

CANADA

COURT OF APPEAL

---

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

... (*your name*), domiciled and residing  
at ... (*address*), District of ... (*name of  
district*)

No.: (*file number in first instance*)

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

v.

... (*name of adverse party*), domiciled  
and residing at ... (*address*), District of ...  
(*name of district*)

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

---

**MOTION FOR LEAVE TO APPEAL FROM AN INTERLOCUTORY JUDGMENT**  
**(Articles 29, 494, and 511 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. The Applicant became aware of this interlocutory judgment on ... (*date*);
3. The inquiry and hearing lasted ... (*duration*);
4. It is a judgment that ... (*select one of the three following options: in part decides the issue, orders the doing of something which cannot be remedied by the final judgment, or unnecessarily delays the trial of the suit*) because... (*Indicate how the judgment in part decides the issue, orders the doing of something which*

*cannot be remedied by the final judgment, or unnecessarily delays the trial of the suit);*

5. The trial judge erred in his/her judgment by: ... *(provide a detailed explanation of the grounds you intend to raise);*

I - Palpable Errors In the Assessment of the Documentary Evidence and Testimonies:

The trial judge committed a palpable error by deciding that ...

The Applicant intends to demonstrate that...

This error of fact is overriding because ...

II - Errors of Law

The trial judge erred in law by deciding that ...

The Applicant intends to demonstrate that ...

This error of law is overriding because ...

6. It is in the interest of justice to grant leave because ... *(indicate how it is in the interest of justice to grant leave);*
7. It is also in the interest of justice to suspend proceedings in first instance pending judgment on appeal; *(if applicable)*
8. The Applicant will ask the Court of Appeal to:
- (a) **SET ASIDE** the interlocutory judgment in first instance;
  - (b) ... *(Specify conclusions sought)*
  - (c) **CONDEMN** the Respondent to pay costs both in first instance and on appeal;

**FOR THESE REASONS, MAY IT PLEASE THE COURT TO:**

**GRANT** this motion;

**AUTHORIZE** the Applicant to appeal the interlocutory judgment rendered on ...  
(*date*), by the Honourable ... (*name of the judge*), of the ... (*name the court*),  
District of ... (*name of district*), in file number ... (*file number*);

**SUSPEND** proceedings in first instance pending judgment on the appeal; (*if applicable*)

**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 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.*

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)."