

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*)

Commentaire [J1] : À vérifier. La version française met "Partie appelante" mais réfère à cette dernière à la partie requérante dans le texte

v.

... (*name of adverse party*)

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

MOTION FOR PERMISSION TO PRESENT INDISPENSIBLE NEW EVIDENCE
(Article 509 C.C.P.)

TO THE HONOURABLE JUSTICES OF THE COURT OF APPEAL, THE APPLICANT 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**);

or

On ... (*date on which the appeal was granted*), the Appellant was authorized to appeal this judgment, as it appears in the judgment authorizing the appeal attached to this motion (**Schedule 2**);
3. Since the date of the trial judgement that is now being appealed, new evidence came to the attention of the Applicant ... (*describe this new piece of evidence*);

4. The presentation of this new evidence is absolutely necessary for solving the issue because ... (*explain why this new evidence is indispensable*);
5. Exceptional circumstances prevented knowing about this new evidence ... (*describe these circumstances*);
6. The production of this indispensable evidence is required for the pursuit of justice and is susceptible to generate a different judgment.

FOR THESE REASONS, MAY IT PLEASE THE COURT TO:

GRANT this motion;

AUTHORIZE the Applicant to present new evidence ... (*describe this new evidence*), according to the method and conditions indicated by Court;

THE WHOLE, costs to follow.

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

(*Your signature*)

.... (*Your name*)

Applicant

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

As provided in article 28 of the Rules of the Court of Appeal in Civil Matters, 4 copies of the motion must be filed at the Office of the Court with documents attached at least 5 clear juridical days before the date of presentation. (One clear juridical day is constituted by an entire day, excluding Saturday, Sunday, and statutory holidays. For more information on clear juridical days, please consult article 6 and 8 of the Code of Civil Procedure.) Do not forget to attach 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)."