       No objection to the request  
[in writing, by the other parties is attached]
- Request is opposed. [in writing, by the other parties is attached]
- Notice was **not** given to other parties **because** (*give reasons*)  
\_\_\_\_\_.

Name of requestor \_\_\_\_\_

Counsel for \_\_\_\_\_

=====

**FOR COURT USE ONLY**

Request No: \_\_\_\_\_

**Disposition**

- [ ] request granted: \_\_\_\_\_
- [ ] adjourned to: \_\_\_\_\_
- [ ] request refused: \_\_\_\_\_
- [ ] order as follows: \_\_\_\_\_
- [ ] other directions: \_\_\_\_\_

Date: \_\_\_\_\_

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**REQUEST FOR A HEARING**

- The request is to set a date for a hearing:
  - The Appellant confirms that:
    - (a) all factums, the appeal book and transcript are filed;
    - (b) the direction of the Court is not required on any matter before a date is set; and
    - (c) there is no circumstance requiring a court appearance.
  - The Appellant has consulted with the other parties to the appeal, or their counsel, and the following dates in the next two months are mutually acceptable for the hearing of the appeal: *(insert dates)*  
\_\_\_\_\_.

Or

- The Appellant's factum, the appeal book and transcript were filed on *(date)* \_\_\_\_\_.
- The Respondent's factum was filed on *(date)* \_\_\_\_\_, but a mutually acceptable date for the hearing could not be reached.

Or

- The Appellant's factum, the appeal book and transcript were filed on *(date)* \_\_\_\_\_  
The Appellant applies to set a date for hearing of the appeal and a date for the Respondent to file a factum because the Respondent has not done so within the time prescribed by the Rules.

Name of requestor \_\_\_\_\_

Counsel for \_\_\_\_\_

---

---

**FOR COURT USE ONLY**

**Request No:** \_\_\_\_\_

**Disposition**

- request granted: \_\_\_\_\_
- adjourned to: \_\_\_\_\_
- request refused: \_\_\_\_\_
- order as follows: \_\_\_\_\_
- other directions: \_\_\_\_\_

**Date:** \_\_\_\_\_