

Court File No. A-76-16

FEDERAL COURT OF APPEAL

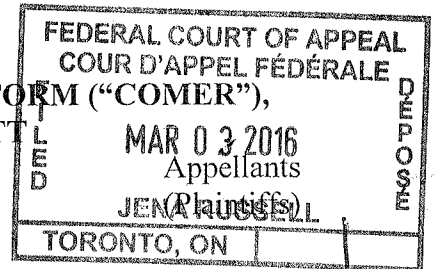
BETWEEN:

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

- 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)



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.

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

Dated this 3 day of ^{MAR} February, 2016

Issued by: JENA RUSSELL
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 final judgment of the Federal Court, Russell, J., dated February 8th, 2016, in Federal Court Docket # T-2010-11 by which the Federal Court struck the entirety of the Plaintiffs' claim, without leave to amend.

THE APPELLANTS ASK that:


- (a) the judgment of the Federal Court be set aside and/or varied;
- (b) that any order as to costs, be set aside;
- (c) that the relief sought by the Appellants before the motions judge be granted;
- (d) 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 motions judge misapplied the test, law, and jurisprudence with respect to a motion to strike;
- (b) that the learned motions judge erred, in law, in his determination that there was no reasonable cause of action;
- (c) that the Learned motions judge erred, in law, with respect to striking the claim, with respect to no taxation without representation, both with respect to damages and declaratory relief;
- (d) that the Learned motions judge erred, in law, with respect to the declaratory relief with respect to the *Bank of Canada Act*, in *de facto* requiring a "cause of action" tied to the declaratory relief, contrary to the Supreme Court of Canada jurisprudence cited to the motions judge;
- (e) that the Learned motions judge erred, in law, in *de facto*, overturning the Federal Court of Appeal's earlier ruling upholding the right to pursue declaratory relief;

- (f) such further and other grounds as counsel may advise and this Honourable Court permit.

Dated this ^{2nd} day of March, 2016.



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Solicitor for the Appellants

Court File No.

FEDERAL COURT OF APPEAL

B E T W E E N:

**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
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Solicitor for the Appellants

I HEREBY CERTIFY that the above document is a true copy of
the original issued out of / filed in the Court on the _____
day of _____ A.D. 20 _____

Dated this _____ day of MAR 03 2016 20 _____
