

**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

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Appeal from the Decision of  
The Honourable Mr. Justice J. Jones  
Dated the 31st day of July, 2019  
Filed the 15th day of August, 2019

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**EXTRACTS OF KEY EVIDENCE OF THE RESPONDENT**

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For the Appellant

Lawyer Name:

Law Firm:

Address:

Telephone:

Fax:

For the Respondent

Lawyer Name:

Law Firm:

Address:

Telephone:

Fax:

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Prepared by counsel for the Respondent

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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](mailto: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](http://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)	

<b>FEES</b> Documents \$2.00/page Copy Rate \$0.40/page	<b>Customer Name and Address (include Law Firm Name if applicable)</b>	
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

<b>Single Judge Chambers</b>		
<b>Date of Application:</b>	<b>Deadline for Applicant (10 days prior)</b>	<b>Deadline for Respondent (5 days prior)</b>
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
<b>Panel Applications</b>		
<b>Date of Application:</b>	<b>Deadline for Applicant (20 days prior)</b>	<b>Deadline for Respondent (10 days prior)</b>
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 time<sup>1</sup>.
- 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 time<sup>1</sup>.
- 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 time<sup>1</sup>.

<sup>1</sup> 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

#### General

1. The court requires 5 copies of the Extracts of Key Evidence. This does not include any copies required for the filing party or for service.
2. 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.
3. 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 Court's website under Court of Appeal > Registry > Filing Information > Mandatory Requirements & Check/Return Forms.

#### Deadlines

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

#### Content

5. Extracts:
  - 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
  - can contain Authorities, if the Authorities do not exceed approximately 30 pages.
6. 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. The purpose of this rule is to deter parties from including every document and every piece of evidence in the Extracts and to ensure parties that if a relevant document is missed, they will not be penalized.
7. 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.

**Format**

8. 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.
9. The table of contents in the Extracts of Key Evidence must list each document separately, including each exhibit to any affidavit, and show the page number where the document can be found. A sample Table of Contents meeting these requirements is available on the Court's website under Court of Appeal > Registry > Filing Information > Filing, Fees and Forms.
10. Extracts of Key Evidence must have coloured cardstock covers, front and back, as follows:
  - Appellant (including appellants who are cross respondents): yellow
  - Respondent (including respondents who are cross appellants): pink
  - Intervenors: blue
11. Extracts of Key Evidence can be printed single-sided and bound so that the writing is on the right or they can be printed double-sided. The pages must be numbered sequentially commencing with:
  - page A1 for the Appellant's Extracts
  - page R1 for the Respondent's Extracts
  - page I1 for the Intervenor's Extracts.
12. Key passages in the Extracts of Key Evidence may be highlighted.
13. If the Extracts of Key Evidence are more than 200 pages, they must be separated into multiple volumes of approximately equal length. If there are multiple volumes, each volume must contain a complete table of contents showing the contents of all of the volumes.
14. Extracts of Key Evidence may be included as an Appendix to the Factum (or with the Authorities) if the Extracts do not exceed approximately 30 pages.

# 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
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
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24	25	26	27	28	29	30
31						

JULY						
S	M	T	W	T	F	S
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26	27	28	29	30	31	

SEPTEMBER						
S	M	T	W	T	F	S
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6	7	8	9	10	11	12
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27	28	29	30			

NOVEMBER						
S	M	T	W	T	F	S
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29	30					

FEBRUARY						
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23	24	25	26	27	28	29

APRIL						
S	M	T	W	T	F	S
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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						
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16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

OCTOBER						
S	M	T	W	T	F	S
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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