



Date: 20250401

Docket: A-33-25

Ottawa, Ontario, April 1, 2025

Present: RENNIE J.A.

BETWEEN:

FRANCESCO GABRIELE QUALIZZA, JOEL THOMAS WILLIAM ELLIS,
PATRICK MERCIER, JILL LYNE DUCHESNEAU, JOSEPH BENJAMIN STEWART,
ERIC DAVID FAUCHER, SCOTT PETER BACON, STEPHEN TROY CHLEDOWSKI,
AMANDA LEIGH BENHAM, JOSHUA MARTIN MCCULLOCH, KYLE CORRIVEAU,
JOSEPH DANIEL ERIC LOUIS MONTGRAIN, DUSTIN SHANE WIEBE,
STEPHEN WJ MORRIS, DAVID GARCIA VARGAS, MICHAEL JOSEPH LIS,
NATASHA KATRINA LIS, SOLANGE SINE DJOUECHE, PETER VLASSOV,
FREDERIC VILLENEUVE-NORMAND, estate of JONATHAN EMMERSON
JENKINSON, VALENTIN LAVROV, MARIE-EVE LABONTE, JESSE DALE FRIESEN,
TANIA CATHERINE NORDLI, ANDRZEJ SKULSKI, DENNIS JOHN PAUL
TONDREAU, EMMY-LOU LAURIE FORGET, DALLAS ALEXANDER FLAMAND,
CHELSEA ELAINE ROGAL, BARON HORDO, TAYLOR MICHAEL HARVIE,
VANESSA RAE LAROCHELLE, JACQUELINE MARIE FRANCE BOEHME, JAMES
PAUL DANIEL FORMOSA, KAITLYN E CAMPBELL, LUCAS TIMOTHY
VANCUREN, JERMAINE SHERIDAN BURRELL, ANTHONY DAVID HIATT,
MICHAEL ST-LAURENT, ARMAND EDWARD A. GARNER, AMIT SODHI,
CAMILLE FELIX J TURGEON, SAMANTHA GWENDOLYN STYLES,
CAROL-ANN MARY T OUELLETTE, ROBERT JAMES TEREMCHUK,
NATHANIEL J P TONDREAU, NIKOLA J GUY TONDREAU, LISA PAULINE
LEOPOLD, HAILEY NOELLE SCHRODER, DOMINIQUE LAUZIER,
VALERIE OUELLET, JOHN M GILLIS, MORGAN CHRISTOPHER WARREN,
MARK ANDREW GOOD, SEAN MICHAEL MARCOTTE, MARK ANDREW
LOLACHER, GABRIEL VILLENEUVE, KIRA ANNE YAKIMOVICH,
MATHIEU W PETIT-MARCEAU, KIMBERLY NEDRA ETTTEL,
CHRISTOPHER WILLIAM RAMBHAROSE, MICHAEL RYAN FRANK,
EVAN JEFFERY MCFATRIDGE, PIERRE-ELIE LASNIER, ALESSANDRU WARD
FORSTER BROWN, DANIS DOIRON, CARL JOSEPH D RIVEST-MARIER,
JAROSLAW T CIESINSKI, STEPHEN WILLIAM HOLT, RANDOLPH RAYMOND
JENKINS, ANDREW JOHN MACPHEE, VALERIE PALIN-ROBERT,
ROGER CORY STOESZ, SHANE THOMAS WHITSON, CHRISTIAN KURT CARTER,
MATTHEW JAMES ROWE, DAVE BOUCHARD, LAURIE C. BAKER,

FREDERIC LAUZIER, LUCAS SHANE O'CONNOR, LAURA DIANNE ALLAN,
GEORGE VRINIOTIS, SIENNA GERMAINE QUIRK, CHARLES BRUNO
ALEXANDRE TURMEL, JAROSLAW GRZEGORZ MARCZEWSKI,
CHRISTOPHER NIGHTINGALE ANDERSON, FRANCIS JOSEPH MICHEL
ARCHAMBAULT, CHRISTOPHER RAYMOND AUSTIN, JOHN ANTHONY
BAKLINSKI, DAVID GLEN BARKHOUSE, MICHAEL BARRETTE,
DARRIN THOMAS BEATON, BOBAK BEHESHTI, ANDRES FELIPE BOCANEGRA
BELTRAN, NATHAN KYLE JOHNSON, CONRAD JOSEPH BENOIT,
MATHIEU BERNARD, BRIAN JAMES BEWS, MICHAEL CHRISTOPHER BILL,
ROBERT STEWART BISHOP, JEFFERSON MALCOME BISSENGUE,
STEVEN BOLDUC, THOMAS GILL BONNETT, CHARLES ANTHONY VALMHOR
BORG, PATRICK JAMES BOSCHALK, KARLA RAE BOWLER, KENNETH SCOTT
BRADLEY, DWAYNE ARMAND BRATZKE, RYAN DOUGLAS BREAU,
CHARA LOREN BROWNE, WILLIAM FREDERICK BULL, MARK A CALOW,
JAMES GREGORY CAMERON, BRETT GRANT GORDON CAMPBELL,
DAMIAN RONALD CAYER, JESSE SHAYNE CHAMBERS, VLADIMIR CHARNINE,
SHAUN KYLE CHARPENTIER, DANIEL ROBERT CHESHIRE, DAVE CIMON,
CHARLES BENOIT-JEAN COTE, REMI COTE, MATTHIEU COULOMBE,
REBEKAH KATHLEEN COURTNEY, MAVERICK JEREMY JOSEPH COWX,
JONATHAN WAYNE CROUCH, NICOLE JOHNNA CROWDER,
BARTLOMIEJ DAVID CYCHNER, BEATA MARGARET CZAPLA, SARA DARBY,
BRADY DAMIEN DEDAM, VIRGIL SEVERIN DESSOUROUX,
SEAN ROBERT DIXON, ROBERT ADAM DOLIWA, DANIEL PIERRE DROLET,
SAMUEL DROUIN, BENJAMIN GRAHAM DUNBAR, MATTHEW ALEXANDER J.
DURDA, STEPHEN ANDREW TERENCE ELLS, AUSTIN KARN FAULKNER,
ERIC MICHEL C S FONTAINE, WILLIAM JOSEPH R FORGET, SEAN MICHAEL
FRANCIS, KORY MICHAEL FRASER, JASON JOSEPH KEVIN FRECHETTE,
CHRISTOPHER BENJAMIN FUELLERT, STEVEN JAMES GALLANT,
STEVEN ROY GAMBLE, TANYA LEE GAUDET, EMILIE GAUTHIER-WONG,
TOMMY GAUVREAU, NICOLAS ALEXANDER GLEIS, MARCEL JOSEPH G E
GOBEIL, TAMMY DANIELLE GREENING, EUGENE PIETER GREYLING,
KEVIN CLARENCE J GRIFFIN, DOMINIC JOSEPH S GUENETTE, DARCY WAYNE
HANSEN, BRETT NEVIN WELLCOME, RORY ALEXANDER HAWMAN,
JAMES ADAM HEALD, KYLE KEITH HEPNER, JASON STANLEY GILBERT
IGNATESCU, THANARAJAN JESUTHASAN, KEVIN THOMAS JOHNSON,
GARY ADAM JOHNSTON, RYAN GREGORY JONES, JAMIE ALEXANDER CURTIS
JORSTAD, ATTILA STEPHEN KADLECSIK, DUSTY LEWIS KENNEDY,
HUNTER ELMER KERSEY, LIAM OWEN KIROPOULOS, CHRISTOPHER ROBERT
KNORR, EVAN VICTOR KOZIEL, MARTIN PHILIPPE LABROSSE,
GERALD JN- FRITZ LAFORTUNE, ANDRE LAHAYE, KELLY-LEE MARIE LAKE,
NICHOLAS EDWARD LANGE, SARAH-EMILIE LASNIER, DOMINIC JOSEPH M.
LAVOIE, TARA LAVOIE, DRAKE MICHAEL LE COUTEUR, MARC LECLAIR,
PIERRE LEMAY, JONATHAN JOSEPH A. LEMIRE, DANIEL PAUL LOADER,
GARRETT CURTIS LOGAN, JORDAN TERENCE LOGAN, ALEXANDRE GUY
RICHARD LOISELLE, ADAM FERNAND C. LUPIEN, WALTER GEORGE LYON,
JOSEPH BREFNI W. MACDONALD, CHRISTIEN TAVIS ROGER MACDONNELL,

JEAN JOSEPH MADORE, CHARLES JOSEPH J. MAGNAN,
ANDREW ROBERT PAUL MALLORY, MARYLENE GINETTE S. MARTIN,
MARCO MASTANTUONO, JAMIE RICHARD MCEWEN, JOHANNES WOUTER
MULDER, TYLER EDWIN NEUFELD, LAURA LEE NICHOLSON, KERI MERRIAM
NIXON, JONATHAN NOEL, JOSHUA BRUCE OLSON, CAROLINE MARY AUDREY
OUELLET, JOSEPH ANTHONY PAPALIA, MELANIE MARIE I. PARE,
ALEXANDRU PATULARU, JOSHUA ALEXANDER PICKFORD, AGNES PINTER-
KADLECSIK, JEAN-SIMON PLAMONDON, KRISTER ALEXANDER
POHJOLAINEN, AURA A. PON, BRODY ALLEN POZNIKOFF, STEFAN PRISACARI,
MONIKA ANNA QUILLAN, ROMAIN RACINE, DOMINIC LAURENS WILLIAM
RAGETLI, STEPHANE RATTE, BRYAN THOMAS RICHTER, WILLIAM RIOS,
JENNA LEIGH ROBERTS, JOSHUA CALVIN ROBERTS, LAURIE ROSE, RORY
ALEXANDER DAVID ROSEN, SEBASTIEN SALVAS, CAMERON RAY S. SANDERS,
CARL JEAN G. SAVARD, TORSTEN SCHULZ, PAUL RUSSELL SHAPKA, BLAKE
ALEXANDER SHEEDY, QUINTON JAMES STENDER, CALEB ETHAN M. STENER,
GABRIEL-ALEXANDRE ST-GELAIS, NICOLAS JOSEPH ST- GERMAIN, ROBERT
CHRISTOPHER STULL, JAMES ROARK SUTER, DALEN DREW TANNER, JUSTIN
MYLES TENHAGE, JACOB CYRIL THERIAULT, SIMON BOBBY H TILLY, JEAN-
PHILIPPE TRUDEL, ALBERT JASON TSCHETTER, SHELLEY DIANE TULLY,
MAGALI TURPIN, JULIAN PHILIP TUTINO, GREGORY VINCENT-WALKER,
CADE AUSTIN WALKER, BRENNEN BO ANTHONY WATSON, BENJAMIN KYLE
WESTON, MATTHEW MAX WHICHER, JOSHUA JAMES WHITE,
ANDREW ERNEST WILKOWSKI, DONALD JAMES WILLIAMS, CURTIS MALCOM
WILSON, WADE GEORGE WILSON, ANDREW DEAN WYCHNENKA, MARC
ZORAYAN, BRANDON TYLER PETER ZWICKER, WILLIAM H L LEVI WALL,
KAREN PAIGE NIGHTINGALE, MARC- ANTOINE POULIN, KEEGAN MARSH,
RYAN MICHAEL, THOMAS PATRICK HAYES, JAMES MARK CHARLEBOIS,
HALSTON RANDAL NICHOLSON, MELISSA-JANE SARAH KRIEGER, GIANLUCA
LUCETTA, BENJAMIN JAMES WILCOX, MARK RONKIN, SERGE JOSEPH LEO
FAUCHER, JACOB THOMAS FIDOR, LUCAS GERARD ZIEGELBAUER, SPENCER
DANIEL LORD, IAN OCEGUERA, JOHN NESRALLAH, DANIEL NINIAN
RODRIGUES, CORY JASON KRUGER, STEPHEN YOUNG SMITH, FOURAT
YACOB YOUSIF JAJOU, ANTHONY BILODEAU, JONATHAN MICHAEL
RECOCKIE, THOMAS L. EDWARDS, LINDSAY ANNE MACKENZIE, SARAH
EVELYN LAPRADE, DANY PILON, JAMES ANDREW COOK, DEREK JOHN
GAUTHIER, DAVID ADAM DOBBIE, GABRIELLE CHARPENTIER, DANIEL
JOHANNES RECKMAN, ZACHARY CLEELAND, MATEUSZ CAMERON
KOWALSKI, TARA J. MACDONALD, PAUL DAVID WILSON, BRENDAN V. T.
LEBERT, JOCELYN LAMOTTE, ANTHONY J. DUKE, RILEY MALCOLM
MACPHERSON, KIM NOEL LAUZON, KURTIS ROCKEFELLER RUTHERFORD,
SERGIU GEORGE CANDEA, JESSE HENRY FIELD, WILLIAM EDWARD
BRENDON, CAMERON SAMUEL NOBERT, DAVID HOUDE, ALYSSA JOY
BLATKEWICZ, COLIN PERRY KAISER, FABRICE DOURLANT, CORY LANCE
GARGIN, ANITA GRACE HESSLING, JENNIFER BETHANY FRIZZLEY, DAVID
ANDREW BENSON, BRANDON JOHN ARMSTRONG, REJEAN BERUBE, JEAN-
PHILIPPE JOSEPH BOUCHARD, DHILLON DAVID COLE, PIERRE-OLIVIER

**COTE-GUAY, IAN M MENZIES, ERIC MONNIN, ELLIOT GAMACHE, NICHOLAS
NEIL LLOYD CROCKER, ROBERT ALLAN HENDERSON,
GABRIEL GILLES RJ RAMSAY, DEVIN JAMES MCKENNA**

Appellants

and

**HIS MAJESTY THE KING IN RIGHT OF CANADA, CHIEF OF THE DEFENCE
STAFF GENERAL WAYNE EYRE, VICE CHIEF OF DEFENCE STAFF
LIEUTENANT-GENERAL FRANCES J ALLEN, LIEUTENANT GENERAL JOCELYN
J M J PAUL, VICE ADMIRAL ANGUS L TOPSHEE, and LIEUTENANT GENERAL
ERIC J KENNY, MINISTER OF NATIONAL DEFENCE, THE HONOURABLE ANITA
ANAND, FORMER DEPUTY MINISTER OF NATIONAL DEFENCE JODY THOMAS,
SURGEON GENERAL MAJOR-GENERAL JGM BILODEAU, CHAPLAIN GENERAL
BRIGADIER- GENERAL JLG BELISLE, JUDGE ADVOCATE GENERAL REAR-
ADMIRAL GENEVIEVE BERNATCHEZ, and
BRIGADIER GENERAL LIAM WADE RUTLAND**

Respondents

ORDER

UPON MOTION in writing by the appellants for an order pursuant to Rule 343(3) of the
Federal Courts Rules to determine the contents of the appeal book;

AND UPON reading the representations of the parties, and the decision under appeal;

THIS COURT OBSERVES that:

- a) The appeal concerns a decision of the Federal Court refusing to extend the period of time within which a notice of appeal can be filed from a decision of an Associate Judge of the Federal Court under Rule 221 striking the appellants' statement of claim;

- b) No argument is advanced by the appellants why the materials that were before the Associate Judge but not before Manson J., ought to be before this Court;
- c) Rule 343(2) requires parties to an appeal to include in an appeal book “only such documents, exhibits and transcripts as are required to dispose of the issues on appeal”. Although the Rule 343(2) test is a flexible one, a document should be included in the appeal book “only if there is a reasonable basis for concluding that it is required to dispose of an issue on appeal” (*Bojangles’ International, LLC v. Bojangles Café Ltd.*, 2006 FCA 291, at para. 3);
- d) As a general rule, the representations of counsel are not included in an appeal book, save where a valid argument to be made rests on their submissions *Hillary v. Canada (Citizenship and Immigration)*, 2010 FCA 215. This may be the case here, and, erring on the side of ensuring the panel hearing this appeal has the necessary record to determine the appeal, the representations of both parties before Manson J. shall be included;

THIS COURT ORDERS that:

- 1. The contents of the appeal book shall therefore be:
 - a. a table of contents describing each document;
 - b. The notice of appeal filed January 23, 2025;
 - c. The Order of Manson J. dated January 14, 2025;

- d. The Judgment and Reasons of Associate Judge Coughlan dated November 13, 2024;
 - e. The motion record of the Appellants that was before Manson J., specifically:
 - i. The notice of motion dated December 12, 2024;
 - ii. The affidavit of Catherine Christensen sworn on December 12, 2024;
 - iii. The written representations of the parties before Manson J.
 - f. This order made under Rule 343(3) of the *Federal Courts Rules*;
 - g. A certificate in Form 344.
- 2. The appeal book is to be served and filed in accordance with Rule 345.
 - 3. Costs of this motion are in favour of the respondent and are fixed at \$250.

“Donald J. Rennie”

J.A.