CANADA

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

Nº: [File number in appeal]
Nº: [File number in first instance]

COURT OF APPEAL
_____

[APPELLANT'S NAME]

APPELLANT - [appellant's status in first instance]

v.

[RESPONDENT'S NAME]

RESPONDENT - [respondent's status in first instance]

_____

APPLICATION TO SUSPEND THE PROVISIONAL EXECUTION OF A JUDGMENT OF THE COURT OF APPEAL
(Articles 390, paragraph 2 *C.C.P.* and 65.1 (1) *Supreme Court Act*)
[Party filing the application]
Dated [date of the application]
_____

TO ONE OF THE HONOURABLE JUDGE OF THE COURT OF APPEAL, THE [**PARTY FILING THE APPLICATION**] **SUBMITS:**

1.   On [date of judment 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 judgment of the Court of Appeal], this Court dismissed the appeal of this judgment, as it appears from the judgment attached to this application (schedule II);

    [or]

    On [date of judgment of the Court of Appeal], this Court confirmed this judgment, as it appears from the judgment attached to this application (schedule II);

3.   The [Party filing the pleading] will appear before the Supreme Court of Canada to present an application for leave to appeal of this judgment;

    [or]

On [date on which you filed your application for leave before the Supreme Court], the [Party filing the pleading] filed at the Registry of the Supreme Court of Canada an application for leave to appeal, as it appears in the Notice of the Application For Leave to Appeal attached to this application (schedule III);

4. The [Party filing the pleading] will present to the Supreme Court the following questions:

[Briefly set out the questions you wish to submit to the Supreme Court]

5. The [Party filing the pleading] asks this Court to suspend the execution of its judgment (schedule II) for the following reasons:

[Present the reasons justifying the suspension of the judgment 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]

FOR THESE REASONS, MAY IT PLEASE THE COURT TO:

GRANT this application;

SUSPEND the execution of the judgment rendered on [date of the judgement of the Court of Appeal], in file number [first instance file number], pending the time limit to ask for leave to appeal to the Supreme Court, or until leave to appeal is dismissed or until judgment on the appeal is rendered;

THE WHOLE, with costs.

[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.

Two 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 two 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.