

Federal Court



Cour fédérale

**NOTICE TO THE PARTIES AND THE PROFESSION
INFORMAL REQUESTS FOR INTERLOCUTORY RELIEF
August 25, 2017**

Preamble

This Notice serves to clarify the Court's expectations regarding informal requests for interlocutory relief under the *Federal Courts Rules* [the "Rules"]. The animating spirit of this Notice is Rule 3, which states: These Rules shall be interpreted and applied so as to secure the just, most expeditious and least expensive determination of every proceeding on its merits.

Interlocutory Relief

Interlocutory relief (under this Notice) includes a request for extension or abridgement of time, leave to amend a pleading or the style of cause, bifurcation, consolidation of proceedings, security for costs and relief in respect of other procedural matters.

Informal Request

Where the Rules provide for interlocutory relief only upon the filing of a motion, a moving party may seek leave, by way of letter, to be relieved from the requirement to bring a formal motion if the following requirements are met. In particular, the letter must:

- a) confirm that all parties either consent to the request or do not oppose the request;
- b) set out all facts relevant to the request;
- c) provide the parties' submissions relevant to the request; and
- d) include a recital of the exact relief sought by the parties and attach a draft order.

Motion Record, Further Information, or Case Management Conference Required

The Court may, for any reason, require a formal motion record or further information. For example, if any party opposes a request for interlocutory relief, the moving party will be required to bring a formal motion. It is the moving party's obligation to confirm that the request is made on consent or unopposed by all other parties. The Court should not be expected to infer a responding party's position (e.g., from the absence of a response). Nor is it the role of the Court or Registry to seek out the other party's position. In a case-managed proceeding, the Court may require the moving party to requisition a case management conference before bringing any motion.

Requests that Require Adjournment of a Hearing on the Merits

If the interlocutory relief could affect the orderly hearing of a scheduled matter, the Court will require that a formal motion for adjournment be made. Parties should refer to the [Notice to the Profession](#) related to Adjournments issued by the Court on May 8, 2013.

"Paul S. Crampton"

Chief Justice