

CANADA

COURT OF APPEAL

PROVINCE OF QUEBEC
REGISTRY OF ... (*Montreal or Quebec*)

... (*your name*)

No.: (*file number at the Court of Appeal*)
No.: (*file number in first instance*)

APPELLANT - ... (*your position in first instance*)

v.

... (*name of adverse party*)

RESPONDENT - ... (*position of adverse party in first instance*)

MOTION TO DISMISS AN IMPROPER AND DILATORY APPEAL
(Article 501(5) C.C.P.)

TO THE HONOURABLE JUSTICES OF THE COURT OF APPEAL, THE RESPONDENT RESPECTFULLY SUBMITS:

1. On ... (*date on which the trial judgment was rendered*), the Honourable (*name of judge*), of the ... (*name of court*), District of ... (*name of district*), rendered that ... (*disposition of the trial judgment*), as it appears in the judgment attached to this motion (**Schedule 1**);
2. On ... (*date on which the Inscription in Appeal was filed*), the Appellant appealed this judgment before this Court, as it appears in the Inscription in Appeal attached to this motion (**Schedule 2**);
3. It appears in the Inscription in Appeal (**Schedule 2**) that this appeal is improper and dilatory, and should be summarily dismissed on the following grounds;
4. ...(*Describe the reasons why this appeal is improper and dilatory*);
5. The invoked reasons set out by the Appellant are not serious arguments justifying a revision of the trial judgment;

FOR THESE REASONS, MAY IT PLEASE THE COURT TO:

GRANT the motion to dismiss the appeal, with costs;

DISMISS the appeal with costs.

..... (city and date where the motion will be signed).

(Your signature)

(Your name)

Respondent

Attach an affidavit, a notice of presentation, as well as a list of schedules to the motion.

As provided in article 28 of the Rules of the Court of Appeal of Quebec in Civil Matters, 4 copies of the motion must be filed at the Office of the Court with documents attached, at least 30 clear juridical days before the date of presentation. Do not forget to attach the proof of service of the motion on the adverse party or on its attorney.

THIS MODEL DOES NOT EXEMPT THOSE WHO USE IT FROM READING THE RELEVANT PROVISIONS OF THE CODE OF CIVIL PROCEDURE, THE RULES OF THE COURT OF APPEAL OF QUEBEC IN CIVIL MATTERS, AS WELL AS THE DOCUMENTS ENTITLED "CHECKLIST IN CIVIL MATTERS" AND "FREQUENTLY ASKED QUESTIONS (IN CIVIL MATTERS)."