

CANADA

COURT OF APPEAL

PROVINCE OF QUEBEC
DISTRICT OF [MONTREAL *or*
QUEBEC]

[YOUR OPPONENT'S NAME]

N°: [File number in appeal]
N°: [File number in first instance]

APPELLANT - [your opponent's status in
first instance]

v.

[YOUR NAME]

RESPONDENT - [your status in first
instance]

APPLICATION TO DISMISS AN APPEAL
(Article 365 C.C.P.)

Respondent

Dated [date of the application]

**TO THE HONOURABLE JUSTICES OF THE COURT OF APPEAL, THE RESPONDENT
RESPECTFULLY SUBMITS:**

1. On [date of trial judgment], the Honourable [name of judge], of the District of [name of district], rendered that [disposition of the trial judgment], as it appears in the judgment attached to this application in schedule I;
2. On [notice of appeal filing date], the Appellant appealed this judgment before this Court, as it appears in the notice of appeal attached to this application in schedule II;
3. Based on the notice of appeal, this appeal should be dismissed on the following grounds;

[Describe the reasons why this appeal should be dismissed]

FOR THESE REASONS, MAY IT PLEASE THE COURT TO:

GRANT the application to dismiss the appeal;

DISMISS the appeal;

THE WHOLE, with legal costs.

[City and date of signature],

[Your signature]

[Your name]

Respondent

[Your address]

[Your phone number]

[Your fax number, if applicable]

[Your email address, if applicable]

Attach a sworn statement, a notice of presentation, as well as a list of schedules to the application.

The application to dismiss the appeal, with its proof of notification to the other parties, must be filed with the office of the Court in 4 copies, within 20 working days after service of the notice of appeal, and cannot be presented before 30 days since its filing. (Articles 107, 365 and 377 of the Code of Civil Procedure and section 59 of the Civil Practice Regulation of the Court of Appeal).

WARNING: THIS TEMPLATE DOES NOT EXEMPT THE USER FROM READING THE RELEVANT LAWS AND REGULATIONS. FOR MORE INFORMATION, REFER TO THE CHECKLIST IN CIVIL MATTERS AND THE FREQUENTLY ASKED QUESTIONS.