

CANADA

COURT OF APPEAL

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

(*your name*)

N<sup>o</sup>.: (*file number at the Court of Appeal,  
if applicable*)

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

N<sup>o</sup>.: (*file number in first instance*)

v.

...(name of the adverse party)

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

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**MOTION TO SUSPEND THE PROVISIONAL EXECUTION**  
**(Article 550 C.C.P.)**

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**TO ONE OF 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. The judges conclusion also ordered the provisional execution of the judgment notwithstanding appeal, as it appears in the judgment attached to this motion (**Schedule 1**);

*or*

The judgment in appeal is expressly a provisional execution notwithstanding the appeal;

3. On ... (*date*), the Applicant appealed this judgment, as it appears in the Inscription in Appeal attached to this motion (**Schedule 2**);

or

On... (*date*), the Applicant was authorized to appeal this judgment, as it appears in the judgment authorizing the appeal attached to this motion (**Schedule 2**);

or

During the presentation of this motion, the Applicant will also ask the authorization to appeal this judgment, as it appears in the Motion for Leave to Appeal attached to this motion (**Schedule 2**);

4. As it appears in ... (*the Inscription in Appeal or the Motion for Leave to Appeal*), the Applicant maintains that the trial judge erred in ...; (*briefly state the invoked motives*)
5. If the provisional execution of this judgment is not suspended, the Applicant will suffer a severe prejudice for the following reasons: (*state the facts and special or urgent motives that justify your motion to suspend the provisional execution*);
  - 5.1 (...);
  - 5.2 (...);
6. It is thus imperative and urgent that the provisional execution of this judgment be suspended:

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

**GRANT** this motion;

**SUSPEND** the provisional execution of the judgment rendered the... (*date*), by the Honourable (*name of judge*), of the ... (*Court of Québec or Superior 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)

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(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 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)."