



## **COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR**

### **NOTICE TO THE PROFESSION AND GENERAL PUBLIC**

#### **COVID-19: PREVENTATIVE MEASURES**

**Issued: March 18, 2020**

Canada is experiencing an increase in cases of the novel coronavirus (COVID-19) and it is anticipated that the virus will continue to spread. The Court is monitoring the COVID-19 situation closely.

As a result of recent Federal and Provincial Government's public health advice and directives involving social distancing, public gatherings and that people should stay home where possible, the Court of Appeal is taking the following measures to help reduce the transmission of COVID-19 in the community.

To protect the health and safety of the Court staff, all court users and our community while ensuring respect for the legal rights of parties appearing before the court, the Court of Appeal of Newfoundland and Labrador is limiting all regular operations until further notice. Essential public service is being maintained.

The Court will post further information as it becomes available, so please continue to check the Court of Appeal website at [www.court.nl.ca/appeal](http://www.court.nl.ca/appeal) for updates.

#### **Physical Access to the Court of Appeal**

1. Physical access to the Court of Appeal is restricted. Only those necessary to any proceedings before the court will be permitted entry. This will be limited to the parties, counsel and members of the media.
2. Do not come to the courthouse in person if you have been advised to self-isolate by public health officials or your doctor, or if you are self-isolating as a result of travel or contact with individuals with COVID-19.
3. All communications to the Court should be in writing and sent by fax or email to the Court of Appeal Registry which can be reached at fax number (709) 729-0074 or [coaregistry@appeal.court.nl.ca](mailto:coaregistry@appeal.court.nl.ca).

4. Communication by telephone and email may be reduced until normal court operations resume. Please note that all requests will be prioritized on matters requiring essential services. A court representative will respond when available to do so. For further information, please visit the Court of Appeal website at [www.court.nl.ca/appeal/](http://www.court.nl.ca/appeal/) and Twitter @nlcaupdates.

### **Appeals**

5. All currently scheduled appeals will be suspended until further notice. The Registry will contact the parties to reschedule these appeals.
6. The Court will review the docket to determine if there are any matters which must proceed due to urgent or exceptional circumstances. Parties will be contacted and advised of alternative procedures to permit the appeal to be heard without counsel or parties having to appear in person.

### **Applications**

7. All scheduled applications will proceed and will be heard by telephone or video conference. Parties will be contacted by the Registry to advise of arrangements.
8. New applications will only be scheduled if they are of an urgent nature and will be heard by telephone or video conference.

### **Written Requests**

9. Written Requests made under Form 20 will continue to be entertained by the Court and should be emailed or faxed to the Court of Appeal Registry.

### **Filing documents with the Court**

10. Parties must submit documents electronically by fax or email in accordance with this notice.
11. Documents filed electronically by email should be scanned PDFs of the original. During the period in which the Court's operations are impacted by the COVID-19 pandemic, this provision replaces Practice Note CAPN 2018-18 and Practice Note CAPN 2018-19 with respect to electronic filings.
12. Documents may be emailed to [coaregistry@appeal.court.nl.ca](mailto:coaregistry@appeal.court.nl.ca) or faxed to (709) 729-0074.
13. The original of all documents filed electronically must also be filed with the Court as soon as normal operations resume (by mail or other means). The Court may require original documents to be filed before granting any order.

14. The payment of any applicable filing fees is postponed and may be collected on the resumption of normal operations.
15. Documents requiring a signature from a commissioner for oaths may be submitted electronically without that signature where a party does not have access to a person who is a commissioner for oaths. As soon as practicable, parties must file with the Court the original document signed by a commissioner for oaths.
16. Where a filed document must be issued, the Court will fax or email an electronic copy of the issued document to the appropriate party/parties.

**Serving documents**

17. Where practicable, parties must comply with rule 28 of the *Court of Appeal Rules* with respect to the service of documents. Where compliance with rule 28 is not practicable, parties are encouraged to explore other ways of serving documents such as mail or email. To do so, parties must either:
  - a) Obtain the other party's written consent to receive the document by substituted service; or
  - b) Seek further direction from the Court.
18. Receiving parties are encouraged to consent to alternative forms of service and provide written acknowledgments of service to the sender, if required.

**Notices/documents from the Court**

19. The Court will continue to evaluate the COVID -19 situation as it evolves and will adjust its operations as necessary. Notices will appear on the Court's website.

DEBORAH E. FRY  
Chief Justice of Newfoundland and Labrador