

**COURT OF APPEAL RULES  
PRACTICE NOTE – CIVIL PROCEEDINGS**

**CAPN No. 2018-10**

**DOCUMENTS SUBMITTED AFTER HEARING DATE IS SET  
OR REPLACING MATERIALS FILED EARLIER**

**DATE ISSUED:** January 5, 2018  
**RULES AFFECTED:** Rules 26 and 56  
**EFFECTIVE DATE:** Upon publication

The following Practice Note was filed with the registrar of the Court of Appeal and is published under rule 4 of the *Court of Appeal Rules*.

**Background**

In order for counsel and the panel assigned to an appeal to have sufficient opportunity to prepare for the hearing, it is essential that all materials be filed in a timely manner.

It is also important for the Court and parties to consider all relevant judicial authority.

To ensure that the panel and the parties have reference to the correct materials in preparing for a hearing, where replacement materials are filed, it is essential that the Court and the other parties be clearly advised in a timely manner.

**Practice Note**

1. After a hearing date has been set for an appeal, the registry will mark as received, but will not file, a document subsequently delivered to the Court. The panel assigned to the appeal will determine the extent to which the document may be used for purposes of the appeal.

2. Where a relevant judicial decision becomes available after the hearing date has been set for an appeal, the appellant, or another party, should, without delay, deliver one copy of the decision to each other party and 4 copies to the Court with 4 copies of an appropriate covering letter. Unless it is unavoidable, counsel should not wait until the hearing to provide copies of judicial decisions.

3. Where a party submits a document replacing a document filed earlier, a statement must be placed on the cover of the document clearly indicating

(1) that it is a replacement, and

(2) identifying the document that it is replacing.

Four copies of an appropriate covering letter should accompany the replacement document delivered to the Court.

4. A party becoming aware of a decision on point that was not cited or referenced in the written submissions or at the hearing should, without delay, deliver one copy of the decision to each party and 4 copies to the Court with 4 copies of an appropriate covering letter.

B. Gale Welsh  
Acting Chief Justice of Newfoundland and Labrador  
Court of Appeal of Newfoundland and Labrador

Kathy Blake  
Registrar  
Court of Appeal of Newfoundland and Labrador