



A-67-23

ID 1

Court File No.:

A-67-23

MAR 03 2023

FEDERAL COURT OF APPEAL

FEDERAL COURT OF APPEAL COUR D'APPEL FÉDÉRALE		D É P O S É
F I L E D	IAIN MCCANN	
TORONTO, ON		
2		

B E T W E E N:

Karen **Adelberg**, Matthew **Anderson**, Wyatt George **Baiton**, Paul **Barzu**, Neil **Bird**, Curtis **Bird**, Beau **Bjarnason**, Lacey **Blair**, Mark **Bradley**, John **Doe #1**, Daniel **Bulford**, John **Doe #2**, Shawn **Carmen**, John **Doe #3**, Jonathan Corey **Chaloner**, Cathleen **Collins**, Jane **Doe #1**, John **Doe #4**, Kirk **Cox**, Chad **Cox**, Neville **Dawood**, Richard **de Vos**, Stephane **Drouin**, Mike **Desson**, Jane **Doe #2**, Stephane **Drouin**, Sylvie **Filteau**, Kirk **Fisler**, Thor **Forseth**, Glen **Gabruch**, Brett **Garneau**, Tracy Lynn **Gates**, Kevin **Gien**, Jane **Doe #3**, Warren **Green**, Jonathan **Griffioen**, Rohit **Hannraj**, Kaitlyn **Hardy**, Sam **Hilliard**, Richard **Huggins**, Lynne **Hunka**, Joseph **Isliefson**, Leposava **Jankovic**, John **Doe #5**, Pamela **Johnston**, Eric **Jones-Gatineau**, Annie **Joyal**, John **Doe #6**, Marty (Martha) **Klassen**, John **Doe #7**, John **Doe #8**, John **Doe #9**, Ryan **Koskela**, Jane **Doe #4**, Julians **Lazoviks**, Jason **Lefebvre**, Kirsten **Link**, Morgan **Littlejohn**, John **Doe #10**, Diane **Martin**, John **Doe #11**, Richard **Mehner**, Celine **Moreau**, Robin **Morrison**, Morton **Ng**, Gloria **Norman**, Steven **O'Doherty**, David **Obirek**, John Robert **Queen**, Nicole **Quick**, Ginette **Rochon**, Louis-Marie **Roy**, Emad **Sadr**, Matt **Silver**, Jinjer **Snider**, Maureen **Stein**, John **Doe #12**, John **Doe #13**, Robert **Tumbas**, Kyle **Van de Sype**, Chantelle **Vien**, Joshua (Josh) **Vold**, Carla **Walker**, Andrew **Wedlock**, Jennifer **Wells**, John **Wells**, Melanie **Williams**, David George John **Wiseman**, Daniel **Young**, Gratchen **Grisson**, (officers with the **Royal Canadian Mountain Police**)

- and -

Nicole **Auclair**, Michael **Baldock**, Sabrina **Baron**, William Dean **Booth**, Charles **Borg**, Marie-Ève **Caron**, Thomas **Dalling**, Joseph Israel Marc Eric De **Lafontaine**, Ricardo **Green**, Jordan **Hartwig**, Rodney **Howes**, Christopher Mark **Jacobson**, Jane **Doe #5**, Pascal **Legendre**, Kimberly **Lepage**, Kim **MacDonald**, Cindy **Mackay**, Kim Martin-Mc**Kay**, David **Mason**, Alexandra Katrina **Moir**, Joseph Daniel Eric **Montgrain**, Radoslaw **Niedzielski**, Leanna June **Nordman**, Donald **Poole**, Edward Dominic **Power**, Norman L. **Reed**, Jane **Doe #6**, Brenden **Sangster**, Timothy Joseph **Seibert**, Ann-Marie Lee **Traynor**, Carl Barry **Wood**, Eddie Edmond **Andrukaitis**, Ruby **Davis**, Jennifer **Schroeder**, Joseph **Shea** employed by the (**Department of National Defence**)

- and -

Stefanie **Allard**, Jake Daniel **Boughner**, Brent **Carter**, Brian **Cobb**, Laura **Constantinescu**, Sonia **Dinu**, Aldona **Fedor**, Jane **Doe #7**, Malorie **Kelly**, Matthew Stephen **MacDonald**, Mitchell **Macintyre**, Hertha **McLendon**, Marcel **Mihailescu**, Michael **Munro**, Sebastian **Nowak**, Diana **Rodrigues**, Natalie **Holden**, Adam Dawson **Winchester**, (**Canada Border Services Agency**)

- and -

Christine **Clouthier**, Debbie **Gray**, Jennifer **Penner**, Dale **Wagner**, Joseph **Ayoub**, (**Agriculture and Agri-food Canada**)

- 2 -

- and -

Jane Doe #8, (Atlantic Canada Opportunities Agency)

- and -

Melanie DuFour, (Bank of Canada)

- and -

Jennifer Auciello, Sharon Ann Joseph, Eric Munro, (Canada Mortgage and Housing Corporation)

- and -

Jane Doe #9, (Canada Pension Plan)

- and -

Natalie Boulard, Beata Bozek, John Doe #14, Nerin Andrea Carr, Sara Jessica Castro, Debbie (Dubravka) Cunko, Josée Cyr, Jane Doe #10, Carol Gaboury, Tania Gomes, Julita Grochocka, Monique Harris, William Hooker, Kirstin Houghton, Leila Kostyk, Michelle Lamarre, Nicolas LeBlond, Suana-Lee Leclair, Paulette Morissette, Jennifer Neave, Pierre-Alexandre Racine, Benjamin Russell, Robert Snowden, Aabid Thawer, Heidi Wiener, Svjetlana Zelenbaba, Nadia Zinck, Aaron James Thomas Shorrock, Deirdre McIntosh , (Canada Revenue Agency)

- and -

Tamara Stammis, (Canada School of the Public Service)

- and -

Jasmin Bourdon, (Canada Space Agency)

- and -

Sharon Cunningham, Allen Lynden, Rory Matheson, (Canadian Coast Guard)

- and -

Tatjana Coklin, John Doe #15, Raquel Delmas, Jane Doe #11, Chelsea Hayden, Helene Joannis, Zaklina Mazur, Jane Doe #12, Jessica Simpson, Katarina Smolkova, (Canadian Food Inspection Agency)

- 3 -

- and -

Alexandre Charland, (Canadian Forestry Service)

- and -

Catherine Provost, Kristina Martin, (Canadian Heritage)

- and -

Jane Doe #13, (Canadian Institutes of Health Research)

- and -

Beth Blackmore, Roxanne Lorrain, (Canadian Nuclear Safety Commission)

- and -

Rémi Richer, (Canadian Radio-television and Telecommunications Commission)

- and -

Octavia La Prairie, (Canadian Security Intelligence Service)

- and -

Robert Bestard, (City of Ottawa Garage Fed regulated)

- and -

Kimberly Ann Beckert, (Core Public Service)

- and -

Sarah Andreychuk, Francois Bellehumeur, Pamela Blaikie, Natasha Cairns, Angela Ciglenecki, Veronika Colnar, Randy Doucet, Kara Erickson, Jesse Forcier, Valérie Fortin, Roxane Gueutal, Melva Isherwood, Milo Johnson, Valeria Luedee, Laurie Lynden, Annette Martin, Craig McKay, Isabelle Methot, Samantha Osypchuk, Jane Doe #14, Wilnive Phanord, Alexandre Richer Levasseur, Kathleen Sawyer, Trevor Scheffel, (Correctional Service of Canada)

- and -

Jordan St-Pierre, (Courts Administration Service)

- and -

Brigitte Surgue, Jane Doe #15, (Department of Canadian Heritage)

- and-

Ghislain Cardinal, Heather Halliday, Paul Marten, Celine Rivier, Ngozi Ukwu, Jeannine Bastarache, Jane Doe #16, Hamid Naghdian-Vishteh, (Department of Fisheries and Ocean)

- and –

Ishmael Gay-Labbe, Jane Doe #17, Leanne James, (Department of Justice)

- and -

Danielle Barabe-Bussieres, (Elections Canada)

- and -

Tanya Daechert, Jane Doe #18, Francois Arseneau, Chantal Authier, Nathalie Benoit, Aerie Biafore , Rock Briand, Arnaud Brien-Thiffault, Sharon Chiu, Michel Daigle, Brigitte Daniels, Louise Gaudreault, Karrie Gevaert, Mark Gevaert, Peter Iversen, Derrik Lamb, Jane Doe #19, Anna Marinic , Divine Masabarakiza, James Mendham , Michelle Marina Micko, Jean Richard, Stephanie Senecal , Jane Doe #20, Ryan Sewell, Kari Smythe, Olimpia Somesan, Lloyd Swanson, Tyrone White, Elissa Wong, Jenny Zambelas, Li yang Zhu, Patrice Lever, (Employment and Social Development Canada)

-and-

Jane Doe #21, Brian Philip Crenna, Jane Doe #22, Bradley David Hignell, Andrew Kalteck, Dana Kellett, Josée Losier, Kristin Mensch, Elsa Mouana, Jane Doe #23, Jane Doe #24, Valentina Zagorenko, (Environment and Climate Change Canada)

- and -

Pierre Trudel, (Export Development Canada)

- and –

Stephen Alan Colley, (Federal Economic Development Agency for Southern Ontario)

- and -

Vladimir Raskovic, (Garda Security Screeing Inc)

- and –

Mélanie **Borgia**, Jonathan Kyle **Smith**, Donna **Stainfield**, Annila **Tharakan**, Renee Michiko **Umezuki**, (Global Affairs Canada)

- and –

Dennis **Johnson**, (Global Container Terminals Canada)

- and –

Alexandre **Guilbeault**, Tara (Maria) **McDonough**, France **Vanier**, (Government of Canada)

- and –

Alex **Braun**, Marc **Lescelleur-Paquette**, (House of Commons)

- and –

Aimee **Legault**, (Human Resource Branch)

- and –

Dorin Andrei **Boboc**, Jane **Doe #25**, Sophie **Guimard**, Elisa **Ho**, Kathy **Leal**, Caroline **Legendre**, Diana **Vida**, (Immigration, Refugees and Citizenship Canada)

- and -

Nathalie Joanne **Gauthier**, (Indigenous and Northern Affairs Canada)

- and –

Christine **Bizier**, Amber Dawn **Kletzel**, Verona **Lipka**, Kerry **Spears**, (Indigenous Services Canada)

- and -

Sun-Ho Paul **Je**, (Innovation, Science and Economic Development Canada)

- and -

Giles **Roy**, (National Film Board of Canada)

- and -

Ray Silver, Michelle Dedyulin, Letitia Eakins, Julie-Anne Kleinschmit, Marc-Andre Octeau,
Hugues Scholaert, (National Research Council Canada)

- and -

Felix Beauchamp, (National Security and Intelligence Review Agency)

- and -

Julia May Brown, Caleb Lam, Stephane Leblanc, Serryna Whiteside, (Natural Resources
Canada)

- and -

Nicole Hawley, Steeve L'italien, Marc Lecocq, Tony Mallet, Sandra McKenzie, (NAV Canada)

- and -

Muhammad Ali, (Office of the Auditor General of Canada)

- and -

Ryan Rogers, (Ontario Northland Transportation Commission)

- and -

Theresa Stene, Michael Dessureault, John Doe #16, (Park Canada)

- and -

Charles-Alexandre Beauchemin, Brett Oliver, (Parliamentary Protection Service)

- and -

Carole Duford, (Polar Knowledge Canada)

- and -

Joanne Gabrielle de Montigny, Ivana Eric, Jane Doe #26, Salyna Legare, Jane Doe #27, Angie
Richardson, Jane Doe #28, (Public Health Agency of Canada)

- and -

Fay Anne Barber, (Public Safety Canada)

- 7 -

- and -

Denis Laniel, (Public Sector Pension Investment Board)

- and –

Kathleen Elizabeth Barrette, Sarah Bedard, Mario Constantineau, Karen Fleury, Brenda Jain, Megan Martin, Jane Doe #29, Isabelle Paquette, Richard Parent, Roger Robert Richard, Nicole Sincennes, Christine Vessia, Jane Doe #30, Pamela McIntyre, (Public Services and Procurement Canada)

- and -

Isabelle Denis, (Registrar of the Supreme Court of Canada)

- and -

Jane Bartmanovich, (Royal Canadian Mint)

- and -

Nicole Brisson, (Service Canada)

- and -

Denis Audet, Mathieu Essiambre, Alain Hart, Andrea Houghton, Natalia Kwiatek, Dany Levesque, David McCarthy, Pascal Michaud, Mervi Pennanen, Tonya Shortill, Stephanie Tkachuk, Marshall Wright, (Shared Services Canada)

- and -

Eve Marie Blouin-Hudon, Marc-Antoine Boucher, Christopher Huszar , (Statistics Canada)

- and -

Steve Young, (Telestat Canada)

- and –

Nathan Aligizakis, Stephen Daniel, Alain Douchant, Krystal McColgan, Debbie Menard, Clarence Ruttle, Dorothy Barron, Robert McLachlan, (Transport Canada)

- and –

Scott Erroll Henderson, Denis Theriault, (Treasury Board of Canada)

- and -

Josiane **Brouillard**, Alexandra **McGrath**, Nathalie **Ste-Croix**, Jane **Doe #31**, (**Veterans Affairs Canada**)

- and -

Olubusayo (Busayo) **Ayeni**, John **Doe #17**, Cynthia **Bauman**, Jane **Doe #32**, , Laura Crystal **Brown**, Ke(Jerry) **Cai**, Nicolino **Campanelli**, Donald Keith **Campbell**, Colleen **Carder**, Kathy **Carriere**, Melissa **Carson**, David **Clark**, Bradley **Clermont**, Laurie **Coelho**, Estee **Costa**, Antonio **Da Silva**, Brenda **Darvill**, Patrick **Davidson**, Eugene **Davis**, Leah **Dawson**, Marc **Fontaine**, Jacqueline **Genaille**, Eldon **Goossen**, Joyce **Greenaway**, Lori **Hand**, Darren **Hay**, Krista **Imiola**, Catherine **Kanuka**, Donna **Kelly**, Benjamin **Lehto**, Anthony **Leon**, Akemi **Matsumiya**, Jane **Doe #33**, Jane **Doe #34**, Jane **Doe #35**, Anne Marie **McQuaid-Snider**, Lino **Mula**, Pamela **Opersko**, Gabriel **Paquet**, Christine **Paquette**, Carolin Jacqueline **Paris**, Jodie **Price**, Kevin **Price**, Giuseppe **Quadrini**, Saarah **Quamina**, Shawn **Rossiter**, Anthony **Rush**, Anthony **Shatzko**, Charles **Silva**, Ryan **Simko**, Norman **Sirois**, Brandon **Smith**, Catharine **Spiak**, Sandra **Stroud**, Anita **Talarian**, Daryl **Toonk**, Ryan **Towers**, Leanne **Verbeem**, Eran **Vooys**, Robert **Wagner**, Jason **Weatherall**, Melanie **Burch**, Steven **Cole**, Toni **Downie**, Jodi **Stammis**, (**Canada Post**)

- and -

Nicolas **Bell**, John **Doe #18**, John **Doe #19**, Jane **Doe #36**, John **Doe #20**, Paola Di **Maddalena**, Nathan **Dodds**, John **Doe #21**, Jane **Doe #37**, Nunzio **Gioliti**, Mario **Girard**, Jane **Doe #38**, Jane **Doe #39**, You-Hui **Kim**, Jane **Doe #40**, Sebastian **Korak**, Ada **Lai**, Mirium **Lo**, Melanie **Maillox**, Carolyn **Muir**, Patrizia **Paba**, Radu **Rautescu**, Aldo **Reano**, Jacqueline Elisabeth **Robinson**, John **Doe #22**, Frederick **Roy**, John **Doe #23**, Taeko **Shimamura**, Jason **Sisk**, Beata **Sosin**, Joel **Szostak**, Mario **Tcheon**, Rebecca Sue **Thiessen**, Jane **Doe #41**, Maureen **Yearwood**, (**Air Canada**)

- and -

John **Doe #24**, JOSÉE **Demeule**, Jacqueline **Gamble**, Domenic **Giancola**, Sadna **Kassan**, Marcus **Steiner**, Christina **Trudeau**, (**Air Canada Jazz**)

- and -

John **Doe #25**, Emilie **Despres**, (**Air Inuit**)

- and -

Rejean **Nantel**, (**Bank of Montreal**)

- and -

Lance Victor **Schilka**, (**BC Coast Pilots Ltd**)

- 9 -

- and -

Elizabeth Godler, (BC Ferries)

- and -

John Doe #26, Jane Doe #42, Tamara Davidson, Jane Doe #43, Brad Homewood, Chad Homewood, Charles Michael Jefferson, John Doe #27, Janice Laraine Kristmanson, Jane Doe #44, Darren Louis Lagimodiere, John Doe #28, John Doe #29, Mirko Maras, John Doe #30, John Doe #31, John Doe #32, John Doe #33, John Doe #34, Jane Doe #45, John Doe #35, Kendal Stace-Smith, John Doe #36, Steve Wheatley, (British Columbia Maritime Employers Association)

- and -

Paul Veerman, (Brookfield Global Integrated Solutions)

- and -

Mark Barron, Trevor Bazilewich, John Doe #37, Brian Dekker, John Gaetz, Ernest Georgeson, Kyle Kortko, Richard Letain, John Doe #38, Dale Robert Ross, (Canadian National Railway)

- and -

Tim Cashmore, Rob Gebert, Micheal Roger Mailhiot, (Canadian Pacific Railway)

- and -

Karin Lutz, (DP World)

- and -

Crystal Smeenk, (Farm Credit Canada)

- and -

Sylvie M.F. Gelinas, Susie Matias, Stew Williams, (G4S Airport Screening)

- and -

Shawn Corman, (Geotech Aviation)

- and -

- 10 -

Juergen **Bruschkewitz**, Andre **Deveaux**, Bryan **Figueira**, David **Spratt**, Guy **Hocking**, Sean **Grant**, (**Greater Toronto Airports Authority**)

- and --

Dustin **Blair**, (**Kelowna Airport Fire Fighter**)

- and -

Hans-Peter **Liechti**, (**National Art Centre**)

- and --

Bradley **Curruthers**, Lana **Douglas**, Eric **Dupuis**, Sherri **Elliot** , Roben **Ivens**, Jane **Doe #46**, Luke **Van Hoekelen**, Kurt **Watson**, (**Ontario Power Generation**)

- and --

Theresa **Stene**, Michael **Dessureault**, Adam **Pidwerbeski**, (**Parks Canada**)

-and-

John **Doe #39**, (**Pacific Pilotage Authority**)

- and --

Angela **Gross**, (**Purolator Inc.**)

- and -

Gerhard **Geertsema**, (**Questral Helicopters**)

- and -

Amanda **Randall**, Jane **Doe #47**, Frank **Veri**, (**RBC Royal Bank**)

- and --

James (Jed) **Forsman**, (**Rise Air**)

- and -

Jane **Doe #48**, (**Rogers Communications Inc**)

- and --

Jerrilynn Rebeyka, (SaskTel)

- and -

Eileen Fahlman, Mary Treichel, (Scotiabank)

- and -

Judah Gaelan Cummins, (Seaspan Victoria Docks)

- and -

Darin Watson, (Shaw)

- and -

Richard Michael Alan Tabak, (SkyNorth Air Ltd)

- and -

Deborah Boardman, Michael Brigham, (Via Rail Canada)

- and -

Kevin Scott Routly, (Wasaya Airways)

- and -

Bryce Sailor, (Waterfront Employers of British Columbia)

- and -

**Joseph Bayda, Jamie Elliott, John Doe #40, Randall Mengerling, Samantha Nicastro,
Veronica Stephens, Jane Doe #49, (WestJet)**

- and -

Melvin Gerein, (Westshore Terminals)

PLAINTIFFS
APPELLANTS 27

AND:

~~Her Majesty The Queen~~, Prime Minister Justin **Trudeau**, Deputy Prime Minister and Minister of Finance Chrystia **Freeland**, Chief Medical Officer Teresa **Tam**, Minister of Transport Omar **Alhabra**, Deputy Minister of Public Safety Marco **Mendicino**, Johns and Janes **Doe**

DEFENDANTS

RESPONDENTS AB

NOTICE OF APPEAL

TO THE RESPONDENT:

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

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 (place where Federal Court of Appeal (or Federal Court) ordinarily sits).

(place Toronto) AB

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 appellant's solicitor, or, if the appellant is self-represented, on the appellant, WITHIN 10 DAYS after 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 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 613-992-4238) 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.**

Issued by:

**REBECCA DUONG
REGISTRY OFFICER
AGENT DU GREFFE**

Address of the local office:

Federal Court of Appeal
180 Queen Street West, Suite 200
Toronto, Ontario M5V 3L6

TO:

Adam Gilani
Ontario Regional Office
National Litigation Sector
Government of Canada
Suite 400, 120 Adelaide Street West, Toronto
Ontario M5H 1T1

APPEAL

THE APPELLANTS APPEAL to the Federal Court of Appeal, pursuant to s. 27 of the *Federal Courts Act*, from the order of the Federal Court, Mr. Justice Fothergill, dated February 21st, 2023 in Federal Court Docket # T-1089-22, by which the Federal Court struck the claim, with prejudice, with respect to two thirds of the Plaintiffs, and further struck the claim with respect to one third of the Plaintiffs, with leave to amend.

THE APPELLANT ASKS that:

- (a) The decision be set aside and that the matter proceed to trial with the Plaintiffs permitted to pursue the relief sought in this Statement of Claim;
- (b) The order (judgment) of granting costs against the Plaintiffs be set aside;
- (c) Costs of the motion to strike and within appeal, and,
- (d) in accordance with *Native Womens Assn. of Canada v 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 erred, in law, and contrary to the jurisprudence with respect to Justice Fothergill' ruling on *in rem* declaratory and other relief;
- (b) That the Learned motions judge erred in ruling that two thirds of the Plaintiffs were required to pursue the Labour dispute regime under Federal Law and, in doing so:
 - (i) Blatantly ignored, and did not respond to, submissions from counsel, that the analysis in *Weber (SCC)* required a review of the terms of employment under the labour bargaining agreement which was *not* before the Court on the motion to strike;
 - (ii) That the claim was restricted to:

- A. Declaratory relief (**in rem**) on constitutional grounds; and
 - B. Common-law, and constitutional torts, **all** grounded in misfeasance of public office;
 - C. Did not address, and biasedly ignored, counsel's submissions **and jurisprudence** which ruled that the tort of public misfeasance **can** be pursued within the context of unionized employees under a collective bargaining agreement;
- (iii) Breached the Plaintiffs' rights to intelligible reasons for Appellate review contrary to, **inter alia**, *Sheppard* (SCC), and further breached the Plaintiffs' right to reasons in refusing to address counsel's submissions that took both a central part of the Plaintiffs' Memorandum of Argument, as well as the lion's share of the Plaintiffs' oral submissions before the Court, contrary to *Baker* (SCC) and the Appellate jurisprudence that a Court must directly address counsel submissions in the reasons, as set out by **inter alia**, *Johnson* (Ont. C.A) and *Taylor* (BCCA);
- (iv) Ruling that the pleadings were "deficient" and "bad beyond argument" without setting out what is deficient about them, but blindly applying a ruling from another case which is not similar case to this one, nor on point;
- (v) Exhibited clear (reasonable apprehension of) bias.

- (c) The Learned judge further erred, in law, contrary to the Supreme Court of Canada jurisprudence on the test to be applied on a motion to dismiss/strike;
- (d) The Learned motions judge erred, in law, in ruling sufficient facts were not pleaded to support the causes of action advanced;
- (e) The Learned motions judge erred, in law, in usurping the function of the trial judge, and making determinations of fact, mixed fact and law, on the basis of bare pleading(s);
- (f) Awarded of costs to the Defendants in circumstances where no costs should have been awarded, or an order of costs in the cause should have been awarded, in that the results of the motion were split;
- (g) Such further and other grounds as counsel may advise and this Honourable Court permit

The Appellants propose that this appeal be heard in Toronto.

March 3rd, 2023



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PROFESSIONAL CORPORATION
Rocco Galati, B.A., LL.B., LL.M.
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FAX: (416) 530-8129

Email: rglfpc@gmail.com

Solicitor for the Appellants

Court File No.:

FEDERAL COURT OF APPEAL

B E T W E E N:

KAREN ADELBERG ET AL.

Plaintiffs

- and -

HIS MAJESTY THE KING ET AL.

Defendants

NOTICE OF APPEAL

ROCCO GALATI LAW FIRM
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Solicitor for the Appellants