CANADA

COURT OF APPEAL

_____

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

No.: (*file number at the Court of Appeal*)
No.: (*file number in first instance*)

... (*your name*)

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

v.

... (*name of adverse party*)

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

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**MOTION TO SUSPEND THE EXECUTION OF A JUDGMENT OF
THE COURT OF APPEAL**
(Article 522.1 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 of judgment in first instance*), 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 of the judgment of the Court of Appeal*), this Court dismissed the
        appeal of this judgment, as it appears in the judgment attached to this motion
        (**Schedule 2**);

        or

        On… (*date of the judgment of the Court of Appeal*), this Court confirmed this
        judgment, as it appears in the judgment attached to this motion (**Schedule 2**);

3. The Applicant will appear before the Supreme Court of Canada to present a request authorising the appeal of this judgment;

    or

    On… (*date on which you filed your application for leave before the Supreme Court*), the Applicant filed at the Registry of the Supreme Court of Canada a application for leave, as it appears in the Notice of the Application For Leave to appeal attached to this motion (**Schedule 3**);

4. The Applicant will present to the Supreme Court the following questions: (*briefly set out the questions you wish to submit to the Supreme Court);*

    4.1 (…);

    4.2 (…);

5. The Applicant asks this Court to suspend the execution of its judgment for the following reasons: (*present the reasons justifying the suspension of the judgement of the Court of Appeal. State the existence of a serious question to be debated before the Supreme Court, an irreparable prejudice and a balance of inconveniences*);

    5.1 (…);

    5.2 (…);

    5.3 (…);

FOR THESE REASONS, MAY IT PLEASE THE COURT TO:

GRANT this motion;

ORDER the suspension of the execution of a judgment rendered by this Court on… (*date of the judgment from the Court of Appeal),* until final judgment to be rendered by the Supreme Court of Canada;

THE WHOLE, with costs.

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

(*Your signature*)

_____

.... (*Your name*)
Applicant

Attach an <u>affidavit</u>, a <u>notice of presentation</u>, and a <u>list of schedules</u> 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)."