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F	FEDERAL COURT	D	
I	OF APPEAL	É	
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October 17, 2025			
17 octobre 2025			
Katelyn Laverty			
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Court File No.

FEDERAL COURT OF APPEAL

BETWEEN:

KARINE SOLAKIAN, JULIA ALVAREZ, ALI BAHRI, ROBERT BOURBONNIERE, LINE
 BUJOLD-LAVALLE, JENNIFER COMIN, ESTERINA COSTA, WAYNE COWAN,
 SELENA CVITAN, MARK DAGGETT, JANA DANCÁKOVA, MARLICE DEPTUCH,
 GISELE DESHARNAIS, KAREN DESROSIERS, TANYA DOCANTO-CORDEIRO,
 SARAH FRANGIONE, JOY ESDAILLE, RAQUEL FERREIRA, KAREN GIBEAULT,
 PETER HEIDEBRECHT, STEPHANIE JOHNSTON, RIINA KAPP, MARIETTA KIRBY,
 DAMIR KRAMARIC, LORRAINE LIGHT, PAUL LUSSIER, TANYA MANDEL, TRACY
 MATLOCK, DANIEL MATTI, BOZENA MAZUR, SZILVIA MERTL, LISA NICOLL,
 CHRISTOPHER PILLON, KIMBERLEE PRIEST, DOLORES RELIC, AMBER RICARD ,
 HELENE (LENA) RICCI, RUSSEL SAWCHUK, STEPHEN SEE, MARION SERINK,
 JOHN SERRAMBANA, DEWITT SHAINLINE, SHRIKANT SHARMA, ALAN SHUM,
 WANITA SIKLENKA, ROBERTA STRICKLAND, LINDSAY SUNTHGOLAM, LORI
 TAYLOR-RIBERO, LARA TRENAMAN, LEONARDO DE JESUS VASQUEZ,
 JENNIFER VOGELGESANG, MARIA VISIC, CARRIE VISSER, SHANDA VORRATH,
 MARIAM WALI, NANCY WHITCOME, YVONNE YUCTUC, CARSON ZORGET,
 MICHAEL ZOTTOLA

APPELLANTS

AND:

CANADA POST CORPORATION and
 HIS MAJESTY THE KING IN RIGHT OF CANADA

RESPONDENTS

NOTICE OF APPEAL

TO THE RESPONDENT:

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the
 appellants. The relief claimed by the appellants appears below.

THIS APPEAL will be heard by the Federal Court of Appeal 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 appellants. The appellants request that this appeal be heard at 701 W Georgia St., Vancouver, BC V7Y 1K8.

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 341A prescribed by the [Federal Courts Rules](#) and serve it on the appellants' solicitor or, if the appellants are self-represented, on the appellants, WITHIN 10 DAYS after served with this notice of appeal.

IF YOU INTEND TO SEEK A DIFFERENT DISPOSITION of the judgment appealed from, you must serve and file a notice of cross-appeal in Form 341B prescribed by the [Federal Courts Rules](#) instead of serving and filing a notice of appearance.

Copies of the [Federal Courts Rules](#), 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 613-996-6795) 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.

Date: October 14, 2025

Issued by: _____
Registry Officer

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local office: 701 West Georgia Street
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The Attorney General of Canada

Federal Court

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Appeal

THE APPELLANTS APPEAL to the Federal Court of Appeal from the Order of the Honourable Madam Justice Kane of the Federal Court, dated October 2, 2025, which:

1. Dismissed a motion to appeal the Order of Associate Judge Cotter made May 2, 2025, which in turn dismissed the Appellants' motion for an extension of time to file an appeal of the decision of Associate Justice Coughlan made March 31, 2024, which struck the Appellants' Statement of Claim and dismissed the action without leave to amend.
2. Awarded costs to each of the Respondents in the amount of \$3500, payable jointly and severally by the Appellants.

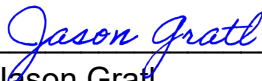
THE APPELLANTS ASK that:

1. This Court set aside the Order of the Honourable Justice Kane;
2. The Court make an Order granting the Appellants' motion to extend time to file an appeal of Associate Judge Coughlan's Order striking the Appellants' Statement of Claim and denying leave to amend;
3. This Court set aside the costs orders granted against the Appellants below;
4. This Court grant costs to the Appellants for this appeal; and
5. Such other relief as this Court may allow.

THE GROUNDS OF APPEAL are as follows:

1. The Appellants seek to appeal the Order made by the Honourable Justice Kane on October 2, 2025, pursuant to s.27(1) of the *Federal Courts Act*, R.S.C., 1985, c. F-7.
2. The Appellants submit that they have satisfied the factors for granting an extension of time established by this Court in *Canada (Attorney General) v. Hennelly*, 1999 CanLII 8190 (FCA) [*Hennelly*], and should be granted an extension of time to file an appeal of Coughlan A.J.'s Order striking the Appellants' Statement of Claim without leave to amend.
3. The Appellants respectfully submit that Kane J. erred in law, and erred in the application of principle and in mixed fact and law by dismissing the Appellants' motion.
4. In particular, Justice Kane erred by:

- a. concluding that Cotter A.J. did not err by inferring “heavy” prejudice to the Respondents from the mere passage of time, despite the absence of any evidence substantiating the alleged prejudice and despite notification of the Respondents 19 days after the initial decision that the Appellants intended to appeal;
 - b. concluding that the Appellants were not prejudiced by the dismissal of their claim;
 - c. concluding that the 53 days taken by the Appellants’ new counsel to prepare the application materials was excessive, but that the 105 days required by the Respondents to prepare materials to respond to the application was irrelevant;
 - d. improperly interpreting this Court’s decision in *Koch v. Borgatti Estate*, 2022 FCA 201, to conclude that assessing prejudice under the *Hennelly* factors does not require balancing the interests of the parties to ensure justice would be done between the parties, which is the overarching consideration and real test for granting an extension of time; and
 - e. relying on case law decided pursuant to a Federal Court Practice Directive dealing with the deadlines for matters under the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27, to attribute delays caused by counsel to their clients and requiring clients to make a complaint about their lawyers to the law society.
5. The Appellants submit that this Court should set aside the Order of Kane J., grant the Appellants an extension of time to file their appeal of Coughlan A.J.’s Order striking the Appellants’ claim without leave to amend, and award costs for this appeal in the sum of \$1000 from each Respondent.



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