

Form 15: Notice of Cross-Appeal

The purpose of this form is set out in rule 11. You should file a notice of cross-appeal in two situations. The first situation is where you want to appeal a portion of an order that is not being appealed by the Appellant. For example, the Appellant may file a Notice of Appeal regarding a judge's decision on damages. However, you may want to appeal the judge's decision on liability.

The second situation when you should file a notice of cross-appeal is where, even though you succeeded at trial, you disagree with the relief the judge ordered. For example, you were successful in establishing you were wronged, but the judge ordered a small amount in compensation when you had asked for a significant award.

Note: A Notice of Cross-Appeal is not required to oppose the Appellant's appeal, or if the Respondent wants to raise new legal arguments to support the order of the lower court. Please refer to rule 11(2).

On the form fill out the following:

The heading: Use the same heading as is used in the Notice of Appeal, although you will be issued a new file number. (See guideline 1.)

The style of cause: The style of cause is the same as is used in the Notice of Appeal filed by the Appellant (guideline 1), with one change. Under the title "Appellant", you will type "Respondent by Cross-Appeal", and under the title "Respondent", you will type "Appellant by Cross-Appeal". You will see this on the form. This shows the Court that you are the Respondent in the appeal and the Appellant in the cross-appeal.

Subject matter of the cross-appeal: Briefly explain the reasons for the cross-appeal. Try to explain why you will argue the lower court reached the wrong decision. This part of the Notice of Cross-Appeal does not need to be lengthy, as you will have the opportunity to fully argue your appeal in your factum. However, it assists the Court and the other parties to know the background of the case and the specific errors you say the lower court made. Please reference the file number of the original appeal, so the Court may identify it.

The Respondent requests: Write what it is you are asking the Court to order.

Date and sign the form.