

**COURT OF APPEAL OF ALBERTA
GENERAL FORMAT - CHECK/RETURN FORM**

This checklist return form provides an itemized summary of the most common problems when filing documents in the Court of Appeal. However, this form does not include each requirement of the Alberta Rules of Court and Practice Directions. Accordingly, you should rely on the appropriate authority when preparing a document for filing in the Court of Appeal.

- A. **Copies Required:**
The number of copies required for filing depends on the type of document being filed. Therefore, each check/return form will set out the number of copies that will be kept by the Registry but will not include the number of extra copies which will be required for service purposes.
- B. **Backers:**
A backer must be attached to all documents which are filed. The only exception is bound materials such as appeal records/books, facts, extracts of key evidence and authorities, which do not require backers.
- C. **Appeal Number (ARC 5.12(c)):**
The appeal number must be inserted on the top right-hand side of both the front page/cover and backer of all documents.
- D. **Headers:**
The front page/cover (centered) and backer (right-hand side) of all documents must state IN THE COURT OF APPEAL OF ALBERTA. **Do not** insert a judicial district as this does not apply to the Court of Appeal.
- E. **Style of Cause (Consolidated Practice Direction A2):**
 - (i) All appeal documents must:
 - (a) have the full style of cause (in the same order as set out on the lower court/tribunal documents) on the front page/cover (centered) and backer (right-hand side), and
 - (b) in the case of all documents other than a notice of motion, supporting materials or any materials in response to an application (see (c) below), provide to the right of the names in the style of cause, the following descriptions:
 - (I) "Appellant", "Respondent", "Intervener" or "Not a Party to the Appeal" to describe the status of each party to the appeal, and
 - (II) in brackets directly beneath each, (Plaintiff), (Defendant), (Petitioner), (Respondent), or any other appropriate designation, to describe the status of all parties in the lower court, tribunal, etc., and
 - (c) in the case of a notice of motion, supporting materials or any materials in response to an application, provide to the right of the names in the style of cause, the following

descriptions:

- (I) “Applicant” or “Respondent” to describe the status of all parties to the application, and
 - (II) in brackets directly beneath each, (Appellant), (Respondent), (Intervener), (Not a Party to the Appeal), or any other appropriate designation, to describe the status of each party to the appeal.
- (ii) Where the style of cause is formally amended, the amended style of cause must be included on all documents filed thereafter.

Note 1: If an appellant was not a party in the trial court, and they have a legitimate right to appeal an order (e.g. tenderer), their name must be listed immediately following the proper style of cause and must be described to the right of the style of cause as “Appellant” and in brackets directly beneath (Not a Party in the Trial Court)”.

Note 2: If the interactive Form N you are using does not allow for this variation, or any other type of variation, insert the name of the first appellant and “, *et al.*, see attached Schedule A”, and the name of the first respondent and “, *et al.*, see attached Schedule A” and attach “Schedule A” setting out the full style of cause immediately following the first page of the Notice of Appeal.

Note 3: If an applicant is not a party to the appeal nor a party in the trial court, they must seek formal status from a single Justice in Chambers, by way of notice of motion and supporting documentation, prior to filing any applications. In this instance, the party seeking status would be described to the right of the style of cause as “Applicant” and, in brackets directly beneath (Not a Party in the Trial Court or to this Appeal).

Note 4: An appeal does not operate as a stay of enforcement or of proceedings. If the appellant is concerned about any delay, they must apply for a stay of execution in the lower court (ARC 508).

F. **Title of Document (ARC 5.12(d)):**

- (i) The title of the document must be set out directly beneath the style of cause on the front page/cover and the backer of each document (e.g. Notice of Appeal, Appeal Record/Book, Factum of the Appellant, Extracts of Key Evidence of the Appellant, Notice of Motion, etc.) This title should be centered and should be preceded and followed by a horizontal line, and
- (ii) where there is more than one appellant or respondent factum, extracts of key evidence or authority being filed for one side, the title must indicate specifically which party is filing (e.g. Factum of the Appellant (insert specific appellant’s name.))

- G. **Filing Party's Information:**
Directly following the title of the document:
 - (i) where a backer is required, the following filing party's information must be set out on the bottom right-hand side of the backer (ARC 5.12(e)):
 - (a) where the filing party is unrepresented; their name, address, telephone number and facsimile number (if available), or
 - (b) where counsel is acting for the party; the lawyer's name, law firm, address, telephone and facsimile numbers, or
 - (ii) where bound materials are filed, the following information must be set out on the bottom of the front cover and first page of the document:
 - (a) the appellant's name, address, telephone number and facsimile number (if available), and
 - (b) the respondent's name, address, telephone number and facsimile number (if available), or
 - (c) where counsel is acting for either or both parties; the lawyer's name, law firm, address, telephone and facsimile numbers, followed by the name(s) of the party they represent.
- H. **Signatures Required:**
Where a document must be signed, the name of the person signing the document must be legibly printed directly beneath the signature (ARC 5.1).
- I. **Plastic Covers:**
Plastic covers should not be used on any documents.
- J. **Service Requirements:**
For document service requirements refer to Part 3 (Service of Documents) of the Alberta Rules of Court.

Calgary Registry: (403) 297-2206
Edmonton Registry: (780) 422-2416

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Access this form on the Alberta Court's website at
<http://www.albertacourts.ab.ca/ca/publication/index.htm>