



COURT OF APPEAL OF QUEBEC

Issued: October 3, 2022

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CLERK'S PRACTICE DIRECTION NO. 7

TRANSMISSION OF THE PDF FILE OF PLEADINGS AND DOCUMENTS BY MEANS OF THE DIGITAL OFFICE OF THE COURT OF APPEAL (DOCA)

The Digital Office of the Court of Appeal (DOCA) allows parties and counsel to **transmit** to the Court office the PDF file of pleadings and other documents **already filed** on paper.

All other types of files (e.g., audio and video) must be filed with the Court office on a USB key. For further details, refer to section 4 below.

With the exception of pleadings, books of authorities and other documents filed through DOCA (in this regard, refer to the *Clerk's Practice Direction No. 3 – Digital Office of the Court of Appeal (DOCA) – Electronic Filing of Originating Appellate Pleadings*), the paper version filed with the Court office is considered the official version of a document.

1. Pleadings and Documents Subject to the PDF Requirement

For all appeal files, transmission of the PDF file of pleadings and other documents filed at the Court office is mandatory (s. 13 of the *Regulation of the Court of Appeal of Quebec in Civil Matters* ("R.C.A.Q.Civ.M."), s. 13 of the *Rules of the Court of Appeal of Quebec in Criminal Matters* ("R.C.A.Q.C.M.") and s. 12 of the *Regulation of the Court of Appeal of Quebec in Penal Matters* ("R.C.A.Q.P.M.")).

2. Books of Authorities

For the procedure applicable to the filing of books of authorities, parties must refer to the *Clerk's Practice Direction No. 8 – Filing of the PDF File of Books of Authorities*.

3. Confidential Pleadings and Documents

The PDF file of a confidential pleading or document transmitted via DOCA must include the designation “CONF” in its name, as provided for in the Chief Justice’s Directive entitled *“Rules Respecting the Preparation of PDF Files Filed with or Transmitted to the Court”*.

In addition to having the designation “CONF” in its name, the PDF file of documents filed in a sealed container or envelope must also be protected by a password. The password must be communicated to the clerk by email to the address of the seat of the Court where the file was opened:

- Quebec City seat: depotelectronique.caqc@judex.qc.ca;
- Montreal seat: depotelectronique.camtl@judex.qc.ca.

4. Other Types of Files

Only PDF files may be transmitted via DOCA. All other types of files (e.g., audio or video) must be filed with the Court office on one or more USB keys, as follows:

- If the total size of the files does not exceed 3 GB, a single USB key may be submitted to the Court office;
- If the total size of the files exceeds 3 GB, one USB key must be attached to each copy of the application, brief, or memorandum.

Each USB key must be identified with the following information: file number, style of cause, nature of the documents and, if applicable, indication of their confidentiality.

In addition, parties must comply with the requirements of the *Clerk’s Practice Direction No. 10 – Types of Files Legible by the Means Available to the Court of Appeal*.

5. Transmission Deadline

The PDF file of pleadings and other documents must be transmitted via DOCA **on the same day** the paper version is filed.

For briefs or memoranda, the PDF file must be transmitted no later than **five working days** following the filing of the paper version.

6. Rules Respecting the Preparation of PDF Files

PDF files must be prepared in accordance with the rules set out in the Chief Justice’s Directive entitled *“Rules Respecting the Preparation of PDF Files Filed with or Transmitted to the Court”*.

7. Penalty for Failing to Transmit the PDF File of an Application

Except for applications that must be heard urgently, failure to transmit the PDF file of an application and its schedules within the prescribed time limits will result in the application not being placed on the roll. In such a case, the hearing will be postponed to a date determined by the clerk, who will inform the parties of this date as well as the deadline for transmitting the PDF file in order to preserve this date. If the date thus determined is not suitable, it will be up to the applicant to notify a new notice of presentation, while ensuring that the PDF file of the application and its schedules is transmitted within the prescribed time limits.

8. Exemption from Application

Self-represented parties who are detained or hospitalized are not required to transmit a PDF file of pleadings and other documents filed on paper.

Any other self-represented party who is unable to comply with this requirement may obtain a written exemption from the clerk (s. 89 *R.C.A.Q.Civ.M.*, s. 83 *R.C.A.Q.C.M.* and s. 76 *R.C.A.Q.P.M.*). To do so, the party must complete the form annexed to this practice direction and send it to the Court office at the seat where the file was opened:

- Quebec City seat:
 - Fax: 418-646-6961 / courdappelqc@judex.qc.ca / Quebec City Courthouse, 300 Jean-Lesage Blvd., Suite 4.27, Quebec City, Quebec, G1K 8K6;
- Montreal seat:
 - Fax: 514-864-7270 / courdappelmtl@judex.qc.ca / Ernest-Cormier Building, 100 Notre-Dame St. East, Montreal, Quebec, H2Y 4B6.

The clerk's decision will then be communicated to the parties.

PIERRE-OLIVIER LACROIX, lawyer
Clerk of Appeals in Quebec City

BERTRAND GERVAIS, lawyer
Clerk of Appeals in Montreal



COURT OF APPEAL OF QUEBEC

Request to Obtain an Exemption from the Requirement to Transmit the PDF File of Pleadings or Documents

1. Name of the party: _____
2. Appeal file number(s) (if known): _____
3. File number(s) in first instance: _____
4. Nature of the appeal: (e.g., divorce, order for care, etc.):

5. Pleading or document in question: _____

6. Explain why you are unable to transmit the PDF file of the pleading or document in question:

I understand that if my request for an exemption is granted, I will still have to comply with the rules set out in the *Regulation of the Court of Appeal of Quebec in Civil Matters*, the *Rules of the Court of Appeal of Quebec in Criminal Matters* and the *Regulation of the Court of Appeal of Quebec in Penal Matters*, as the case may be, for all pleadings, briefs, memoranda and other documents.

Signature: _____ Date: _____

Section to be completed by the clerk:

The request is:

☐ Refused ☐ Granted ☐ Granted subject to the following conditions:

Date:

Assistant Clerk