

FEDERAL COURT OF APPEAL

BETWEEN:

COMMITTEE FOR MONETARY AND ECONOMIC REFORM ("COMER"),  
WILLIAM KREHM, AND ANN EMMETT

Appellants  
(Plaintiffs)

- and -

HER MAJESTY THE QUEEN, THE MINISTER OF FINANCE,  
THE MINISTER OF NATIONAL REVENUE, THE BANK OF CANADA,  
THE ATTORNEY GENERAL OF CANADA

Respondents

(Defendants)

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| FEDERAL COURT OF APPEAL |              | D<br>É<br>P<br>O<br>S<br>É |
| COUR D'APPEL FÉDÉRALE   |              |                            |
| F<br>I<br>L<br>E<br>D   | AVR 30 2014  |                            |
|                         | John Gornick |                            |
|                         | TORONTO, ON  | / -                        |

NOTICE OF APPEAL

TO THE RESPONDENT:

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the appellant. The relief claimed by the appellant appears on the following page.

THIS APPEAL will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court directs otherwise, the place of hearing will be as requested by the appellant. The appellant requests that this appeal be heard at Toronto.

IF YOU WISH TO OPPOSE THIS APPEAL, to receive notice of any step in the appeal or to be served with any documents in the appeal, you or a solicitor acting for you must prepare a notice of appearance in Form 341 prescribed by the *Federal Court Rules, 1998* and serve it on the appellant's solicitor, where the appellant is self-represented, on the appellant, WITHIN 10 DAYS of being served with this notice of appeal.

IF YOU INTEND TO SEEK A DIFFERENT DISPOSITION of the order appealed from, you must serve and file a notice of cross-appeal in Form 341 prescribed by the *Federal Court Rules, 1998* instead of serving and filing a notice of appearance.

Copies of the *Federal Court Rules, 1998*, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

**IF YOU FAIL TO OPPOSE THIS APPEAL, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.**

Dated this *30<sup>th</sup>* day of April, 2014

**JOHN GORNICK**

Issued by: **REGISTRY OFFICER  
AGENT DU GREFFE**

Address of the local office: Federal Court of Canada  
180 Queen Street West, Suite 200  
Toronto, Ontario M5V 3L6

TO: The Attorney General of Canada  
at the Department of Justice  
Ontario Regional Office  
The Exchange Tower  
130 King Street West  
Suite 3400, Box 36  
Toronto, Ontario M5X 1K6

## APPEAL

**THE APPELLANT APPEALS** to the Federal Court of Appeal, pursuant to s. 27 of the *Federal Courts Act*, from the order of the Federal Court, Russell, J., dated April 24<sup>th</sup> in Federal Court Docket # T-2010-11 by which the Federal Court struck the entirety of the claim, with leave to amend notwithstanding that the Court ruled that the main issues of declaratory relief were justiciable.

**THE APPELLANT ASKS** that:

- (a) the order (judgment) of the Federal Court be varied to strike only the portions of the claim struck with respect to the tort and *Charter* claims, with leave to amend *only* those struck portions, and the rest of the claim to proceed, with public interest standing, and jurisdiction in the Court, to adjudicate those portions of the claim ruled justiciable;
- (b) solicitor-client costs and, in accordance with *Native Women's Assn. of Canada vs. Canada* [1994] 3 SCR 627, such further and other relief as counsel may request and this Honourable Court deems just;

**THE GROUNDS OF APPEAL** are as follows:

- (a) that the learned Justice erred, once finding that the main parts of the claim, namely the declaratory relief sought, in not ruling that the plaintiffs had public interest standing, and the Court jurisdiction, to pursue the declaratory relief ruled justiciable;
- (b) that the learned Justice erred in the face of (a) above, in striking the *entirety* of the claim, and not simply restricting leave to amend to the portions struck with respect to the tort and *Charter* violations of the claim; and
- (c) such further and other grounds as counsel may advise and this Honourable Court permit.

Dated this 29<sup>th</sup> day of April, 2014.

A handwritten signature in black ink, appearing to read 'R. Galati', is written above a horizontal line.

ROCCO GALATI LAW FIRM  
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Solicitor for the Appellants

Court File No.

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CANADA**

Respondents  
(Defendants)

I HEREBY CERTIFY that the above document is a true copy of  
the original presented out of / filed in the Court on the AVR 30 2014  
day of \_\_\_\_\_ A.D. 20\_\_\_\_

Dated this AVR 30 2014 day of \_\_\_\_\_  
JOHN GORNICK  
REGISTRY OFFICER  
AGENT DU GREFFE

DUPLICATE  
DUPLICATA  
AVR 30 2014  
TORONTO

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**NOTICE OF APPEAL**

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Solicitor for the Appellants