

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 OF THE RESPONDENT TO SUSPEND PROVISIONAL EXECUTION
(Articles 549 and 550 C.C.P.)

TO ONE OF THE HONOURABLE JUSTICES OF THE COURT OF APPEAL, THE APPLICANT RESPECTFULLY SUBMITS:

1. On ... (*date of judgment*), the Honourable ... (*name of judge*), of the (*name of court*), District of ... (*name of district*), ... rendered that ... (*disposition of judgment*), as it appears in the judgment attached to this motion (**Schedule 1**);
2. On ... (*date on which the Appellant filed the Inscription in Appeal*), the Appellant appealed this judgment, as it appears in the Inscription in Appeal attached to this motion (**Schedule 2**);

or

On ... (*date on which the permission to 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. In the absence of the provisional execution of this judgment, the Respondent will suffer a serious prejudice if the provisional execution is not ordered for the following reasons (*state the reasons why you will suffer a severe prejudice if the provisional execution is not granted*):
 - a) ...

b) ...

c)...

4. It is thus imperative and urgent that the provisional execution of this judgment be ordered.

FOR THESE REASONS, MAY IT PLEASE THE COURT TO:

GRANT the motion;

ORDER the provisional execution notwithstanding the appeal of the judgment rendered ... (*date*), of the ... (*name of the court*), District of ...(*name of district*), in file number (*file number*);

THE WHOLE, 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 33 of the Rules of the Court of Appeal in Civil Matters, 2 copies of the motion must be filed at the Office of the Court with documents attached at least 2 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)."