

F I L E D	FEDERAL COURT COUR FÉDÉRALE	D É P O S É
	15-NOV-2024	
Jennifer Sorvisto		
Edmonton, AB	53	

Court File No. T-1436-22

**FEDERAL COURT**

**BETWEEN:**

**BERNARD ALBERT AND OTHERS**

Plaintiffs

and

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

Defendants

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**NOTICE OF MOTION**

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**TAKE NOTICE THAT** the Applicants enumerated in “Schedule A”, which is attached hereto, will make a motion to the Federal Court on Tuesday, November 26, 2024, at 9:30 a.m. or as soon thereafter as the motion can be heard at 701 West Georgia Street, 3<sup>rd</sup> Floor, in the City of Vancouver, British Columbia.

**THE MOTION IS FOR:**

1. An Order granting the Applicants an extension of time pursuant to Rule 8 of the *Federal Court Rules*, SOR/98-106 to commence an appeal of the order and decision to strike the Plaintiffs’ claim with no leave to amend, made on March 13, 2013, by Associate Justice Coughlan; and
2. Such further and other relief as may be necessary to give effect to the intention of this motion.

**THE GROUNDS FOR THE MOTION ARE:**

3. The Applicants seek to appeal the order of Associate Justice Coughlan made March 13, 2024, in *Albert v. Canada Post Corporation*, 2024 FC 420, to strike their claim without leave to amend pursuant to R. 51(1) of the *Federal Courts Rules*, SOR/98-106 ("*FCR*").
4. Pursuant to R. 51(2), the Plaintiffs were required to serve and file the notice of the motion to appeal "within 10 days after the day on which the order under appeal was made".
5. The Federal Court may exercise its discretion under R. 8 of the *FCR* to extend the deadline to file a notice of motion under R. 51. The Federal Court of Appeal has identified four factors the Court should consider when determining whether to exercise their discretion under R. 8. These factors are: (1), did the moving party have a continuing intention to pursue the proceeding; (2) is there some merit to the proceeding; (3) is the respondent prejudiced by the delay; and (4) does the moving party have a reasonable explanation for the delay. All factors do not need to be resolved in the moving party's favor. The overriding consideration is whether granting the extension is in the interests of justice.
6. The Applicants assert that each of the four factors supports the extension of the deadline, and that it is in the interests of justice for the Court to grant an extension for filing a notice of motion to appeal. The delay is attributable to delays in filing attributable to previous counsel, the time requirements for new counsel to prepare the application and the inherent logistical requirements of organizing a large group of plaintiffs. The appeal itself is ready to be filed.
7. Such further and other grounds as counsel may advise and this Honourable Court may permit.

**THE FOLLOWING DOCUMENTARY EVIDENCE** will be used at the hearing of the motion:

1. Affidavit #1 of Jodi Kaldestad, affirmed November 14, 2024;
2. Affidavit #2 of Karine Solakian, affirmed November 14, 2024; and
3. Such further and other material as counsel may advise and this Honourable Court may permit.

All of which is respectfully submitted this 14<sup>th</sup> day of November, 2024.



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General of Canada

SCHEDULE "A"  
Application to Extend Deadline to Appeal

1. Julia Alvarez
2. Ali Bahri
3. Mark Boikovitis
4. Robert Bourbonniere
5. Line Bujold-Lavalle
6. Jennifer Comin
7. Esterina Costa
8. Wayne Cowan
9. Selena Cvitan
10. Mark Daggett
11. Jana Dancakova
12. Marlice Deptuch
13. Gisele Desharnais
14. Karen Desrosiers
15. Tanya Docanto-Cordeiro
16. Johanna Emmanouil
17. John Emmanouil
18. Sarah Frangione
19. Joy Esdaille
20. Raquel Ferreira
21. Karen Gibeault
22. Michail Grigoratou
23. Peter Heidebrecht
24. Stephanie Johnston
25. Riina Kapp
26. Marietta Kirby
27. Damir Kramaric
28. Chung Le
29. Lorraine Light
30. Paul Lussier
31. Tanya Mandel
32. Tracy Matlock
33. Daniel Matti
34. Bozena Mazur
35. Margaret McGeachie
36. Szilvia Mertl
37. Lisa Nicoll

38. Christopher Pillon
39. Kimberlee Priest
40. Dolores Relic
41. Amber Ricard
42. Helene (Lena) Ricci
43. Russel Sawchuk
44. Stephen See
45. Marion Serink
46. John Serrambana
47. Dewitt Shainline
48. Shrikant Sharma
49. Alan Shum
50. Wanita Siklenka
51. Karine Solakian
52. Roberta Strickland
53. Martyna Styrzula
54. Lindsay Sunthgolam
55. Lori Taylor-Ribero
56. Lara Trenaman
57. Leonardo de Jesus Vasquez
58. Jennifer Vogelgesang
59. Maria Visic
60. Carrie Visser
61. Shanda Vorrath
62. Mariam Wali
63. Nancy Whitcome
64. Yvonne Yuctuc
65. Carson Zorget
66. Michael Zottola

[END OF LIST]