

CANADA

COURT OF APPEAL

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

[APPELLANT'S NAME]

N^o: [File number in appeal]
N^o: [File number in first instance]

APPELLANT - [appellant's status in first instance]

v.

[RESPONDENT'S NAME]

RESPONDENT - [respondent's status in first instance]

APPLICATION FOR PERMISSION TO PRESENT INDISPENSABLE NEW EVIDENCE

(Article 380 C.C.P.)

[Party filing the application]

Dated [date of the application]

TO THE HONOURABLE JUDGES OF THE COURT OF APPEAL, THE [PARTY FILING THE APPLICATION] SUBMITS:

1. On [date of judgment of first instance], the Honourable [name of judge] of the [name of the court of first instance] District of [name of district], rendered that [disposition of the judgment], as it appears from the judgment attach to this application (schedule I);
2. On [date of the Notice of Appeal] the appellant initiated an appeal from this judgment (schedule I), as it appears from the Notice of Appeal attached to this application (schedule II);

[or]

On [date on which the leave to appeal was granted], the appellant was authorized to appeal this judgment (schedule I), as it appears from the judgment authorizing the appeal attached to this application (schedule II);

3. Since the date of the trial judgment that is now being appealed, new evidence came to the attention of the [Party filing the application] as [describe this new evidence];
4. The presentation of this new evidence is absolutely necessary for solving the issue because [explain why this new evidence is indispensable];
5. Exceptional circumstances prevented the [Party filing the application] from knowing about the existence of this new evidence [describe these circumstances];
6. The presentation of this new indispensable evidence is required for the pursuit of justice and is susceptible to generate a different judgment;

FOR THESE REASONS, MAY IT PLEASE THE COURT TO:

GRANT this application;

AUTHORIZE the [Party filing the application] to present new evidence [describe this new evidence], according to the method and conditions indicated by the Court;

THE WHOLE, costs to follow.

[City and date of signature],

[Your signature]

[Your name]

[Party filing the pleading]

[Your address]

[Your phone number]

[Your fax number, if applicable]

[Your email address, if applicable]

Attach a solemn declaration, a notice of the date of presentation and a list of schedules to the application.

Four copies of the application shall be filed at the Office of the Court accompanied by all documents that must be attached to this application and its proof of notification on each party at least five working days before the date of presentation (Article 377 of the Code of Civil Procedure and articles 59 and 63 of the Civil Practice Regulation).

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.