

COURT OF APPEAL OF ALBERTA**Form AP-5**
[Rule 14.87]

COURT OF APPEAL FILE NUMBER: 987654321

TRIAL COURT FILE NUMBER: 123456789

REGISTRY OFFICE: Edmonton

PLAINTIFF/APPLICANT: John Doe

STATUS ON APPEAL: Appellant

DEFENDANT/RESPONDENT: Jane Smith

STATUS ON APPEAL: Respondent

DOCUMENT: **EXTRACTS OF KEY EVIDENCE**

Registrar's Stamp

Appeal from the Decision of
The Honourable Justice J. Jones
Dated the 31st day of May, 2023
Filed the 15th day of July, 2023

EXTRACTS OF KEY EVIDENCE OF THE RESPONDENT

For the Appellant
Lawyer Name:
Law Firm:
Address:
Telephone:
Fax:

For the Respondent
Lawyer Name:
Law Firm:
Address:
Telephone:
Fax:

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Request For Appeal Record

(Appeal to Court of Appeal only)

Transcript Management Services (TMS)
 CALGARY COURTS CENTRE Suite 1901-N, 601 - 5th
 Street SW, Calgary AB T2P 5P7
 Phone: 403-297-7392 Email -
tms.appeals@just.gov.ab.ca

Appeal Number	Q.B./Prov. Court Number	Justice/Judge	Court Location(s)
Appellant		Respondent	

Transcript must be ordered online first at:
www.alberta.ca/order-courtroom-transcript.aspx
 Provide/list all Transcript Order(s) numbers*
 (if not enough room, attach additional page(s))

Special Instructions

**Orders will only be processed
 When we receive the following:**

- ☐ Filed Notice of Appeal
- ☐ List of Contents (Civil Only)
 (Pleadings and Final Documents)
- ☐ Legal Aid Certificate, if
 applicable (*see page 2 "Notice"
 for further instructions on ordering
 transcripts)

Type of Appeal Record

<input type="checkbox"/> Conviction Appeal (Allow up to 6 weeks)	<input type="checkbox"/> Sentence Appeal (Allow up to 6 weeks)	<input type="checkbox"/> Sentence Appeal Gaol Sentence of 6 months Or less (Allow up to 4 weeks)
<input type="checkbox"/> Standard Appeal (Allow up to 8 weeks)	<input type="checkbox"/> Fast Track Appeal (Allow up to 3 weeks)	

FEES Documents \$2.00/page Copy Rate \$0.40/page	Customer Name and Address (include Law Firm Name if applicable)	
Date (yyyy-mm-dd)	Telephone	Email
Customer Name (printed)	Customer Signature	

For in custody, self-represented litigants only:

Name of Institution	Institution Fax #
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In Custody, Self-Represented only:
 Fax completed form to TMS 403-297-7034

Single Judge Chambers		
Date of Application:	Deadline for Applicant (10 days prior)	Deadline for Respondent (5 days prior)
Monday (special sitting only)	Two Fridays before	Wednesday before
Tuesday	Two Mondays before	Thursday before
Wednesday	Two Mondays before	Friday before
Thursday	Two Mondays before	Monday before
Friday (special sitting only)	Two Tuesdays before	Monday before
Panel Applications		
Date of Application:	Deadline for Applicant (20 days prior)	Deadline for Respondent (10 days prior)
Thursday	Three Fridays before	Two Mondays before

- If a deadline falls on a weekend, the materials may be filed by the following Monday and will still be considered on time¹.
- If a deadline falls on a Monday that is a statutory holiday, the materials may be filed by the following Tuesday and will still be considered on time¹.
- If a deadline falls on a statutory holiday that is on a weekday other than a Monday (e.g., Remembrance Day, Good Friday, Canada Day, Christmas break), the materials may be filed by the following business day and will still be considered on time¹.

¹ The Registry will deliver the application materials for any particular week to the presiding judge before some of the formal deadlines are reached. Documents filed after that date are “late”, in the sense that the rest of the material will already have been sent to the judge. While “last minute” filings will not be considered out of time, and will not be marked late, lateness in filing may require an adjournment of the hearing into the future. **Prudent counsel will file early, and certainly will not wait until the Monday after the weekend to file documents.** See: *Sobey’s West Inc. v. Edmonton (City)*, 2015 ABCA 32.



Overview of Extracts of Key Evidence

Civil Rules 14.27 – 14.29
Criminal Rule 16.19

Electronic Filing

On March 1, 2021, e-filing became mandatory. All documents must be formatted in accordance with the [Practice Direction on Electronic Filing](#) and filed via the Court of Appeal Management System ([CAMS](#)). Unless an exemption from e-filing is granted, paper documents at the counter and documents via email will not be accepted.

For more information about CAMS, including how to register for an account and how to format and file documents, view the [CAMS Manual](#) and [FAQs](#). To visit the CAMS e-filing website, click [here](#).

General

A sample Table of Contents for the Extracts is available on the Court's [website](#) under Court of Appeal > Registry > Filing Information > Filing, Fees and Forms.

See also the Mandatory Requirements & Check/Return Form for Extracts of Key Evidence for a list of the minimum requirements that Registry staff will watch for when documents are filed. This form is located on the CAMS e-filing [website](#) under Manual/Tip Sheets > Mandatory Requirements & Check Return Forms.

Deadlines

The deadline for filing the Extracts of Key Evidence is either before or at the same time that a party files its Factum.

Content

Extracts:

- should contain extracts of the transcripts, exhibits or other material on the record needed to resolve the issues in the appeal
- must exclude any evidence, exhibits and other materials unlikely to be needed
- must not contain any comment, argument, trial briefs, legal authorities or new evidence
- can contain any document that should have been included in the Appeal Record but was not

Records that are subject to a restricted court access order must be filed as a separate Extracts of Key Evidence and identified as such.



If an exhibit cannot be readily reproduced and will be referred to in argument, the Extracts of Key Evidence must be accompanied by a letter requesting that the original exhibit be made available at the hearing of the appeal.

Important reminder about content

Parties are reminded of the requirement in rule 14.27(1) that Extracts of Key Evidence should contain only the material needed to resolve the issues on appeal. An exhaustive electronic data dump of everything on the trial court file is inappropriate.

The appellant should attempt to include in its Extracts of Key Evidence all documents that will likely be required by any party, so as to minimize the need of any subsequent party to file further Extracts of Key Evidence.

Note that there is no reason to file materials in an “abundance of caution”, because rule 14.28(1) provides that all documents on the trial court’s record are a part of the Court of Appeal record, even if copies are not filed with the Court. Where appropriate, documents can be referred to in the factums, even if copies are not filed.

Where only a portion of a document (for example a transcript) is necessary to resolve the appeals, only the extract should be reproduced.

No comment, argument, trial briefs, authorities or new evidence to be included

Rule 14.27(1)(c) provides that Extracts of Key Evidence are not to include any comment, argument, trial briefs, legal authorities or new evidence. Trial briefs are not permitted, even where there was no oral argument in the court below, because an appeal is not a re-trial of the action. The factums will focus on the alleged reviewable errors in the trial decision, something the trial briefs do not do. All evidence or exhibits received by the lower court (or tribunal) are considered part of the Appeal Record even if they are not included in any document filed with the Court of Appeal.

Requests/applications for permission to include written briefs or argument filed in the court below within Extracts should be made to the relevant Case Management Officer in advance.

Format

Extracts of Key Evidence have a prescribed cover page (Form AP-5 for **civil** appeals and Form CRA-K for **criminal** appeals). These forms are available on the Court’s [website](#) under Court of Appeal > Registry > Filing Information > Filing, Fees and Forms. The forms for civil matters and criminal matters are grouped separately on the website. Ensure that you use the correct one.

Rule 14.29(a) requires that the table of contents of the Extracts of Key Evidence describe each document sufficiently to enable a user to quickly identify and locate a relevant document. For example, describing a document as “Exhibit A” is unhelpful.



Extracts of Key Evidence must be formatted in accordance with the [Practice Direction on Electronic Filing](#). This includes such things as coloured covers, bookmarks, pagination, hyperlinking and so on. For complete information, see the Formatting section of the [CAMS Manual](#) and the section entitled Electronic Filing Formatting Requirements Overview.

Key passages in the Extracts of Key Evidence may be highlighted.

Extracts of Key Evidence must have coloured covers as follows:

- Appellant (including appellants who are cross respondents): yellow
- Respondent (including respondents who are cross appellants): pink
- Intervenors: blue

A sample formatted Extracts of Key Evidence is available on the on the CAMS e-filing [website](#) under Manual/Tip Sheets > Sample Formatted Documents.

NOTE

If an exemption from the requirement to file documents electronically is granted, the content, format, filing and other requirements of the [Alberta Rules of Court](#) apply except that only one paper copy is required to be filed, and it must be an unbound copy containing no staples or binding other than easily removable clips or rubber bands.

Edmonton Court of Appeal 2020 Sitzings

JANUARY						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

MARCH						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

MAY						
S	M	T	W	T	F	S
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3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

JULY						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

SEPTEMBER						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

NOVEMBER						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

FEBRUARY						
S	M	T	W	T	F	S
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9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

APRIL						
S	M	T	W	T	F	S
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

JUNE						
S	M	T	W	T	F	S
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7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

AUGUST						
S	M	T	W	T	F	S
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9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

OCTOBER						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

DECEMBER						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Edmonton Criminal (excluding Sentence) & Civil General Appeals

1 Edmonton Fast Track Appeals Opening Day

Sentence Appeals, Sentence Speak To & Criminal Panel Applications

Panel Applications - Edmonton and Calgary

Edmonton Unscheduled Criminal Appeal List (excluding Sentence Appeals) & Unscheduled Civil Appeals List (excluding Fast Track Appeals)

Jasper Meeting

Stat Holidays