

Form 10 (Rules 22(1) (a) and 36 (4))

Court of Appeal File No.

COURT OF APPEAL

ON APPEAL FROM: [*State judge and court or tribunal from whose order the appeal is brought, together with the date that the order was pronounced*]

BETWEEN: Appellant/Respondent (Plaintiff)

AND: Appellant/Respondent (Defendant)

APPELLANT'S/RESPONDENT'S FACTUM

(Name of appellant)

(Name of respondent)

(Name of appellant's counsel, if any)

(Name of respondent's counsel, if any)

(Address of appellant or, if the appellant is represented, name and address of the respondent's firm)

(Address of respondent or, if the respondent is represented, name and address of the appellant's law firm)

COMPLETION INSTRUCTIONS

The factum must

(a) be bound

- (i) for the appellant, with a buff cover,
- (ii) for the respondent, with a green cover, or
- (iii) for an intervenor, with a yellow cover, and

(b) contain the following in the following order:

- INDEX
- CHRONOLOGY OF THE RELEVANT DATES IN THE LITIGATION
- OPENING STATEMENT

The opening statement must be a concise statement of the nature of the appeal and must not exceed one page.

The opening paragraph of an appellant's factum must be a concise statement of the nature of the appeal.

- PART 1- STATEMENT OF FACTS

[1] In the appellant's factum, this Part must consist of a concise statement of the history of the proceedings and the facts of the case.

[2] In the respondent's factum, this Part must consist of the respondent's position with respect to the appellant's statement of facts together with a concise statement of any other facts that the respondent considers relevant.

[3] In each factum the source relied on for a statement of fact (e.g. testimony, an exhibit or the reasons for judgment) must be identified by referring to the volume and page number where it is found in the Appeal Record or Appeal Books or the volume and page and line numbers where it is found in the Transcript.

- PART 2 - ERRORS IN JUDGMENT OR ISSUES ON APPEAL

[4] In the appellant's factum, this Part must be titled "Errors in Judgment" and must consist of a concise statement that sets out clearly and particularly in what respect the judgment or order appealed from is alleged to be in error.

[5] In the respondent's factum, this part must be titled "Issues on Appeal" and must consist of a statement of the respondent's position in regard to the points put in issue by the appellant's factum and of any other points that the respondent may properly put in issue.

- PART 3 - ARGUMENT

[6] In each factum, this Part must consist of a concise outline of argument setting out the points of law or fact to be discussed, with a reference to the volume and page numbers of the Appeal Record or Appeal Book or to the volume and page and line numbers of the Transcript, and the authorities in support of each point.

[7] If an enactment is cited or relied on, it may be briefly reproduced in this Part, but it must be reproduced

- (a) as an appendix to the factum, or
- (b) as a separate volume having covers the same colour as the appropriate factum and filed at the same time as that factum.

- PART 4 - NATURE OF ORDER SOUGHT

[8] This Part must consist of a concise statement of the nature of the order that is sought by the party preparing the factum and it must include any special disposition that is desired with respect to costs.

- LIST OF AUTHORITIES

[9] Following any appendices, authorities referred to in the factum must be listed in alphabetical order.

[10] After each authority, the page or paragraph in the factum at which the authority is referred to must be cited.

In addition to the foregoing, the factum must comply with the following:

- (a) other than the index, each of the pages in the factum must be printed on the left;
- (b) each of the pages must be numbered consecutively, on the upper left hand corner of the page, beginning with the first page of Part 1;
- (c) each of the paragraphs must be numbered consecutively beginning with the first paragraph of Part 1;
- (d) the lines of the factum must be spaced at least one and one-half lines apart except for excerpts from an authority or a reproduction of an enactment, which excerpts must be indented and single spaced;
- (e) the margins must be no less than 2.5 cm;
- (f) format for the citation of authorities must follow the Directive concerning the Citation of Authorities;
- (g) the type must be Arial 12 point type;
- (h) a loose copy of the chronology must be included.