

[Insert the Court of Appeal file number]  
**COURT OF APPEAL OF QUEBEC**

([Insert: Montreal OR Quebec])  
([CONFIDENTIAL, if applicable])

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Appeal from a judgment of the [Superior Court OR Court of Québec], District of [insert the district], rendered on [insert the date] by the Honourable [insert the name of the judge]

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No.: [insert the Superior Court or Court of Québec file number]

**[INSERT THE APPELLANT'S NAME]**

**APPELLANT –**

([insert the party's status in first instance])

v.

**[INSERT THE RESPONDENT'S NAME]**

**RESPONDENT –**

([indiquer sa position en première instance])

and

**[INDIQUER LE NOM DE LA PARTIE INTIMÉE]**

**IMPLEADED PARTY –**

([insert the party's status in first instance])

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**RESPONDENT'S [BRIEF or MEMORANDUM]**

Dated [insert the date on which the pleading is signed]

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[Name of counsel/unrepresented party]

[Address]

[Telephone number]

[Fax number]

[Email address]

**Appellant**

[Name of counsel/unrepresented party]

[Address]

[Telephone number]

[Fax number]

[Email address]

**Respondent**

[Name of counsel/unrepresented party]

[Address]

[Telephone number]

[Fax number]

[Email address]

**Impleaded Party**

[The cover page must be green (s. 54(a) of the Regulation of the Court of Appeal of Quebec in Civil Matters)]

**WARNING:** THIS TEMPLATE DOES NOT EXEMPT THOSE WHO USE IT FROM READING THE APPLICABLE LEGISLATION. IT IS AVAILABLE TO FACILITATE THE PREPARATION OF PLEADINGS. EVERY PLEADING MUST BE SUBMITTED TO THE CLERK, WHO MAY REFUSE IT OR REQUIRE MODIFICATIONS IF THE PLEADING DOES NOT COMPLY WITH THE APPLICABLE LEGISLATION.

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### SCHEDULE I – JUDGMENT UNDER APPEAL

No document.

[This document is already included in the appellant’s brief/memorandum.]

### **[IF APPLICABLE] SCHEDULE II – PLEADINGS AND LEGISLATION**

[List the pleadings that are relevant to the appeal and are not already included in the appellant’s brief/memorandum; the following may be used as an example:]

#### PLEADINGS

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[In the order of their numbering, list the exhibits or excerpts of exhibits that are necessary for the consideration of all the issues in dispute and that are not already included in the appellant’s brief/memorandum; the following may be used as an example]	
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<b><u>Hearing of February 1, 2010</u></b>	
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**RESPONDENT'S ARGUMENT****PART I:           FACTS**

[Exposer succinctement les faits; il est également possible de présenter un énoncé commun des faits et des questions en litige qui est représenté au début de l'annexe III (art. 372 C.p.c.)]

1.    [...]
2.    [...]
3.    [...]

Section 54 of the *Regulation of the Court of Appeal of Quebec in Civil Matters*

- Page numbers in Parts I to V of the argument must be centered at the top of the page;
- Parts I to IV of the argument must not exceed 30 pages (s. 50 *R.C.A.Q.Civ.M.*)
- The text of the argument must have at least one and a half spaces between lines and quotations must be single-spaced and indented;
- The text of the argument must be in 12-point Arial font, quotations in 11-point Arial font and footnotes in 10-point Arial font;
- Margins must be at least 2.5 cm;
- The paragraphs of the argument must be numbered;
- The argument must be printed only on the left-hand side of the volume.

Respondent's Argument

Issues in Dispute

**PART II: ISSUES IN DISPUTE**

[Succinctly state your position with regard to the issues in dispute the appellant raises, and list any other issues you intend to raise.]

5. The respondent's position in regard to the issues raised by the appellant is the following:

**1. [State the first issue in dispute]**

6. [Summarize your position for this first issue in dispute]

**2. [State the second issue in dispute]**

7. [Summarize your position for this second issue in dispute]

8. [...]

9. [...]

10. [...]

**PART III: SUBMISSIONS**

[Develop your submissions for the issues in dispute, including with respect to the applicable standard of review, where appropriate, and refer specifically to the content of the schedules]

1. [Title of subject]
  
12. Article 1618 of the *Civil Code of Quebec* provides as follows:

1618. Damages other than those resulting from delay in the performance of an obligation to pay a sum of money bear interest at the rate agreed by the parties, or, in the absence of agreement, at the legal rate, from the date of default or from any other later date which the court considers appropriate, having regard to the nature of the injury and the circumstances.
  
13. The trial judge found that the date of the filing of the law suit, June 10, 2010, should be retained for past expenses, non-pecuniary damages (moral damages and *solatium doloris*), and for the calculation of interest and additional indemnity in relation to them.<sup>1</sup>
  
14. [...]

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<sup>1</sup> Judgment under appeal, paras. 248-249.



**PART IV: CONCLUSIONS**

[Formulate specific conclusions sought, including legal costs; the following may be used as an example:]

**THE RESPONDENT ASKS THE COURT OF APPEAL TO:**

**DISMISS** the appeal;

**CONFIRM** the judgment in first instance;

**DISMISS** the appellant's originating application;

**CONDEMN** the appellant to pay the legal costs both in first instance and on appeal.

This [insert the date when the brief or memorandum is signed], in [name of city]

[Your signature]

---

[Your name]  
Respondent

**PART V: AUTHORITIES**

[Provide a list of your authorities (case law and doctrine) arranged in the order in which they are cited in the argument, and refer to the paragraphs where they are cited; the following may be used as an example:]

**Paragraph(s)**

**CASE LAW**

<i>Deschênes v. Desparois</i> , EYB 2007-116601 (Sup. Ct.).....	12, 14
<i>Lauzon v. Patenaude</i> , J.E. 2002-134 (C.A.).....	15
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**DOCTRINE**

Jean-Claude Royer, <i>La preuve civile</i> , 4th ed., Cowansville, Éditions Yvon Blais, 2008.....	17
Jean-Louis Baudouin and Patrice Deslauriers, <i>La responsabilité civile</i> , 7th ed., vol. 1, Cowansville, Éditions Yvon Blais, 2007.....	18

**SCHEDULE I – JUDGMENT UNDER APPEAL**

[No document]

**SCHEDULE II – APPELLATE PLEADINGS**

[The pages of Schedule II must be printed on both sides (s. 54(g) R.C.A.Q.Civ.M.)]

Defendant's answer dated [insert the date of the pleading]

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**SCHEDULE II – APPLICABLE STATUTORY AND REGULATORY PROVISIONS**

[The pages of Schedule II must be printed on both sides (s. 54(g) R.C.A.Q.Civ.M.)]

Code of ethics of physicians, CQLR c. M-9, r.-17.

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chapter M-9, r. 17

## **Code of ethics of physicians**

### **Medical Act**

(chapter M-9, s. 3)

### **Professional Code**

(chapter C-26, s. 87)

**20.** A physician, in order to maintain professional secrecy,

- (1) must keep confidential the information obtained in the practice of his profession;
- (2) must refrain from holding or participating, including on social networks, in indiscreet conversations concerning a patient or the services rendered him or from revealing that a person has called upon his services;
- (3) must take reasonable means with respect to the persons with whom he works to maintain professional secrecy;
- (4) must not use information of a confidential nature to the prejudice of a patient;

**SCHEDULE III**

**EXHIBITS**

[The pages of Schedule III must be printed on both sides (s. 54(g) R.C.A.Q.Civ.M.)]



P-1: Investigation notes of police officer Luc Galipeau, dated [insert the date]

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[Insert the exhibit]

**SCHEDULE III**

**DEPOSITIONS**

[The pages of Schedule III must be printed on both sides (s. 54(g) R.C.A.Q.Civ.M.)]

GAGNON, Carole (Plaintiff, Evidence in Chief, Exam.)

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[Insert the transcript]

**ATTESTATION OF THE AUTHOR OF THE [BRIEF OR MEMORANDUM]**

I, the undersigned[e], [insert the name of the author of the brief/memorandum], attest that this [ brief OR memorandum] is in conformity with the *Regulation of the Court of Appeal of Quebec in Civil Matters*, that its technological version complies in every respect with the applicable requirements and that the depositions obtained are available to any other party, at no cost, on paper or technological media.

The time requested for the presentation of my oral argument is [number of minutes] minutes.

[OR]

The time set by a judge or the Court for the presentation of my oral argument is [number of minutes] minutes.

This [insert the date when the brief or memorandum is signed], in [name of city]

[Your signature]

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[Your name]  
Respondent