



## Appendix 1 Revised Requirements for submitting Motion Materials

### **General**

Each party must file with the Commission a Motion Record. The Motion Record will include any or all of a Notice of Motion, Factum, Affidavit(s) (with or without exhibits), required Schedules (see below), and other such documents as needed. Each party may file a Book of Authorities. However, it is the strong preference of the Commission that one Joint Book of Authorities be filed on behalf of all applicants and one be filed on behalf of all respondents. In other words, if there is more than one applicant or respondent, one party should take on the role of co-ordinating a Joint Book of Authorities.

Each party must file both an electronic and paper version of their Motion Materials. The requirements for each type are listed below. There is a deadline for filing electronic materials and a deadline for filing paper materials.

### **Electronic Submissions**

The Motion Record and (Joint) Book of Authorities is to be filed with the Commission electronically no later than 4 pm on the date set by the Commission for each motion.

The electronic submissions are to be filed in PDF format, either scanned or direct text conversion (ie from Word to PDF using Adobe Acrobat). If using direct text conversion, signatures are not required for electronic submissions. Only in rare circumstances will the Commission accept non-PDF formats. To resolve this issue, consult with Commission Counsel to come up with a suitable alternative.

The documents that make up the Motion Record may be sent as separate PDF documents, or they may be sent as one PDF document. For example, a Factum and a Notice of Motion may be separate PDF files, or one PDF file. In either case, an Index should be included indicating tab numbers to be used etc. The Index may or may not be a separate PDF file. The document(s) making up the Motion Record should be sent together in one email (or if the total size is greater than 5Mb in more than one email no greater than 5Mb each). At least one representative for each party must be copied on the email(s) with the Motion Record document(s) as proof of service.

For Books of Authorities, joint or otherwise, each authority must be a separate PDF file. The Authorities should be sent separately from the Motion Record documents, in one or more emails. The Commission does not require proof of service for Authorities. Parties should contact other parties to ascertain if they wish to receive the authorities and to work out the best way to deliver them. For example, some email systems can't accept

large volumes and a CD may need to be sent, or the party may not wish to receive them. If the authorities total more than 5Mb of material, they should be sent in more than one email, each email with attachments totalling no more than 5Mb. If the authorities total more than 10Mb contact the Document Management Administrator directly and parties will be instructed to either send the emails when personal attention is available, or send them on CD via Courier. It should be noted that the authorities sent to the Commission constitute the “official record” for that motion, and will be the copies referred to in the hearing room.

All electronic submissions are to be sent to the email address given to counsel for submissions. Each party will receive by reply email a confirmation of receipt of the submissions within 24 hours. If any party does not receive a confirmation in the allotted time please contact the Document Management Administrator.

### **Book of Authorities and Joint Books of Authorities**

Each party must file with their factum a **Schedule A** that lists each authority it intends to rely on. **Schedule A** should be listed with the following sections: Section 1 – Case Law; Section 2 – Legislation; Section 3 – Texts, Papers, and Other.

**Schedule A** must list all authorities to be relied upon. However, Respondent and Reply Books of Authorities must not contain authorities included in previous Books of Authorities (joint or otherwise). In other words, if an authority is contained in a previous Book of Authorities, include a reference to that location in **Schedule A**. For example, *Pritchard v. Ontario (Human Rights Commission)*, [2004] 1 S.C.R. 809 is included in the Applicants’ Joint Book of Authorities at Tab 4. The Respondent’s **Schedule A** would include: *Pritchard v. Ontario (Human Rights Commission)*, [2004] 1 S.C.R. 809 (See Applicants’ Joint Book of Authorities at Tab 4).

As stated above, the Commission strongly prefers that one Joint Book of Authorities be submitted on behalf of all parties in interest. In other words, if there is more than 1 applicant, one party should assume the role of co-ordinating a Joint Book of Authorities for all of the applicants. The same applies for Respondents. Each party must still include in their factum a **Schedule A** that lists each authority it intends to rely on. For clarity, parties participating in preparing a Joint Book should list all authorities to be relied upon, but do not need to provide tab numbers for the Joint Book. Instead, the coordinating party will submit an Index for the Joint Book.

The co-ordinating party will assemble a Joint Book of Authorities after consultation with the parties in interest. The Commission suggests that parties circulate their Schedule A between themselves and the co-ordinating party with enough time for them to assemble the Joint Book of Authorities to meet the deadline. The Electronic and Paper Submission requirements are the same as non-joint books. However, an Index for the Joint Book of Authorities must be submitted with the Joint Book, in its own PDF file. This Index should also be listed with the sections: Section 1 – Case Law; Section 2 – Legislation; Section 3 – Texts, Papers, and Other. If additional time is required as a result of preparation of a Joint Book of Authorities, please contact Commission Counsel forthwith.

## Paper Requirements

Each party must file paper copies of the Motion Record, Book of Authorities or any Joint Book of Authorities they are responsible for. The Commission requires 5 copies of all materials. For any document with a signature (factum, affidavit etc) one of the 5 copies must be an original (ie an original signature).

The 5 copies of all materials must arrive at the Commission no later than 12 noon the day after the deadline for submissions. For example, Commission counsel sets May 31 as the deadline for submissions on Motion X for applicants. On May 31 all electronic submissions of the Motion Record, and any authorities (joint or otherwise) of the moving party and those in interest, are due by 4 pm. By 12 noon on June 1, the 5 paper copies, including one original, of the Motion Record and 5 copies of any Book of Authorities (joint or otherwise) must arrive at the Commission.

## Specific Types of Reference Materials

### Transcripts:

Parties are not required to reproduce excerpts from Transcripts. Instead parties must file as part of their factum a **Schedule T** listing the Volume number, date of transcript, and page and line numbers.

### Correspondence with the Commission:

In rare cases when parties or the Commission wish to rely on Correspondence between them, parties are not required to reproduce those letters. Instead Parties must file as part of their factum a **Schedule L** listing the date of the correspondence and the name of the author and recipient of the letter.

### Legislation:

Legislation that is available electronically does not need to be reproduced in its entirety. However, all Legislation should be listed on **Schedule A**. Relevant excerpts of the legislation should be reproduced as part of the Book of Authorities (see above). Legislation that is not available electronically should be reproduced in its entirety as part of the Book of Authorities.

### Cornwall Public Inquiry Documents:

Parties are not required to reproduce the Order-in-Council nor the Rules of Practice and Procedure. However, they must be listed on **Schedule A** for each party who intends to refer to them.

## Circumstances Not Covered in this Appendix

For any issue that arises not covered by this Appendix, parties are to contact Commission Counsel or staff. The Commission recognizes that not all circumstances or motions are the same. The Commission desires to work with parties to resolve issues prior to motion day. Every effort will be made to reasonably accommodate parties, always with regard to efficiency and fairness.