

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

**CAPN No. 2018-06**

**MAKING A REQUEST**

<b>DATE ISSUED:</b>	January 5, 2018
<b>RULES AFFECTED:</b>	Rules 7(k), 8(5)(b), 19(1), 21(1), 30(8), 31(3), 53(5), 57(8), 60(2)
<b>EFFECTIVE DATE:</b>	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 to facilitate efficient and cost-effective procedures in appeal proceedings, in specified circumstances, the Rules permit a party to make a written request to the Court for directions or an order. A request is intended to take the place of an application, which requires a court appearance.

Parties are encouraged to use the request procedure to the extent possible and appropriate. Making a request will not preclude a party from making an application on the same matter should that prove necessary or appropriate.

A request may be made where permitted by the Rules and, in addition, in circumstances not covered by the Rules where that would be a reasonable procedure acceptable to the Court.

Requests may be made by electronic means by delivering the written request to the Court by email at [coaregistry@appeal.court.nl.ca](mailto:coaregistry@appeal.court.nl.ca). Parties are asked to use Form 20 whenever making a request or an inquiry necessitating written correspondence with the Court registry.

The Form has three parts: (1) identification of the party and statement of the request; (2) the Court's response; and (3) a reply to the Court's response where that is necessary.

Copies of a request should be delivered to other parties so that they have notice and are kept informed about the progress in carrying forward the appeal.

#### Practice Note

1. A request is made by delivering a written request to the Court registry. A copy should be delivered to the other parties so that they have notice of the request.
2. The Rules set out circumstances when a request is an option for proceeding. However, a party may use the request procedure in circumstances not covered by the Rules where that would be a reasonable procedure and is accepted by the Court.
3. A written request to the Court shall be made on Form 20. Unless the Court otherwise directs, the Form may be filed by electronic means at [coaregistry@appeal.court.nl.ca](mailto:coaregistry@appeal.court.nl.ca).

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