

...
(File number at the Court of Appeal)

Court of appeal of Quebec

Appeal from a judgment of the ... (Superior Court or Court of Quebec), District of ...
(name of district), rendered on ... (date) by the Honourable ... (name of judge)

N^o: (file number at first instance)

(Name of the adverse party)

APPELLANT - ...
(Plaintiff of Defendant)

v.

(Your name)

RESPONDENT - ...
(Plaintiff or Defendant)

RESPONDENT'S FACTUM

(Your name)
(Your address)
(Your telephone number)
(Your fax number)
(Your email address)

Appellant

(Your name)
(Your address)
(Your telephone number)
(Your fax number)
(Your email address)

Respondent

The cover of the respondent's factum must be green
(article 68 of the Rules of the Court of Appeal of Quebec in Civil matters).

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SCHEDULE I

No document
(This document is included in the appellant's factum)

SCHEDULE II

PROCEEDINGS

(If applicable, list the proceedings pertinent for appeal and which were not already included in the appellant's factum; the following may be used as an example)

Amended response,
... (date of the proceeding)----- 29

REGULATORY AND/OR LEGISLATIVE PROVISIONS

List the dispositions invoked, other than those of the Civil code or the Code of Civil Procedure and which are not already included in the Appellant's factum)

SCHEDULE III

EXHIBITS

(In chronological order, list the exhibits of excerpts that are necessary for the consideration of all of the issues in dispute and which are not already included in the Appellant's factum; the following may be used as an example)

Letter of Dr. Marc Tremblay date March 16th, 2009 (P-4) 29

DÉPOSITIONS

(Reproduce the depositions of excerpts that are necessary for the consideration of all of the issues in dispute and which are not already included in the Appellant's factum; the following may be used as an example.)

Hearing of February 1st, 2010

Defendant's Evidence

MARC TREMBLAY

Re-exam. by Me Côté 30

ATTESTATION

Attestation of the Respondent 46

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RESPONDENT'S FACTUM

PART I: FACTS

(State your position with respect to the appellant's statement of facts and, if necessary, state any other facts deemed relevant.)

1. (...)

2. (...)

Sections 68 to 72 of the Rules of the Court of Appeal in Civil Matters

- Page numbers in Parts I to V must be indicated in the top left corner;
- Part I to IV cannot exceed 30 pages, unless permitted by a judge;
- The text of the factum shall have at least one and one-half (1.5) spaces between the lines;
- Quotations must be single-spaces and indented;
- Characters must be in 12-point font size there must be no more than 12 characters per 2,5 cm; using Arial font size 12 is strongly recommended;
- Paragraphs of the argument must be numbered;
- The pages of the argument must be printed only on the left;

4

PART II: ISSUES IN DISPUTE

(State concisely your position with regard to issues in dispute raised by the Appellant and state any other issues you intend to raise, including those not accepted or considered in the court of first instance)

5. (...)

6. (...)

7. (...)

8. (...)

PART III: ARGUMENT

(Develop the arguments related to the issues in dispute, with specific references to the schedules)

1. ... (title of subject)

9. Article 1618 of the *Civil Code of Quebec* provides as follows:

1618. Damages other than those resulting from delay in the performance of an obligation to pay a sum of money bear interest at the rate agreed by the parties, or, in the absence of agreement, at the legal rate, from the date of default or from any other later date which the court considers appropriate, having regard to the nature of the injury and the circumstances.

10. The trial judge found that the date of the filing of the law suit, June 10, 2010, should be retained for past expenses, non-pecuniary damages (moral damages and solatium doloris), and for the calculation of interest and additional indemnity in relation to them.¹

11. (...)

¹ Judgment, paras. 248-249.

Respondent's Factum

Argument

12. (...)

13. (...)

14. (...)

27

PART IV: CONCLUSIONS

(Formulate specific conclusions sought, including costs; the following may be used as an example)

THE RESPONDENT ASKS THE COURT OF APPEAL TO:

REJECT the appeal;

CONFIRM the judgment at trial;

CONDEMN the Appellant to pay the costs in first instance as well in appeal;

Signed at ... (city), on this ... (day) of ... (month), ... (year)

(Your signature)

... (Your name)
Respondent

PART V: AUTHORITIES

(Provide a list of authorities for the case law and doctrine cited, arranged in the order in which they are cited in the arguments and indicate the paragraphs mentioned; the following may be used as an example.)

Paragraph**CASE LAW**

<i>Lalonde c. Desrosiers</i> , EYB 2006-12145 (C.S.)	11
<i>Lemire c. Lafontaine</i> , J.E. 2002-134 (C.A.).....	27

DOCTRINE

Jean-Louis Baudouin et Patrice Deslauriers, <i>La responsabilité civile</i> , 7 ^e éd., vol. 1, Cowansville, Édition Yvon Blais, 2007	31
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SCHEDULE I

(NO DOCUMENTS)

SCHEDULE II

(NO DOCUMENTS)

(If applicable, the pages of Schedule II are printed double sided:
Article 71 of the Rules of the Court of Appeal in Civil Matters.)

Amended Response, on ... (date)

(Attach the amended response)

SCHEDULE III

EXHIBITS

(If applicable, the pages of Schedule III are printed double sided:
Article 71 of the Rules of the Court of appeal in Civil Matters.)

Amended Response, on ... (date)

(Attach the amended response)

SCHEDULE III

DÉPOSITIONS

(If applicable, the pages of Schedule III are printed double sided:
Article 71 of the Rules of the Court of appeal in Civil Matters.)

TREMBLAY (Marc, 47 years old, 786, Nobel Street, Laval), Def., Evidence in Chief, Re-Exam.

(Attach the hearing transcript)

ATTESTATION OF THE RESPONDENT

I, the undersigned, ... (your name), hereby attest that this factum and its schedules are in compliance with the Rules of the Court of Appeal of Quebec in Civil Matters and that the originals or paper copies of all the depositions that I have had transcribed from recordings or stenographer's notes are at the disposal of the adverse party, free of charge.

The time requested for the presentation of my oral arguments is ... minutes.

Signed at ... (city), on this ... (day) of ... (month), ... (year)

(Your signature)

... (Your name)
Respondent

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)."