

Index

References in this Index to sections of the *Federal Courts Act* appear solely as a number. References to provisions of the *Federal Courts Rules*, or to provisions of other statutes or rules, are preceded by an identifying designation.

ABANDONMENT

See also Discontinuance
Costs, **FCR 402, FCR 411**
Motion, **FCR 370**

ABRIDGEMENT OF TIME

See Time

ABUSE OF PROCESS (CASES COLLECTED)

Generally, **3**

ACCESS TO INFORMATION PROCEEDINGS

Application, **FCR 300**

ACTIONS

See also Admiralty Actions; Party; Proceedings
Admissions, **FCR 255, FCR 256**
Application of Rules, **FCR 169**
Class actions, **FCR 334.1, FCR 334.4**
Commencement
 against Crown, **48**
 fee, **Tariff A**
 generally, **FCR 61 to FCR 63**
Counterclaim, see Counterclaim
Declaratory relief, **FCR 64**
Definition, **FCR 2**
Discontinuance, **FCR 165, FCR 166**
Discovery of documents, **FCR 222, FCR 223**
Evidence taken out of court, **FCR 271, FCR 273**

ACTIONS—Cont'd

Examinations for discovery, **FCR 234 to FCR 248, FCR 288, FCR 291**
Inspection of property, **FCR 249**
Judicial review, **18.4**
Medical examination of parties, **FCR 250, FCR 254**
Pleadings
 amendment, **FCR 200, FCR 201**
 close of, **FCR 202**
 generally, **FCR 171, FCR 207**
 striking out, **FCR 221**
Preliminary objection, **FCR 208**
Pre-trial conferences, **FCR 258, FCR 267**
Pre-trial settlement discussions, **FCR 257**
Questions of law, **FCR 220**
Simplified, **FCR 292, FCR 299**
Status review, **FCR 380, FCR 382**
Style of cause, **FCR 67**
Summary judgment, **FCR 213, FCR 219**
Third party claims, see Third Party Proceedings
Trial management conference, **FCR 270**
Trial procedure
 demonstrative evidence, **FCR 287**
 evidence at trial, **FCR 282, FCR 286**
 expert witnesses, **FCR 279, FCR 280**
 general, **FCR 274, FCR 278**

FEDERAL COURTS PRACTICE

ACTIONS—Cont'd

- Trial procedure—Cont'd
 - trial record, **FCR 268, FCR 269**
 - use of examination for discovery at trial, **FCR 288, FCR 291**

ACT OF PARLIAMENT

- Appeals, **FCR 335**
- Prevails over Rules, **FCR 1**

ADDING PARTIES

- See Joinder; Party

ADJOURNMENT

- Hearing, **FCR 36, FCR 37**
- Notice to Profession, **FCR 36**
- Oral examination, **FCR 96**
- Witness' failure to appear at trial, **FCR 284**

ADMINISTRATOR

- See Court Officers; Registry

ADMIRALTY ACTIONS

- Actions in personam
 - joinder with action in rem, **FCR 477**
 - jurisdiction, **43**
- Actions in rem
 - against more than one ship, **FCR 478**
 - commencement, **FCR 477, FCR 479**
 - defence, **FCR 480**
 - Government ships, **43**
 - joinder with action in personam, **FCR 477**
 - jurisdiction, **43**
 - service of statement of claim, **FCR 479**
- Application of Rules, **FCR 475**
- Applications under s. 576 of Canada Shipping Act [now s. 33 of Marine Liability Act], **FCR 169, FCR 496, FCR 497**
- Arrest of property
 - appraisal, **FCR 490**

ADMIRALTY ACTIONS—Cont'd

- Arrest of property—Cont'd
 - bail generally, **FCR 485, FCR 486**
 - caveat register, **FCR 22**
 - caveats, **FCR 493, FCR 495**
 - possession and responsibility, **FCR 483**
 - procedure to arrest, **FCR 481, FCR 482**
 - prohibition on moving, **FCR 484**
 - release, **FCR 487, FCR 489**
 - sale, **FCR 490 to FCR 492**
 - Canadian maritime law
 - continued, **42**
 - definition, **2**
 - substantive content, **42**
 - Collisions
 - action elsewhere, **43**
 - discovery, **FCR 500**
 - preliminary act, **FCR 498**
 - seaman's claim, **FCR 499**
 - Definition
 - action for collision, **2**
 - Admiralty action, **FCR 2**
 - Canadian maritime law, **2**
 - ship, **2**
 - Jurisdiction, **22, 43**
 - Limitation of liability, **FCR 496, FCR 497**
 - Maritime lien (cases collected), **FCR 491**
 - Security for costs in seaman's claim, **FCR 499**
- ADMISSIONS**
- At pre-trial conference, **FCR 258**
 - Effect on costs, **FCR 400**
 - In pleadings, **FCR 183**
 - Request to admit documents and facts, **FCR 255, FCR 256**
 - Withdrawal
 - examination for discovery, **FCR 240**
 - pleadings, **FCR 183**

ADVOCATE

See Solicitor

AERONAUTICS

Jurisdiction
 civil claims, **23**
 waterborne craft, **22**

AFFIDAVITS

See also Oath
 As proof at trial, **FCR 285**
 As response to written examination,
FCR 99
 By blind or illiterate person, **FCR**
80
 By expert witness, **FCR 279, FCR**
280
 By solicitor, **FCR 82**
 Class actions, **FCR 334.15**
 Content, **FCR 81**
 Cross-examination
 conduct of, **FCR 87**
 direction to attend, **FCR 91**
 due diligence required, **FCR 85**
 filing subsequent affidavit, **FCR**
84
 on affidavit of documents, **FCR**
227
 production of documents for
 inspection, **FCR 91**
 right to cross-examine, **FCR 83**
 timeliness, **FCR 84, FCR 308**
 transcripts, **FCR 86, FCR 368**
 where permissible, **FCR 83,**
FCR 84, FCR 312
 Foreign judgment application, **FCR**
329
 Format, **FCR 80**
 In application
 applicant's, **FCR 306**
 respondent's, **FCR 307**
 In motion, **FCR 363**
 Striking out (cases collected), **FCR**
81, FCR 306
 To lead warrant, **FCR 481**

AFFIRMATION

See Oath

AMENDMENT

Costs, **FCR 410**
 Documents, **FCR 75, FCR 79**
 Pleadings in actions, **FCR 200,**
FCR 201

AMICUS CURIAEJurisdiction to appoint (cases col-
lected), **FCR 109****ANONYMITY**Immigration, **FCIRPR 8.1****APPEAL DIVISION**

See Court of Appeal

APPEALS

See also Court of Appeal
 Address for service, **FCR 340**
 Appeal books, **FCR 343, FCR 345**
 Application of Rules, **FCR 335**
 Book of authorities, **FCR 348**
 Commencement, **FCR 61, FCR 63,**
FCR 337
 Consent to reversal or variation of
 judgment, **FCR 349**
 Consolidation, **FCR 105, FCR 342**
 Constitutional questions, **57**
 Cross-appeal, **FCR 341**
 Definition, **FCR 2**
 Fee, **Tariff A**
 From Federal Court
 commencement, **27**
 grounds (cases collected), **27**
 jurisdiction, **27**
 powers of Court of Appeal, **52**
 From prothonotary, **FCR 51**
 From referee's finding, **FCR 163**
 From Tax Court (General Proce-
 dure)
 commencement, **27**
 jurisdiction, **27**
 powers of Court of Appeal, **52**

APPEALS—Cont'd

- From Tax Court (Informal Procedure)
 - commencement, **27**
 - grounds, **27**
 - jurisdiction, **27**
 - powers of Court of Appeal, **52**
 - summary procedure, **27**
- From tribunals
 - limitation on judicial review, **18.5**
 - powers of Court of Appeal, **52**
- Interpretation, **FCR 336**
- Material in possession of tribunal, **FCR 350**
- Memoranda, **FCR 346**
- Motion for leave to appeal
 - generally, **FCR 352, FCR 356**
 - to Supreme Court, **FCR 357**
- New evidence, **FCR 351**
- Notice of appeal
 - content, **FCR 337**
 - respondents, **FCR 338**
 - service, **FCR 339, FCR 340**
- Notice of appearance, **FCR 341**
- Notice of cross-appeal, **FCR 341**
- Proof of service, **FCR 339**
- Requisition for hearing, **FCR 347**
- Respondents
 - notice of appearance or cross-appeal, **FCR 341**
 - who is included, **FCR 338**
- Solicitor of record, **FCR 340**
- Status review, **FCR 380**
- Stay pending appeal, **FCR 398**
- Style of cause, **FCR 67**
- Time for service, **FCR 339**
- Under Trademarks Act, **FCR 300**

APPEARANCE

- Failure to serve, **FCR 145**
- In appeal, **FCR 341**
- In application, **FCR 305**

APPLICATIONS

- See also Judicial Review

APPLICATIONS—Cont'd

- Affidavits
 - additional, **FCR 312**
 - applicant's, **FCR 306**
 - cross-examination, **FCR 83, FCR 308, FCR 312**
 - respondent's, **FCR 307**
- Application of Rules, **FCR 300**
- Class applications, **FCR 334.1, FCR 334.4**
- Commencement, **FCR 61, FCR 63, FCR 301**
- Commercial arbitrations, **FCR 324**
- Cross-examination on affidavits
 - additional, **FCR 312**
 - procedure, **FCR 87**
 - right, **FCR 83**
 - time for, **FCR 308**
- Definition, **FCR 2**
- Divorce proceedings, **FCR 300**
- Foreign judgments, **FCR 326, FCR 334**
- Judicial review
 - respondents, **FCR 303**
 - service, **FCR 304**
 - single order, **FCR 302**
- Material in possession of tribunal, **FCR 317, FCR 319**
- Notice of application
 - contents, **FCR 301**
 - service, **FCR 304**
- Oral testimony, **FCR 316**
- Pre-hearing conference, **FCR 315**
- Records
 - applicant's, **FCR 309**
 - preparation by Registry, **FCR 311**
 - respondent's, **FCR 310**
 - supplementary, **FCR 312**
- References from tribunal, **FCR 320, FCR 323**
- Requirement to file additional material, **FCR 313**
- Requisition for hearing, **FCR 314**

APPLICATIONS—Cont'd

- Respondents
 - notice of appearance, **FCR 305**
 - who is included, **FCR 303**
- Service of notice of application, **FCR 304**
- Status review, **FCR 380**
- Style of cause, **FCR 67**
- Supplementary record, **FCR 312**

APPRAISAL AND SALE

- See Admiralty Actions

ARBITRATION

- Commercial arbitration, **FCR 324**
- Enforcement of awards, **FCR 326, FCR 334**
- Stays (cases collected), **50**

ARREST OF PROPERTY

- See Admiralty Actions

ASSESSMENT OF COSTS

- See Costs

ASSESSORS

- Generally, **FCR 52**

ASSOCIATE JUDGE

- Appeal, **FCR 51**
- Appointment, **12**
- Case management, **FCR 383, FCR 385**
- Definition of court, **FCR 2**
- Inability to continue, **FCR 39**
- Powers, **12; FCR 50**
- Pre-trial, **FCR 266**

ATTORNEY

- See Solicitor

ATTORNEY GENERAL

- Application for judicial review
 - against Attorney General, **18**
 - by Attorney General, **18.1**
- Assistance in contempt proceedings, **FCR 471**
- Civil claims by, **17**

ATTORNEY GENERAL—Cont'd

- Notice of constitutional question, **FCR 69, 57**
- Notice of question of general importance, **FCR 110**
- Respondent to appeal, **FCR 338**
- Respondent to application, **FCR 303**
- Service
 - appeal from tribunal, **FCR 339**
 - judicial review application, **FCR 304**
 - originating documents, **FCR 133**

BAIL

- See Admiralty Actions

BAILIFFS

- Certificate of service, **FCR 146**
- Contempt, **FCR 466**

BANKRUPTCY

- Examinations for discovery, **FCR 237**
- Not cause for proceedings to terminate, **FCR 116**

BARRISTER

- See Solicitor

BENEFICIARIES

- As party, **FCR 112**

BIFURCATION

- Order, **FCR 107**

BILLS OF EXCHANGE

- Jurisdiction, **23**

BOOK OF AUTHORITIES

- Appeal, **FCR 348**
- Generally, **FCR 70**

BUSINESS DAY

- Definition, **FCR 2**

CANADA SHIPPING ACT

- Applications under s. 576(1), **FCR 169, FCR 496, FCR 497**

FEDERAL COURTS PRACTICE

CANADIAN FORCES

Prerogative writs out of Canada, **18**

CASE MANAGEMENT

Class proceedings, **FCR 384.1, FCR 385**

Judge

definition, **FCR 2**

designation, **FCR 383, FCR 383.1**

powers, **FCR 385**

Motion, **FCR 384**

Practice Directions, **FCR 383**

Prothonotary, **FCR 383**

Specially managed proceedings, **FCR 383, FCR 385**

Status review, **FCR 380, FCR 381, FCR 385**

CAVEAT

See Admiralty Actions

CERTIFICATE

Affidavit of blind/illiterate person, **FCR 80**

Identifying exhibit, **FCR 80**

Judgment against Crown, **FCR 474**

Service

by Sheriff, **FCR 146**

by solicitor, **FCR 146**

CERTIFIED COPY

Definition, **FCR 2**

Service on Crown, **FCR 133**

CERTIORARI

See also Judicial Review

Against federal board, **18**

Application for, **18, 18.1**

In respect of Canadian Forces out of Canada, **18**

CHARGING ORDERS

See also Enforcement of Orders

Ancillary or incidental injunction, **FCR 464**

Charge on interest in money paid into court, **FCR 463**

CHARGING ORDERS—Cont'd

Discharge or variance, **FCR 462**

Disposition by judgment debtor, **FCR 460**

Enforcement of, **FCR 459**

Interim charge and show cause order, **FCR 458**

Order prohibiting dealing with funds, **FCR 465**

Show cause hearing, **FCR 459**

Transfer of securities prohibited, **FCR 461**

CHIEF JUSTICE OF THE FEDERAL COURT

See also Judges

Absence or incapacity, **6**

Position, **5.1, 6**

CHIEF JUSTICE OF THE FEDERAL COURT OF APPEAL

See also Judges

Absence or incapacity, **6**

Position, **5, 6**

CITIZENSHIP

See *Federal Courts Citizenship, Immigration and Refugee Protection Rules*

CLAIM

See Pleadings

CLASS PROCEEDINGS

Appeals, **FCR 334.31**

Application of rules, **FCR 334.1, FCR 334.11**

Certification, **FCR 334.2, FCR 334.15**

Commencement, **FCR 334.12**

Costs, **FCR 334.39**

Discontinuance, **FCR 334.3**

Discovery, **FCR 334.22**

Judgment, **FCR 334.24 to FCR 334.28**

Notices, **FCR 334.32, FCR 334.38**

CLASS PROCEEDINGS—Cont'd

Payments to solicitors, **FCR 334.3, FCR 334.4**

Representation by solicitor, **FCR 121**

Settlements, **FCR 334.29**

Specially managed proceeding, **FCR 384.1, FCR 385**

COMMERCIAL ARBITRATION CODE

See Arbitration

COMMISSION EVIDENCE

See also Evidence

Generally, **FCR 271, 53**

Outside Canada, **FCR 272**

Use at trial, **FCR 273**

COMMITTAL

See also Contempt

Failure to obey judgment or order, **FCR 427 to FCR 430**

Not to compel payment of money, **FCR 429, 55, 56**

CONFIDENTIALITY

Competition Act proceedings, **FCR 150.1**

Dispute resolution conference, **FCR 388**

Filing of documents, **FCR 152**

Implied undertaking, **FCR 228**

Medical examination, **FCR 252**

Open court (cases collected), **FCR 29, 3**

Orders for, **FCR 151, FCR 152**

Protective order (cases collected), **FCR 151**

CONSENT JUDGMENT

See Judgment

CONSTITUTIONAL QUESTION

Attorney General of Canada or of province

appeal by, **57**

entitlement to notice, **57**

CONSTITUTIONAL QUESTION**—Cont'd**

Attorney General of Canada or of province—Cont'd
right to be heard on, **57**

Filing of notice and proof of service, **FCR 73.1**

Form of notice, **FCR 69**

Notice requirement

before Courts, **57**

before federal boards, **57**

Reference by Attorney General, **18.3**

Subsequent appeal or judicial review, **57**

Timing of notice, **57**

CONTEMPT

See also Committal

Assistance of Attorney General, **FCR 471**

Burden of proof, **FCR 467, FCR 469**

Contempt order, **FCR 467**

Evidence to be oral, **FCR 470**

Grounds, **FCR 98, FCR 466**

In presence of judge, **FCR 468**

Penalties, **FCR 472**

Prothonotary restrictions, **FCR 50**

Show cause order, **FCR 467**

Testimony not compellable, **FCR 470**

Urgent case, **FCR 468**

CONTRIBUTION

See Settlement Offer

COPYRIGHT PROCEEDINGS

Interlocutory injunction (case collected), **FCR 373**

Jurisdiction, **20**

CORPORATION

Bankruptcy or cessation, **FCR 116**

Discovery of documents, **FCR 224, FCR 225**

CORPORATION—Cont'd

- Examinations for discovery, **FCR 237**
- Representation, **FCR 120, FCR 122**
- Service of documents, **FCR 130**

COSTS

- See also Fees; Security; Settlement Offer
- Assessment
 - according to Tariff B, **FCR 407**
 - accounts of solicitor for Crown, **FCR 413**
 - appointment, **FCR 406**
 - assessment officer, **FCR 2, FCR 405**
 - costs of, **FCR 408**
 - directions for, **FCR 400, FCR 408**
 - disbursements, **FCR 405**
 - factors in, **FCR 409**
 - review, **FCR 414**
 - setting off, **FCR 408**
 - witness, **FCR 405**
- Awarding
 - advance costs, **FCR 400**
 - against solicitor, **FCR 404**
 - class proceedings, **FCR 334.39**
 - directions, **FCR 400, FCR 403**
 - factors in, **FCR 400**
 - in charging orders, **FCR 465**
 - powers of Court, **FCR 400**
 - to or against Crown, **FCR 400**
- Of abandoned motion, **FCR 411**
- Of amendment, **FCR 410**
- Of discontinuance, **FCR 402, FCR 412**
- Offer to settle, **FCR 400, FCR 419, FCR 422**
- Of garnishment proceedings, **FCR 457**
- Of motion, **FCR 401**
- Of motion to extend time, **FCR 410**

COSTS—Cont'd

- Payment of
 - award against Crown, **FCR 474**
 - generally, **FCR 400**
 - Solicitor's liability, **FCR 400**
 - Witnesses, **FCR 405**

COUNTERCLAIM

- Against person not already a party, **FCR 191**
- Application of Rules, **FCR 170**
- Claims to be specified, **FCR 182**
- Defence to counterclaim, **FCR 192**
- Form, **FCR 171, FCR 189**
- Judgment for balance, **FCR 187**
- Jurisdiction (cases collected), **FCR 189**
- Maritime claims, **43**
- Proceedings independent of action, **FCR 190**
- Security for costs, **FCR 415**
- Settlement, **FCR 419**
- Severance, **FCR 106, FCR 190**
- Style of cause, **FCR 189**
- Time for service, **FCR 191, FCR 192**
- When available, **FCR 189**

COURT ADMINISTRATION

- See Court Officers; Registry

COURT FILE

- Annexes, **FCR 23**
- Caveat register, **FCR 22**
- Contents, **FCR 21, FCR 23, FCR 24**
- Definition, **FCR 2**
- Inspection, **FCR 26**
- Orders, **FCR 396**
- Preliminary motions, **FCR 24**
- Removal
 - of documents from file, **FCR 26**
 - of exhibits, **FCR 26.1**
 - of file, **FCR 26**
- Transmission of documents, **FCR 25**

COURT FILE—Cont'd

Unclaimed exhibits, **FCR 27**

COURT OF APPEAL

See also Appeals

Constitutional question, **57**

Establishment, **3**

Judges, **5**

Judicial administrator, **14**

Jurisdiction

appeal from Federal Court, **27**

appeals from Tax Court, **27**

application for judicial review, **28**

reference from tribunal, **28**

transfers from and to Federal Court, **FCR 49**

Panels, **16**

Powers

generally, **52**

judicial review, **28**

Sittings and organization, **16**

COURT OFFICERS

See also Registry

Administrator

definition, **FCR 2**

filing of documents, **FCR 72**

requisition, **FCR 18**

Judicial Administrators

Court of Appeal, **14**

Federal Court, **14**

Preparation of application record, **FCR 311**

Registrar, **FCR 12**

Transitional, **FCR 502**

CROSS-APPEAL

Generally, **FCR 341**

CROSS CLAIM

See Counterclaim

CROSS-EXAMINATION

See Affidavits; Examinations

CROWN

Accounts of solicitor for Crown, **FCR 413**

CROWN—Cont'd

Actions against the Crown
commencement, **48**

jurisdiction, **17**

Actions by the Crown, **17**

Address for service, **FCR 2**

As federal board (cases collected), **2**

Claims for injurious affection, **17**

Claims for land, goods or money in
possession of Crown, **17**

Claims on contract, **17**

Consent jurisdiction, **17**

Costs awarded to or against, **FCR 400**

Definition, **2**

Disclosure of documents, **FCR 224**

Examination for discovery, **FCR 237**

Injunctions against (cases collected), **18.1**

Intergovernmental disputes, **19**

Interpleader, **FCR 108, 17**

Judgments against, **FCR 474**

Public interest privilege, **CEA 37**

References to court by agreement, **17**

Service of documents, **FCR 133**

CROWN CORPORATIONS

Jurisdiction against (cases collected), **17**

CROWN OFFICERS/CROWN SERVANTS

Claims against-jurisdiction, **17**

DAMAGES

See also References; Relief

Caused by interlocutory injunction, **FCR 373**

Pleading, **FCR 182**

Simplified action, **FCR 292**

DEATH

Of judge, **FCR 39**

Of party, **FCR 112, FCR 113, FCR 116**

FEDERAL COURTS PRACTICE

DECLARATORY RELIEF

- Against Crown, **17**
- Against federal board application for, **18.1**
- jurisdiction, **18**
- General availability, **FCR 64**

DEFAULT PROCEEDINGS

- Motion, **FCR 210**
- Service, **FCR 211, FCR 212**
- Third party proceeding, **FCR 199**

DEFENCE

- See also Actions; Counterclaim; Pleadings
- Admiralty action in rem, **FCR 480**
- Admissions, **FCR 183**
- Alternative defences, **FCR 178**
- Denials, **FCR 184, FCR 185**
- Discovery before filing, **FCR 236**
- Form, **FCR 171**
- Judgment for balance, **FCR 187**
- Of tender, **FCR 188**
- Set-off of monetary claim, **FCR 186**
- Strike out, **FCR 221**
- Time for service, **FCR 204**
- To counterclaim, **FCR 171, FCR 192**
- To third party claim, **FCR 171, FCR 197**

DEFINITIONS

- Act, **2**
- Rules, **FCR 2, FCR 87, FCR 222, FCR 326, FCR 336, FCR 476**

DESIGNATED OFFICER

- Enforcement, **FCR 422.1, FCR 437, FCR 449**
- Maritime law, **FCR 476, FCR 485, FCR 496**

DIRECTIONS

- Claims to arrested property, **FCR 492**
- Commission evidence, **FCR 271**

DIRECTIONS—Cont'd

- Conflicting claims in respect of property, **FCR 108**
- Costs
 - conduct of assessment, **FCR 408**
 - generally, **FCR 400, FCR 403**
- Disposition of exhibits, **FCR 27**
- Dispute resolution conference, **FCR 386**
- Enforcement of orders, **FCR 439**
- Evidence taken out of court, **FCR 271**
- In camera hearings, **FCR 29**
- Interpleader, **FCR 108**
- Intervention, **FCR 109**
- Procedure generally, **FCR 54**
- Proof or evidence at trial, **FCR 275**
- References
 - from tribunal, **FCR 322**
 - to referee, **FCR 153**
- Service
 - application under Canada Shipping Act, **FCR 496**
 - notice of application, **FCR 304**
- Specially managed proceedings, **FCR 385**
- Transmission of interest, **FCR 117**

DIRECTION TO ATTEND

- See Examinations

DISCONTINUANCE

- Class proceedings, **FCR 334.3**
- Costs, **FCR 402, FCR 412**
- Generally, **FCR 165, FCR 166**
- Representative proceedings, **FCR 114**

DISCOVERY OF DOCUMENTS

- See also Examination for Discovery
- Affidavit
 - bundle of documents, **FCR 223**
 - contents, **FCR 223**
 - cross-examination, **FCR 227**
 - deponents, **FCR 224**

DISCOVERY OF DOCUMENTS**—Cont'd**

- Affidavit—Cont'd
 - inaccurate or deficient, **FCR 226, FCR 227**
 - supplementary, **FCR 226**
- Continuing disclosure, **FCR 226**
- Copies of documents, **FCR 228**
- Corporations, **FCR 224, FCR 225**
- Definition
 - document, **FCR 222**
 - relevance, **FCR 222**
- Disclosure or production not admission, **FCR 231**
- Implied undertaking of confidentiality (cases collected), **FCR 228**
- Inspection, **FCR 228**
- Non-parties, **FCR 233**
- Order for production and inspection, **FCR 29**
- Power and control, **FCR 223**
- Privilege claim, **FCR 223**
- Relief from production, **FCR 230**
- Simplified actions, **FCR 295**
- Use of undisclosed or privileged document, **FCR 232**

DISMISSAL

- Delay, **FCR 167**
- Failure to
 - attend or answer at examination, **FCR 97**
 - attend or answer at medical examination, **FCR 250**
 - give notice of hearing, **FCR 37**
- Status review, **FCR 382**
- Striking out pleading, **FCR 221**
- Want of prosecution, **FCR 167**
- Where continuation impossible, **FCR 168**

**DISPUTE RESOLUTION
CONFERENCE**

- Case management judge not to preside at trial, **FCR 391**
- Confidentiality, **FCR 388**

DISPUTE RESOLUTION**CONFERENCE—Cont'd**

- Definition, **FCR 2**
- Discussion of
 - after close of pleadings, **FCR 257**
 - at pre-trial conference, **FCR 263**
- No settlement reached, **FCR 389**
- Notice of settlement, **FCR 389**
- Order for, **FCR 385, FCR 386**
- Report of partial settlement, **FCR 389**
- Stay of proceedings, **FCR 390**
- Time limit, **FCR 386**
- Types of conferences, **FCR 387**

DIVORCE PROCEEDINGS

- Procedure, **FCR 300**

DOCUMENTS

- See also Affidavits; Court File; Discovery of Documents; Pleadings; Service
- Admission of authenticity, **FCR 255, FCR 256**
- Amendment, **FCR 75, FCR 79**
- Certified copy
 - definition, **FCR 2**
 - service of Crown, **FCR 133**
- Confidentiality, **FCR 151, FCR 152**
- Described in pleadings, **FCR 177**
- Filing
 - definition, **FCR 2**
 - generally, **FCR 71, FCR 74**
- Format
 - generally, **FCR 65, FCR 66**
 - memorandum of fact and law, **FCR 70**
- Forms, **FCR 5**
- Language, **FCR 68**
- Originating
 - commences proceeding, **FCR 62**
 - definition, **FCR 2**
 - issued, **FCR 2**
 - service, **FCR 127**
 - style of cause, **FCR 67**

DOCUMENTS—Cont'd

- Originating—Cont'd
 - types, **FCR 63**
 - wrong, **FCR 57**
- Privilege (cases collected), **FCR 223**
- Production
 - at examination, **FCR 91, FCR 94, FCR 96, FCR 97**
 - documents in affidavit of documents, **FCR 228, FCR 229**
 - from non-party, **FCR 233**
 - on reference, **FCR 155, FCR 157**
 - referred to in pleading, **FCR 206**
 - summons to produce, **FCR 41**
 - tribunal documents, **FCR 317, FCR 350**
- Request to admit, **FCR 255, FCR 256**
- Signature, **FCR 66**
- Style of cause, **FCR 66, FCR 67, FCR 294**

ELECTRONIC FILING

- Notice to profession (mentioned), **FCR 71**
- Paper copies required, **FCR 72.2**
- Time of receipt by Registry, **FCR 71.1**

ENFORCEMENT OF ORDERS

- See also Charging Orders; Committal; Contempt; Garnishment; Judgment Debtor; Receiver; Sheriff; Writ of Execution
- Abandonment, **FCR 432**
- Against corporate officers, **FCR 429**
- Against Crown, **FCR 474**
- Certificate of judgment, **FCR 474**
- Charging orders, **FCR 425, FCR 466, FCR 472**
- Committal, **FCR 427, FCR 429, FCR 430, 55, 56**
- Conditional judgment, **FCR 432**
- Condition precedent, **FCR 432**

ENFORCEMENT OF ORDERS

—Cont'd

- Contempt of court, **FCR 466, FCR 472**
- Examination of judgment debtor, **FCR 426**
- Examination of third party, **FCR 426**
- Execution for debt
 - enforcement, **55**
 - no attachment, **55**
 - no imprisonment, **FCR 429, 56**
- Garnishment, **FCR 425, FCR 449, FCR 457**
- Order of tribunal, **FCR 424**
- Payment of money
 - generally, **55**
 - no attachment, **55**
- Performance by another person, **FCR 431**
- Process of Court
 - availability, **FCR 425, FCR 432**
 - execution of process, **FCR 473**
 - generally, **55, 56**
 - jurisdiction, **FCR 423**
- Receivers, **FCR 375, FCR 376, FCR 425, 44**
- Stay of order, **FCR 398**
- Tribunal order, **FCR 424**
- Writs
 - delivery, **FCR 428**
 - execution, **FCR 433, FCR 448**
 - possession, **FCR 427**
 - seizure and sale, **FCR 425**
 - sequestration, **FCR 425, FCR 427, FCR 428, FCR 430**

EQUITABLE JURISDICTION

- Court of equity, **3**
- Relief available, **44**

ESTATES

- As party, **FCR 112**
- Having no representative, **FCR 113**

ESTOPPEL (CASES COLLECTED)Generally, **3****EVIDENCE**See also Affidavits; Trial; Witness Admissibility, **53**Appeal, **FCR 351**Commission evidence, **FCR 271, FCR 273, 53**Demonstrative, **FCR 287**Enforcement of foreign judgment, **FCR 330**

Exhibits

marking, **FCR 276**referral in affidavit, **FCR 80**removal, **FCR 26**unclaimed, **FCR 27**Expert witness, **FCR 52.1, FCR 52.6, FCR 258, FCR 262, FCR 263, FCR 265, FCR 279, FCR 280**Inspection, **FCR 249, FCR 277**Medical examination, **FCR 250, FCR 254**

New

on appeal, **FCR 351**on application, **FCR 306**On reference, **FCR 158**

Preliminary order

admissibility, **FCR 220**manner of giving evidence at trial, **FCR 286**taking evidence out of court, **FCR 271, FCR 273**Preservation of property, **FCR 377, FCR 379**Privilege (cases collected), **FCR 223**Public interest privilege, **CEA 37**Simplified action, **FCR 299**Taken out of court, **FCR 271, FCR 273**

Trial

affidavits, **FCR 285**directions as to proof, **FCR 275****EVIDENCE—Cont'd**

Trial—Cont'd

examination for discovery, **FCR 288, FCR 291**examination of witnesses, **FCR 282, FCR 284**expert witnesses, **FCR 279, FCR 280**inspection, **FCR 277**interpreter, **FCR 282**methods of proof, **FCR 275, FCR 286**order of presentation, **FCR 274**view, **FCR 277****EXAMINATION FOR DISCOVERY**

See also Discovery of Documents; Examinations

Answer by solicitor, **FCR 246**Assignor, **FCR 237**Availability, **FCR 234, FCR 236**Bankrupt, **FCR 237**Before defence, **FCR 236, FCR 500**Class proceedings, **FCR 334.22**Corporation, **FCR 237**Corrections, **FCR 245**Crown, **FCR 237**Divided discovery, **FCR 107, FCR 153, FCR 247**Duty to correct answer, **FCR 245**Duty to inform self, **FCR 241, FCR 244**Expert witness, **FCR 238**Failure to disclose, **FCR 248**Further examination, **FCR 245**Implied undertaking of confidentiality (cases collected), **FCR 228**Inaccurate answer, **FCR 245**Inadmissibility of undisclosed information, **FCR 248**Interpreter, **FCR 93**Limiting, **FCR 243**Limits on oral discovery, Practice Direction, **FCR 242**

EXAMINATION FOR DISCOVERY—Cont'd
Manner, **FCR 234**
Multiple parties, **FCR 234**
Nominal party, **FCR 237**
Non-parties, **FCR 238, FCR 239**
Objections, **FCR 242, FCR 243**
Obligation to inform self, **FCR 241**
Oral examination, **FCR 234**
Person under legal disability, **FCR 237**
Privilege (cases collected), **FCR 223**
Procedure, **FCR 87, FCR 100**
Production of documents, **FCR 91**
Reference, **FCR 157**
Right to examine, **FCR 236**
Scope, **FCR 240, FCR 243**
Simplified action, **FCR 296**
Single examination, **FCR 235**
Solicitor's answers, **FCR 246**
Third party, **FCR 197**
Undertakings, **FCR 243**
Use at trial, **FCR 288, FCR 291**
Written, **FCR 234, FCR 296**

EXAMINATIONS
Application of rules, **FCR 87**
Definition, **FCR 87**
Electronically recorded, **FCR 88**
Manner
 examination for discovery, **FCR 234**
 generally, **FCR 88**
 simplified action, **FCR 296**
Oral
 adjournment, **FCR 96**
 direction to attend, **FCR 91**
 failure to appear, **FCR 97**
 improper conduct, **FCR 96, FCR 98**
 interpreter, **FCR 93**
 misconduct, **FCR 97, FCR 98**
 objection, **FCR 95**
 place conducted, **FCR 90**

EXAMINATIONS—Cont'd
Oral—Cont'd
 production of documents for inspection, **FCR 91, FCR 94**
 recording, **FCR 89**
 refusal to answer, **FCR 95, FCR 97**
 swearing, **FCR 92**
 travel expenses, **FCR 90**
Written
 answers, **FCR 99**
 application of oral rules, **FCR 100**
 objection, **FCR 99**
 questions, **FCR 99**
 simplified action, **FCR 296**

EXCHEQUER COURT
Reference of questions to Exchequer Court, **17**

EXCISE TAX
Applications under s. 289.1 of Excise Tax Act, **FCR 316.2**

EXECUTION OF JUDGMENT
See Enforcement of Orders

EXHIBITS
Marking, **FCR 276**
Referral in affidavit, **FCR 80**
Removal, **FCR 26**
Unclaimed, **FCR 27**

EXPERTS
Admissibility
 generally, **FCR 52.1, FCR 52.2**
 simplified action, **FCR 299**
 trial, **FCR 279, FCR 280**
Assessor, **FCR 52**
Certificate of expert, **FCR 52.2**
Code of Conduct, **FCR 52.2, Schedule***
Costs, **FCR 400**
Expert conference, **FCR 52.6**
Limit on number, **FCR 52.4**

EXPERTS—Cont'd

- Medical professionals, **FCR 52.3**
- Objection to, **FCR 52.5**
- Report, **FCR 52.2**
- Tendering at trial
 - expert witness panel, **FCR 282.1**
 - generally, **FCR 280**
 - simplified action, **FCR 299**
- Witness fees, **FCR 43, Tariff A**

EXTENSION OF TIME

- See Time

**FEDERAL BOARD,
COMMISSION OR
TRIBUNAL**

- Constitutional questions before, **57**
- Declarations, injunctions and prerogative writs against, **18**
- Definition, **2**
- Judicial review application, **FCR 300, 18.1, 28**
- Reference of questions to Court, **18.3**

FEDERAL COURT

- See also Court of Appeal; Court Officers; Judges; Registry
- Administration, **FCR 12 to FCR 18**
- Constitution, **4**
- Criminal jurisdiction, **4**
- Equitable jurisdiction, **4**
- Judges, **5.1, 5.4**
- Judicial administrator, **14**
- Jurisdiction
 - aeronautics, **23**
 - bills of exchange, **23**
 - claims against the Crown, **17**
 - divorce (cases collected), **FCR 325**
 - enforcement of orders, **FCR 423**
 - extra-provincial matters, **25**
 - intellectual property proceedings, **20**
 - inter-governmental disputes, **19**
 - inter-provincial works, **23**

FEDERAL COURT—Cont'd

- Jurisdiction—Cont'd
 - judicial review, **18.1 to 18.5**
 - maritime proceedings, **22, 43**
 - proceedings under other statutes, **26**
 - questions referred by agreement with Crown, **17**
 - relief—no other court, **25**
- Open court (cases collected), **3**
- Precedent (cases collected), **3**
- Reports, **58**
- Res judicata (cases collected), **3**
- Sittings, **FCR 28, FCR 34, FCR 35, 15**
- Statutory court (cases collected), **3**
- Superior court of record, **4**
- Vancouver rota, **FCR 40**

FEDERAL COURT OF APPEAL

- See Court of Appeal

FEDERAL COURTS REPORTS

- Generally, **58**

FEDERAL COURTS RULES

- Application, **FCR 1**
- Authority and process to make, **46**
- Definition, **2**
- Gaps in Rules, **FCR 4**
- Inconsistency, **FCR 1**
- Interpretation, **FCR 3**
- Purpose, **FCR 3**
- Rules committee, **45.1**

FEES

- Assessor, **FCR 52**
- Filing, **FCR 71**
- Interpreter, **FCR 93**
- Recording examination, **FCR 89**
- Registry, **FCR 19**
- Sheriff, **FCR 20, FCR 434, FCR 444, FCR 483, FCR 489, FCR 491**
- Witness, **FCR 42, FCR 43**

FEDERAL COURTS PRACTICE

FILE

See Court File; Documents

FOREIGN JUDGMENTS

Definition, **FCR 326**
Registration, **FCR 300, FCR 327, FCR 334**

FORMS

Use, **FCR 5**

GAP RULE

Practice and procedure by analogy, **FCR 4**

GARNISHMENT

See also Enforcement of Orders
Availability, **FCR 425**
Costs, **FCR 457**
Debts bound, **FCR 449**
Declaration of garnishee, **FCR 449**
Definition of garnishee, **FCR 2**
Determination of garnishee's liability, **FCR 453**
Discharge of garnishee's liability, **FCR 454**
Exemption for salary or wages, **FCR 452**
Garnishment order, **FCR 451**
Notice of garnishment, **FCR 449**
Other claimants, **FCR 455**
Payment of money in court, **FCR 456**
Requisition for, **FCR 449**

HABEAS CORPUS

As to Canadian Forces outside Canada, **18**
Compelling attendance of detainee, **FCR 45**

HAGUE CONVENTION

Default judgment, **FCR 212**
Definition, **FCR 2**
Service of documents, **FCR 137**

HEARINGS

See also Trial

HEARINGS—Cont'd

Absence of party, **FCR 38**
Adjournment, **FCR 36**
Definition, **FCR 2**
Failure to appear, **FCR 38**
Failure to give notice, **FCR 37**
Hearing dates
 appeal, **FCR 347**
 application, **FCR 314**
 motion, **FCR 35**
 trial, **FCR 264**
Inability of judge, **FCR 39**
In camera, **FCR 29**
Interlocutory injunction, **FCR 373**
Interpreter, **FCR 31**
Open court (cases collected), **FCR 29, 3**
Orders out of court, **FCR 30**
Publicly accessible, **FCR 29**
Remote conferencing, **FCR 32**
Requisition for
 appeal, **FCR 347**
 application, **FCR 314**
Sittings
 Federal Court, **FCR 34, 15**
 Federal Court of Appeal, **16**
 generally, **FCR 28**
Technological assistance, **FCR 33**
Vancouver rota, **FCR 40**

HOLIDAYS

See also Time
Definition, **FCR 2**

IMMIGRATION

See *Federal Courts Citizenship, Immigration and Refugee Protection Rules*

IN CAMERA HEARING

Generally, **FCR 29**

INCOME TAX

Appeal from Tax Court, **27**
Appeals to Federal Court of Appeal, **27**

INCOME TAX—Cont'd

- Appeal to Tax Court as bar to judicial review, **18.5**
- Applications under s. 237.7 of Income Tax Act, **FCR 316.2**

INDIAN BANDS

- As federal boards (cases collected), **2**

INDUSTRIAL DESIGN PROCEEDINGS

- Jurisdiction, **20**

INDUSTRIAL PROPERTY

- See Copyright Proceedings; Industrial Design Proceedings; Patent Proceedings; Trade Mark Proceedings

INFANTS

- See person under legal disability

INJUNCTION

- See also Judicial Review
- Against Crown (cases collected), **18.1**
- Against federal board, **18.1**
 - application for, **18.1**
 - jurisdiction, **18**
- Against governmental action, **FCR 373**
- Against Ministers (cases collected), **18.1**
- Ancillary to charging order, **FCR 464**
- Anton Piller (cases collected), **FCR 377**
- Court may grant, **44**
- Interim, **FCR 374**
- Interlocutory, **FCR 373**
- Interlocutory order to preserve property, **FCR 377, FCR 379**
- Mareva (cases collected), **FCR 373**
- Order that someone else fulfils, **FCR 431**
- Prothonotary jurisdiction, **FCR 50**

INJUNCTION—Cont'd

- Undertaking as to damages, **FCR 373**

INSPECTION OF PROPERTY

- At trial, **FCR 277**
- Generally, **FCR 249**

INTELLECTUAL PROPERTY

- See Copyright Proceedings; Industrial Design Proceedings; Patent Proceedings; Trademark Proceedings

INTEREST

- Arbitral award, **FCR 332**
- Payment out of court, **FCR 150**
- Post-judgment, **37**
- Prejudgment, **36**
- Writ of execution, **FCR 433**

INTER-GOVERNMENTAL DISPUTES

- Jurisdiction, **19**

INTERLOCUTORY INJUNCTION

- See Injunction

INTERPLEADER

- Conflicting claims against Crown, **17**
- Procedure, **FCR 108**

INTERPRETATION OF RULES

- Definitions, **FCR 2**
- Forms, **FCR 5**
- General principle, **FCR 3**
- Matters not provided for, **FCR 4**

INTERPRETER

- See also Language
- At hearing, **FCR 31**
- At trial, **FCR 283**
- Oral examination, **FCR 93**

INTERPROVINCIAL WORKS

- Jurisdiction, **23**

INTERVENTION

- Attorneys General, **FCR 110, 57**

INTERVENTION—Cont'd

Definition of intervener, **FCR 2**
Generally, **FCR 109**

ISSUED

Definition, **FCR 2**
Originating documents, **FCR 62**

JOINDER

Admiralty Actions, **FCR 477**
Claims, **FCR 101**
Consolidation of proceedings, **FCR 105**
Misjoinder or non-joinder, **FCR 103**
Persons, **FCR 102, FCR 104**
Proceedings, **FCR 105**
Separate determination claims, **FCR 106**
issue, **FCR 107**
third party claim, **FCR 198**

JUDGES

Addressing (direction), **6**
Appointment
Federal Court, **5.1, 5.4**
Federal Court of Appeal, **5, 5.2, 5.4**
Case management judge, **FCR 2, FCR 383, FCR 385, FCR 387**
Chief Justice of Federal Court
absence or incapacity, **6**
position, **5, 6**
Chief Justice of Federal Court of Appeal
absence or incapacity, **6**
position, **5.1, 6**
Death of judge, **45**
Deputy judge, **10**
Inability to continue, **FCR 39**
Judgment after leaving office, **45**
Oath, **9**
Panels, **16**
Rank and precedence, **6**
Recusal (cases collected), **9**
Residence, **7**

JUDGES—Cont'd

Retirement, **8, 45**
Rota
generally, **7**
Vancouver, **FCR 40**
Section 96 judges
federal board (cases collected), **2**
Supernumerary, **5**
Federal Court, **5.1**
Federal Court of Appeal, **5**
Tenure, **8**

JUDGMENT

See also Charging Orders; Costs; Enforcement of Orders; Garnishment; Judges; Judgment Debtor; Receiver; summary judgment; Writ of Execution
Against Crown, **FCR 474**
Binding beneficiaries, **FCR 112**
Class proceedings, **FCR 334.24 to FCR 334.28**
Consent judgment (cases collected), **FCR 392**
Contempt, **FCR 466, FCR 472**
Conversion of currency
costs (cases collected), **FCR 400**
foreign judgment, **FCR 331**
generally (cases collected), **FCR 392**
Copies, **FCR 395**
Corrections, **FCR 397**
Counterclaim, **FCR 187**
Default
Crown, **FCR 210**
generally, **FCR 210**
third party, **FCR 199**
where service under Hague Convention, **FCR 212**
where substitutional service, **FCR 211**
Definition of order, **FCR 2**
Delivery
after leaving office, **45**

JUDGMENT—Cont'd

- Delivery—Cont'd
 - inability to render judgment, **FCR 39**
 - pronouncement of judgment, **FCR 394**
 - reasons for judgment, **FCR 393**
- Drafting by party, **FCR 394**
- Effective date, **FCR 392**
- Final judgment
 - appeals from Federal Court, **27**
 - appeals from Tax Court, **27**
 - definition, **2, 27**
- Foreign, enforcement of, **FCR 300, FCR 326, FCR 334**
- Interest
 - post-judgment, **37**
 - prejudgment, **36**
- Interlocutory judgment
 - appeal from Federal Court, **27**
 - appeal from Tax Court, **27**
- Mistakes, **FCR 397**
- Reasons for judgment
 - delivery, **FCR 393**
 - filing, **51**
- Reconsideration
 - mistakes, **FCR 397**
 - setting aside or variance, **FCR 399**
- Recording, **FCR 21, FCR 396**
- Referee's report, **FCR 164**
- Setting aside, **FCR 399**
- Settling terms, **FCR 394**
- Stay, **FCR 398**
- Time effective, **FCR 392**
- Variance, **FCR 399**

JUDGMENT DEBTOR

- See Enforcement of Orders

JUDICIAL ADMINISTRATOR

- See Court Officers

JUDICIAL COMITY (CASES COLLECTED)

- Generally, **FCR 3**

JUDICIAL REVIEW

- See also Applications; Certiorari; Federal Board, Commission or Tribunal; Habeas Corpus; Mandamus/Mandatory Order; Prohibition; Quo Warranto
- Application for, **FCR 300, 18.1**
- Canadian Forces abroad, **18**
- Class proceedings, **FCR 334.1**
- Consent orders, **18.1**
- Constitutional decisions, **18.1**
- Defect in form, **18.1**
- Discretionary bars, **18.1**
- Federal board defined, **2**
- Federal Court, **18, 18.1**
- Federal Court of Appeal, **18.1, 18.5, 28**
- Grounds of review, **18.1**
- Interim orders, **18.2**
- Intervention, **FCR 109**
- Jurisdiction, **18, 18.1, 18.5, 28**
- Powers of court, **18.1**
- Procedure
 - affidavits, **FCR 306, FCR 307, FCR 312**
 - appearance, **FCR 305**
 - application records, **FCR 309, FCR 312**
 - cross-examination, **FCR 308, FCR 312**
 - material from tribunal, **FCR 317, FCR 319**
 - notice of appearance, **FCR 305**
 - notice of application, **FCR 301, FCR 302, FCR 304**
 - pre-hearing conference, **FCR 315**
 - records, **FCR 309, FCR 312**
 - requisition for hearing, **FCR 314**
 - service, **FCR 304**
 - single order, **FCR 302**
 - testimony, **FCR 316**
 - treat as an action, **18.4, 28**
 - tribunal's material, **FCR 317, FCR 319**

JUDICIAL REVIEW—Cont'd

- References, **FCR 320, FCR 323, 18.3**
- Respondent, **FCR 303**
- Review of interlocutory decisions, **18.1**
- Review of specified tribunals, **28**
- Review precluded, **18.5**
- Role of tribunal, **18.1**
- Standard of review, **18.1**
- Striking out, **18.4**
- Summary hearing, **18.4**
- Time limitation, **18.1**

JURIES

- Generally, **49**

JURISDICTION

- See also Court of Appeal; Equitable Jurisdiction; Federal Court
- Aeronautics, **23**
- Bills of exchange, **23**
- Canadian Forces abroad, **18**
- Civil, **3, 4**
- Claims against Crown, **17**
- Claims against Crown officer, **17**
- Claims by Crown, **17**
- Copyright, **20**
- Counterclaim (cases collected), **FCR 189**
- Criminal, **3, 4**
- Divorce (cases collected), **FCR 325**
- Equitable, **3, 4**
- Extra-provincial matters, **25**
- Implied/inherent (cases collected), **3**
- Industrial design, **20**
- Intergovernmental disputes, **19**
- Interpleader by Crown, **17**
- Interprovincial works, **23**
- Judicial review, **18, 18.1 to 18.5, 28**
- Jurisdiction otherwise specially assigned, **22, 23**
- Maritime, **22, 43**
- Navigation and shipping, **22, 43**
- No other court constituted, **25**
- Patent, **20**

JURISDICTION—Cont'd

- Preliminary objection, **FCR 208, FCR 298**
- Promissory notes, **23**
- Reference from tribunal, **18.3**
- References by agreement with Crown, **17**
- Residual, **25**
- Trademarks, **20**

LANGUAGE

- See also Interpreter
- Documents, **FCR 68**
- Extracts of federal legislation, **FCR 70, FCR 348**
- Pleadings and memoranda, **FCR 68**

LAWS OF CANADA

- Canadian maritime law, **2, 42**
- Generally, **2**

LEAVE TO APPEAL

- Generally, **FCR 352, FCR 356**
- To Supreme Court, **FCR 357**

LIMITATION OF ACTIONS

- Generally, **39**

LOCAL OFFICE

- Definition, **FCR 2**
- Location, **FCR 17**

MANDAMUS/MANDATORY ORDER

- See also Judicial Review
- Against federal board, **18**
- Application for, **FCR 300, 18.1**
- Canadian Forces abroad, **18**
- Jurisdiction generally, **44**
- Performance by third party, **FCR 431**

MARITIME PROCEEDINGS

- See Admiralty Actions

MARSHAL

- See Sheriff

MEDICAL EXAMINATIONS

- Costs, **FCR 254**
- Generally, **FCR 250, FCR 254**
- Witness at trial, **FCR 253**

MEMORANDUM OF FACT AND LAW

- Books of authorities, **FCR 70, FCR 348**
- Form and contents, **FCR 70**
- Language, **FCR 68**
- When required
 - appeals, **FCR 346**
 - applications, **FCR 309, FCR 310**
 - leave to appeal, **FCR 353**
 - motions, **FCR 366**
 - references from tribunal, **FCR 322**

MINISTER OF THE CROWN

- As federal board (cases collected), **2**
- Claims against, **17**
- Injunction against (cases collected), **18.1**
- Service of originating document, **FCR 133**

MISJOINDER

- Generally, **FCR 103**

MOOTNESS

- Appeals (cases collected), **27**

MOTIONS

- Abandonment
 - costs, **FCR 402, FCR 411**
 - generally, **FCR 370**
- Adjournment, **FCR 36**
- Affidavits
 - class proceedings, **FCR 334.15**
 - contents, **FCR 81**
 - cross-examination, **FCR 83, FCR 84, FCR 368**
 - requirement, **FCR 363**
 - time for filing, **FCR 362, FCR 365**
- Appeal of prothonotary, **FCR 51**

MOTIONS—Cont'd

- Application of Rules, **FCR 358**
- Before commencement of proceeding
 - court files, **FCR 24**
 - style of cause, **FCR 67**
- Class proceedings, **FCR 334.15**
- Costs, **FCR 401**
- Definition, **FCR 2**
- Directions as to procedure, **FCR 54**
- Evidence on, **FCR 363, FCR 371**
- Exercise of discretion, **FCR 47**
- Ex parte, **FCR 361**
- Hearing
 - adjournment, **FCR 36**
 - dates, **FCR 34, FCR 35**
 - generally, **FCR 28, FCR 29, FCR 31, FCR 33, FCR 37, FCR 39, FCR 360**
 - orders out of court, **FCR 30**
- In writing
 - generally, **FCR 369**
 - leave to appeal, **FCR 352, FCR 356**
- Leave to appeal
 - generally, **FCR 352, FCR 356**
 - to Supreme Court, **FCR 357**
- Memorandum of fact and law
 - contents, **FCR 70**
 - language, **FCR 68**
 - when required, **FCR 353, FCR 366**
- Motion records
 - leave to appeal, **FCR 353**
 - memorandum of fact and law, **FCR 366**
 - moving party's, **FCR 364**
 - respondent's, **FCR 365**
 - separate filing, **FCR 367**
- Notice of motion
 - class proceedings, **FCR 334.15**
 - contents, **FCR 359, FCR 360**
 - service, **FCR 361, FCR 362**
- Orders
 - additional, **FCR 53**

FEDERAL COURTS PRACTICE

MOTIONS—Cont'd

- Orders—Cont'd
 - on terms, **FCR 53**
 - out of Court, **FCR 30**
- Powers of Court, **FCR 47, FCR 53, FCR 55**
- Prothonotary's jurisdiction, **FCR 50**
- Service
 - leave to appeal, **FCR 352, FCR 353**
 - motion records, **FCR 364, FCR 365**
 - notice of motion and affidavit, **FCR 362**
 - separate filing, **FCR 367**
- Simplified action, **FCR 298**
- Strike out, **FCR 221**
- Testimony, **FCR 371**
- Transcript of cross-examination, **FCR 368**
- When required, **FCR 47**
- Written motions
 - generally, **FCR 369**
 - leave to appeal, **FCR 352, FCR 356**

NONJOINER

- Generally, **FCR 103**

NOTICE

- Class proceedings, **FCR 334.32, FCR 334.38**
- Of abandonment of motion, **FCR 370**
- Of appeals
 - as originating document, **FCR 63**
 - generally, **FCR 337, FCR 339**
- Of appearance
 - appeal, **FCR 341**
 - application, **FCR 305**
- Of application
 - as originating document, **FCR 63, FCR 301**
 - generally, **FCR 301, FCR 302, FCR 304**
 - on reference, **FCR 321**

NOTICE—Cont'd

- Of bail, **FCR 486**
- Of change or removal of solicitor, **FCR 124**
- Of constitutional question, **FCR 69, 57**
- Of cross-appeal, **FCR 341**
- Of discontinuance, **FCR 165, FCR 166**
- Of hearing
 - absence of party, **FCR 38**
 - failure to give, **FCR 37**
 - following adjournment, **FCR 36**
- Of motion
 - class proceedings, **FCR 334.15**
 - generally, **FCR 359, FCR 362**
 - leave to appeal, **FCR 352**
- Of objection to bail, **FCR 486**
- Of pre-trial conference, **FCR 261**
- Of question of general importance, **FCR 110**
- Of settlement, **FCR 166, FCR 389**
- Of status review, **FCR 381**
- Request to admit, **FCR 255, FCR 256**
- To sheriff of writ of execution, **FCR 439**

NOTICES TO THE PARTIES AND THE PROFESSION

- Listed, **APPE**

OATH

- Definition, **FCR 2**
- Interpreter, **FCR 93**
- Oral examination, **FCR 92**
- Who may administer, **54**
- Witness at trial, **FCR 282**

OFFERS

- Non-disclosure, **FCR 422**
- To contribute
 - by defendant or third party, **FCR 421**
 - effect on costs, **FCR 400**

OFFERS—Cont'd

To settle
effect on costs, **FCR 400, FCR 419, FCR 420**

OPEN COURT

Confidentiality orders, **FCR 151**
Generally, **3**
In Camera hearings, **FCR 29**
Public hearing, **FCR 29**

ORDER

See also Directions; Enforcement of Orders; Judgment
Confidentiality, **FCR 151, FCR 152**
Contempt, **FCR 466, FCR 472**
Copies, **FCR 395**
Corrections, **FCR 397**
Definition, **FCR 2**
Delivery
inability to render judgment, **FCR 39**
judgment after leaving office, **45**
pronouncement of judgment, **FCR 394**
reasons for judgment, **FCR 393**
Discretionary powers, **FCR 47**
Disposition of hearing, **FCR 392**
Drafting by party, **FCR 394**
Effective date, **FCR 392**
Final judgment
appeals from Federal Court, **27**
appeals from Tax Court, **27**
definition, **2, 27**
Interlocutory judgment
appeals from Federal Court, **27**
appeals from Tax Court, **27**
Mistakes, **FCR 397**
Out of Court, **FCR 30**
Reasons for judgment
delivery, **FCR 393**
filing, **51**
Reconsideration
mistakes, **FCR 397**
setting aside or variance, **FCR 399**

ORDER—Cont'd

Recording, **FCR 21, FCR 396**
Setting aside, **FCR 399**
Settling terms, **FCR 394**
Stay, **FCR 398**
Terms of orders, **FCR 53**
Time effective, **FCR 392**
Variance, **FCR 399**

ORIGINATING DOCUMENT

Commences proceeding, **FCR 62**
Definition, **FCR 2**
Effect of wrong document, **FCR 57**
Service
generally, **FCR 127**
on Crown, or Minister, **FCR 133**
Style of cause, **FCR 67**
Types, **FCR 63**

PARTICULARS

Maritime preliminary act, **FCR 494**
Pleadings, **FCR 181**

PARTNERSHIP

Examination for discovery, **FCR 237**
Proceedings by or against, **FCR 111.1**
Representation, **FCR 120**
Service of documents, **FCR 131**

PARTY

See also Intervention; Joinder;
Person under Legal Disability
Absence of, **FCR 38**
Acting in person, **FCR 122**
Amendment of name or capacity, **FCR 76, FCR 77**
Applicant
definition, **FCR 2**
judicial review, **18.1**
Assignment of interest, **FCR 117, FCR 118**
Bankruptcy, **FCR 116**
Class proceedings, **FCR 334.12, FCR 334.14**

PARTY—Cont'd

- Co-defendants of Crown (cases collected), **17**
- Death of, **FCR 116**
- Deceased person or estate, **FCR 112, FCR 113**
- Definition, **FCR 2**
- Devolution of interest, **FCR 117, FCR 118**
- Estates and trusts, **FCR 112, FCR 113**
- Joinder
 - generally, **FCR 102**
 - misjoinder and nonjoinder, **FCR 103**
 - orders as to joinder, **FCR 104**
- Partnership, **FCR 111.1**
- Person under legal disability, **FCR 115, FCR 121**
- Plaintiff defined, **FCR 2**
- Reference from tribunal, **FCR 323**
- Representation of corporation, **FCR 120**
- Representation of individuals, **FCR 119, FCR 122**
- Representative proceedings, **FCR 114**
- Respondent
 - appeal, **FCR 338**
 - application, **FCR 303**
- Sole proprietorship, **FCR 111.2**
- Third party defined, **FCR 2**
- Transmission of interest, **FCR 117, FCR 118**
- Unascertained person, **FCR 115**
- Unborn person, **FCR 115**
- Unincorporated association
 - definition, **FCR 2**
 - proceeding by or against, **FCR 111**

PATENT PROCEEDINGS

- Interlocutory injunctions (cases collected), **FCR 373**
- Jurisdiction, **20**

PATENT PROCEEDINGS—Cont'd

- Security for costs (cases collected), **FCR 416**

PAYMENTS

- Class proceedings, **FCR 334.4**
- Costs to solicitor, **FCR 400**
- Into court
 - garnishee, **FCR 450**
 - generally, **FCR 148**
 - sales of arrested property, **FCR 480**
- Money standing in court, **FCR 456**
- Out of court
 - generally, **FCR 150**
 - sale of arrested property, **FCR 491**

PERSON

- See Party

PERSON UNDER LEGAL DISABILITY

- See also Party
- Discovery of documents, **FCR 224**
- Examination for discovery, **FCR 237**
- Representation, **FCR 115, FCR 121**
- Service of documents, **FCR 129**

PLEADINGS

- See also Actions; Amendment; Counterclaim; Defence; Discontinuance; Dismissal; Joinder; Service; Third Party Proceedings
- Admiralty Action
 - action for collision, **FCR 498**
 - against more than one ship, **FCR 478**
 - defence of action in rem, **FCR 480**
- Admissions, **FCR 183**
- After reply, **FCR 172**
- Alternative claims or defences, **FCR 178**
- Amendment, **FCR 200, FCR 201**

PLEADINGS—Cont'd

- Claim against Crown, **48**
- Claim for relief, **FCR 182**
- Close of, **FCR 202**
- Commencement of proceeding, **FCR 62, FCR 63**
- Conditions precedent, **FCR 176**
- Counterclaims, **FCR 171, FCR 189, FCR 192**
- Definition, **FCR 2**
- Denials, **FCR 184, FCR 185**
- Description of documents or conversations, **FCR 177**
- Documents referred to, **FCR 206**
- Format, **FCR 171, FCR 173**
- Inconsistent pleading, **FCR 180**
- Language, **FCR 68**
- Law, **FCR 175**
- Material facts, **FCR 174**
- Particulars, **FCR 181**
- Prayer for relief, **FCR 182**
- Preliminary act, **FCR 498**
- Preliminary objection, **FCR 208**
- Principles of pleading, **FCR 174, FCR 181**
- Reply, **FCR 171, FCR 205**
- Service, **FCR 203, FCR 207**
- Set-off, **FCR 186**
- Statement of claim, **FCR 171, FCR 182, FCR 203**
- Statement of defence, **FCR 171, FCR 204**
- Strike out, **FCR 221**
- Style of cause
 - Admiralty Action, **FCR 477**
 - generally, **FCR 67**
- Subsequent facts, **FCR 179**
- Tender, **FCR 188**
- Third party claims, **FCR 171, FCR 193, FCR 199**
- Time for service, **FCR 203, FCR 207**
- Types, **FCR 171**

POLICE

- Assist Court, **59**

PRACTICE DIRECTIONS

- Listed, **APPE**

PRACTICE GUIDES

- Judicial review (immigration matters), **FCCIRPR 1**
- Judicial review (non-immigration matters), **18.1**

PRECEDENT (CASES COLLECTED)

- Generally, **27**

PREROGATIVE WRITS

- See Certiorari; Habeas Corpus; Judicial Review; Mandamus/Mandatory Order; Prohibition; Quo Warranto

PRESCRIPTION

- See Limitation of Actions

PRE-TRIAL CONFERENCES

- See also Actions
- Assignment of trial date, **FCR 264**
- Copies of documents, **FCR 258**
- Expert's affidavit, **FCR 258, FCR 262, FCR 265**
- Judge not to preside at trial, **FCR 266**
- Memoranda, **FCR 258, FCR 262**
- Notice of, **FCR 261**
- Orders as to conduct of action, **FCR 265**
- Participation, **FCR 260**
- Pre-hearing conference re application, **FCR 315**
- Requisition, **FCR 258**
- Scope, **FCR 263**
- Simplified action, **FCR 298**
- Time and place, **FCR 257**

PRIVILEGE

- See also Documents
- Common interest (cases collected), **FCR 223**

PRIVILEGE—Cont'd

- Confidentiality orders (cases collected), **FCR 151**
- Litigation (cases collected), **FCR 223**
- Public interest, **CEA 37**
- Settlement negotiations (cases collected), **FCR 223**
- Solicitor-client (cases collected), **FCR 223**

PROCEEDINGS

- See Actions; Appeals; Applications

PRODUCTION

- See Documents

PROHIBITION

- See also Judicial Review
- Against federal board, **18**
- Application for, **18.1**
- Canadian Forces abroad, **18**

PROMISSORY NOTES

- Jurisdiction, **23**

PROPERTY

- Admiralty Action
 - arrest of, **FCR 481, FCR 484**
 - bail, **FCR 485, FCR 486**
 - caveats, **FCR 493, FCR 495**
 - release from arrest, **FCR 487, FCR 489**
 - sale of arrested property, **FCR 490 to FCR 492**
 - statement of claim against, **FCR 479**
- Anton Piller (cases collected), **FCR 373**
- Custody, **FCR 377, FCR 378**
- Experiment, **FCR 249**
- Inspection, **FCR 249, FCR 277**
- Perishable, **FCR 379**
- Preservation, **FCR 377, FCR 378**
- Sample, **FCR 249**

PROTECTIVE ORDER (CASES COLLECTED)

- Generally, **FCR 151**

PROTHONOTARY

- See Associate Judge

PUBLIC ACCESS

- Confidentiality orders, **FCR 151, FCR 152**
- Court files, **FCR 26**
- Hearings, **FCR 29**
- Open court (cases collected), **3**
- Orders out of court, **FCR 30**
- Suggestion box, **FCR 16**

QUO WARRANTO

- See also Judicial Review
- Against federal board, **18**
- Application for, **18.1**

RECEIVER

- Appointment, **FCR 375, FCR 425, FCR 464, 44**
- Approval of accounts, **FCR 376**

RECORDS

- See also Court File
- Application, **FCR 309, FCR 311, FCR 312**
- Leave to appeal, **FCR 353**
- Motion, **FCR 364, FCR 365**
- Trial, **FCR 268, FCR 269**
- Tribunal's, **FCR 317, FCR 319, FCR 350**

REFERENCES

- See also References from Tribunals
- Appeal of findings, **FCR 163**
- Conduct, **FCR 156**
- Definition of referee, **FCR 2**
- Directions, **FCR 153**
- Discovery, **FCR 157**
- Documents provided, **FCR 155**
- Order for, **FCR 153**
- Powers of referee, **FCR 159**
- Recording of evidence, **FCR 158**

REFERENCES—Cont'd

Referral of question to Court, **FCR 160**
 Report of findings
 appeal, **FCR 163**
 filing, **FCR 161**
 finality, **FCR 162, FCR 164**
 generally, **FCR 161**
 judgment of Court, **FCR 162, FCR 164**
 Stay of related proceedings, **FCR 154**
 Time and place, **FCR 155**
 Witnesses, **FCR 158**

REFERENCES FROM TRIBUNALS

Application of Rules, **FCR 300, FCR 320**
 By Attorney General, **18.3**
 By tribunal, **18.3**
 Definition, **FCR 320**
 Directions, **FCR 322**
 Notice of application, **FCR 321**
 Parties, **FCR 323**

REGISTRY

See also Court File; Court Officers
 Court seal, **FCR 13**
 Definition, **2**
 Fees, **FCR 19**
 Filing reasons for judgment, **FCR 393, 51**
 List of addresses, **APP D**
 Offices, **FCR 17, 14**
 Performance of functions, **FCR 14**
 Requests and requisitions, **FCR 18**
 Suggestion box, **FCR 16**

RELIEF

See also Certiorari; Charging Orders; Declaratory Relief; Enforcement of Orders; Habeas Corpus; Injunction; Judicial Review; Mandamus/Mandatory Order; Prohibition; Quo Warranto; Receiver;

RELIEF—Cont'd

Stays; Writ of Execution
 Definition, **2**
 Equitable, **3, 4**
 Other relief Court may grant, **44**
 Relief claimed
 action, **FCR 182**
 appeal, **FCR 337**
 application, **FCR 301**

REMOTE CONFERENCING

Generally, **FCR 32**

REPLY

See Pleadings

REPRESENTATIVE PROCEEDINGS

Class proceedings, **FCR 334.1, FCR 334.4**
 Person under legal disability, **FCR 115**
 Representative proceedings, **FCR 114**
 Unborn or unascertained person, **FCR 115**

REQUISITIONS

Extension of writ, **FCR 337**
 Garnishment, **FCR 449**
 Generally, **FCR 18**
 Hearing
 appeal, **FCR 347**
 application, **FCR 314**
 Pre-trial conference, **FCR 258**

RES JUDICATA (CASES COLLECTED)

Generally, **3**

RULES

Application
 actions, **FCR 169, FCR 170**
 Admiralty Action, **FCR 475**
 appeals, **FCR 335**
 applications, **FCR 300**
 generally, **FCR 1**
 motions, **FCR 358**

RULES—Cont'd

- Application—Cont'd
 - security for costs, **FCR 415**
 - settlement offers, **FCR 419**
 - transitional, **FCR 501**
- Authority to make, **46**
- Coming into force, **FCR 504**
- Committee, **45.1**
- Interpretation, **FCR 2, FCR 5**
- Irregular documents, **FCR 72**
- Non-compliance
 - dispense with compliance, **FCR 55**
 - effect, **FCR 56, FCR 57**
 - motions to attack irregularity, **FCR 58, FCR 59**
 - notification by court, **FCR 60**

SECURITY

- Arrested property
 - bail, **FCR 485, FCR 486**
 - sheriff's costs, **FCR 483**
- Costs
 - execution, **FCR 438**
 - generally, **FCR 416, FCR 417**
 - seaman's claims, **FCR 499**
- How given, **FCR 418**

SERVICE

- Address for service
 - appeal from Federal Court, **FCR 340**
 - definition, **FCR 2**
 - no address for service, **FCR 140, FCR 145**
- Admiralty Actions
 - statement of claim in rem, **FCR 479**
 - warrant to arrest property, **FCR 482**
- Affidavit of service, **FCR 146**
- Directions
 - applications, **FCR 304**
 - foreign judgments, **FCR 328**
 - proceeding under s. 576 Canada Shipping Act [now s. 33

SERVICE—Cont'd

- Directions—Cont'd
 - Marine Liability Act], **FCR 496**
 - references from tribunal, **FCR 322**
- Document does not reach person, **FCR 148**
- Electronic, **FCR 139, FCR 141**
- Ex juris, **FCR 137**
- Non-personal
 - manner, **FCR 140**
 - no address, **FCR 140**
 - parties to be served, **FCR 139**
 - service by fax, **FCR 140, FCR 143**
 - service by mail or courier, **FCR 140 to FCR 142**
 - where permissible, **FCR 138**
- Originating documents
 - exceptions, **FCR 127, FCR 340**
 - generally, **FCR 127**
- Personal
 - acceptance by solicitor, **FCR 134**
 - corporation, **FCR 130**
 - Crown or minister, **FCR 133, 48**
 - individual, **FCR 128**
 - municipal corporation, **FCR 130**
 - outside Canada, **FCR 135, FCR 137**
 - partnership, **FCR 131**
 - person under legal disability, **FCR 129**
 - sole proprietorship, **FCR 131.1**
 - subpoena, **FCR 42**
 - substitutional, **FCR 136**
 - unincorporated association, **FCR 132**
- Proof of service
 - filing of documents, **FCR 73**
 - manner, **FCR 146**
 - notice of appeal, **FCR 339**
 - notice of application, **FCR 304**
 - service outside Canada, **FCR 137**
 - statement of claim, **FCR 203**

SERVICE—Cont'd

- Proof of service—Cont'd
 - warrant to arrest property, **FCR 482**
- Time of service, **FCR 144**
- Validating service, **FCR 147**
- Where no further service required, **FCR 145**

SETTLEMENT OFFER

- See Offers

SHERIFF

- Absence or incapacity, **FCR 473, 55**
- Appointment, **13**
- Contempt by, **FCR 466**
- Definition, **FCR 2**
- Deputy sheriff, **13**
- Execution of process, **FCR 473, 55**
- Fees and costs, **FCR 433, FCR 438, FCR 444**
- Issuance of process, **FCR 473**
- Where no sheriff, **FCR 473, 55**
- Writ of execution
 - failure to execute, **FCR 466**
 - generally, **FCR 439**
 - laws of province, **FCR 448**

SHIPS

- See Admiralty Actions

SIMPLIFIED ACTION

- Application of Rules, **FCR 292**
- Availability, **FCR 292**
- Definition, **FCR 2**
- Discovery
 - documents, **FCR 295**
 - examination, **FCR 296**
- Evidence at trial, **FCR 299**
- Improper avoidance, **FCR 293**
- Motions, **FCR 297, FCR 298**
- Style of cause, **FCR 294**
- Trial, **FCR 299**

SOLE PROPRIETORSHIP

- Proceedings by or against, **FCR 111.1**
- Service of documents, **FCR 131.1**

SOLICITOR

- Access to confidential material, **FCR 152**
- Address on documents, **FCR 66**
- Affidavit of, **FCR 82**
- Definition, **FCR 2**
- Discovery
 - answer on examination, **FCR 246**
 - obligations respecting documents, **FCR 224**
- Liability for costs, **FCR 404**
- Officer of court, **11**
- Payment of costs, **FCR 400**
- Representation
 - class proceedings, **FCR 121**
 - corporation or partnership, **FCR 120**
 - individual, **FCR 119**
 - person under legal disability, **FCR 121**
 - unincorporated association, **FCR 120**
- Right to practice, **11**
- Service
 - acceptance by, **FCR 134**
 - appeal from Federal Court, **FCR 340**
 - certificate, **FCR 146**
- Signature of documents, **FCR 66**
- Solicitor of record
 - ceasing to act, **FCR 126**
 - change of, **FCR 124, FCR 125**
 - conflict of interest (cases collected), **FCR 125**
 - death, **FCR 126**
 - deemed, **FCR 123**
 - definition, **FCR 2, FCR 123**
 - removal, **FCR 124, FCR 125**

**SPECIALLY MANAGED
PROCEEDING**

- Case management judge assignment, **FCR 383, FCR 383.1**
- assistance by prothonotary, **FCR 383**
- definition, **FCR 2**
- Class proceedings, **FCR 384.1, FCR 385**
- Definition, **FCR 2**
- Dispute resolution conference, **FCR 387**
- Motion to request, **FCR 384**
- Order on status review, **FCR 380, FCR 382**
- Powers, **FCR 385**
- Prothonotaries, **FCR 383**

SPECIFIC PERFORMANCE
Generally, **44**

STANDARD OF REVIEW

- Appeals
 - discretionary decisions, **27**
 - evidentiary rulings, **27**
 - findings of fact, **27**
 - prothonotary, **51**
 - trademarks, **FCR 300**
- Judicial review, **18.1**

**STARE DECISIS (CASES
COLLECTED)**

- Generally, **3**

STATED CASE

- Generally, **FCR 220**

STATEMENT OF CLAIM

- See Pleadings

STATEMENT OF DEFENCE

- See Pleadings

STATUS REVIEW

- Federal Court
 - actions, **FCR 380**
 - application, **FCR 380**

STATUS REVIEW—Cont'd

- Federal Court—Cont'd
 - powers of Court, **FCR 380, FCR 382.1**
 - representations, **FCR 382**
- Federal Court of Appeal
 - appeal, **FCR 382.2**
 - application, **FCR 382.2**
 - powers of Court, **FCR 382.4**
 - representations, **FCR 382.3**

STAYS

- Execution of summary judgment, **FCR 219**
- Judgment or order, **FCR 398**
- Judicial review application, **18.2**
- Lifting stay, **50**
- Pending alternative dispute resolution, **FCR 390**
- Pending appeal, **FCR 398**
- Pending reference, **FCR 154**
- Proceedings against Crown, **50, 50.1**
- Proceedings generally, **50**
- Severance of claims, **FCR 106**

STYLE OF CAUSE

- Actions, **FCR 67**
- Appeals, **FCR 67**
- Applications, **FCR 67**

SUBPOENA

- Attendance at reference, **FCR 158**
- Conduct money, **FCR 42**
- Failure to obey, **FCR 46**
- Issuance, **FCR 41**
- Service, **FCR 42**
- Witness fees, **FCR 43**

SUMMARY

**JUDGMENT/SUMMARY
TRIAL**

- Availability
 - generally, **FCR 213**
 - simplified action, **FCR 297**
- Burden of proof, **FCR 214**

SUMMARY**JUDGMENT/SUMMARY****TRIAL—Cont'd**Disposition, **FCR 215, FCR 216, FCR 218**Effect of summary judgment, **FCR 217**Genuine issue for trial, **FCR 215**Motion record, **FCR 213, FCR 216, FCR 366**Powers of Court, **FCR 218**Stay of execution, **FCR 219****SUPREME COURT**Motion for leave to appeal, **FCR 357****SWEAR**

See Oath

TAXATION

See Costs

TAX COURTAppeals, **FCR 335, 27****TELEPHONE CONFERENCE**Generally, **FCR 32****TENDER**Defence of, **FCR 188**Of payment into court, **FCR 149****THIRD PARTY PROCEEDINGS**

See also Pleadings

Application of Rules, **FCR 170**

Availability

as of right, **FCR 193**with leave, **FCR 194**Default by third party, **FCR 199**Defence to third party claim, **FCR 197**Definition of third party, **FCR 2**Form, **FCR 171**Hearing, **FCR 198**Judgment binding third party, **FCR 199****THIRD PARTY PROCEEDINGS****—Cont'd**Jurisdiction (cases collected), **FCR 193, 17**Offer to contribute or settle, **FCR 419, FCR 421**Rights and obligations of third party, **FCR 197**Service of third party claim
against co-defendant, **FCR 195**
against non-defendant, **FCR 196**Trial, **FCR 198****TIME**Abridgment, **FCR 8**Computation, **FCR 6**

Definitions

business day, **FCR 2**holiday, **FCR 2**summer recess, **FCR 2**Dismissal for delay, **FCR 167**Effect of amendment of document,
FCR 78

Extension

appeal from Federal Court or Tax
Court, **27**judicial review application, **18.1**time periods under Rules, **FCR 7, FCR 8**Service effective, **FCR 144**Status review, **FCR 380, FCR 501****TRADEMARK PROCEEDINGS**Appeals under s. 56 of Trademarks
Act, **FCR 300****TRANSITIONAL**Generally, **FCR 501****TRANSLATION**

See Interpreter; Language

TRIALSee also Actions; Evidence; Hear-
ings; Summary Judgment/
Summary Trial; WitnessAbsence of party, **FCR 38**Absence of witness, **FCR 284**

TRIAL—Cont'd

Adjournment, **FCR 36**
Assessor, **FCR 52**
Bifurcation, **FCR 107**
Evidence
affidavit, **FCR 285**
commission, **FCR 273**
demonstrative, **FCR 287**
directions, **FCR 275, FCR 286**
examination for discovery, **FCR 288, FCR 291**
examination of non-party, **FCR 239**
gap in proof, **FCR 60**
order of presentation, **FCR 274**
out of court, **FCR 273**
witnesses, **FCR 282, FCR 284**
Examination for discovery, **FCR 288, FCR 291**
Expert witness, **FCR 52.2 to FCR 52.6, FCR 279, FCR 280**
Expert witness panel, **FCR 282.1, FCR 282.2**
Gap in proof, **FCR 60**
Inability of judge to continue, **FCR 39**
Inspection, **FCR 277**
Location, **FCR 264, 15**
Pre-trial conference, **FCR 258, FCR 267**
Prothonotaries jurisdiction, **FCR 50**
Public access, **FCR 29**
Record, **FCR 268, FCR 269**
Reopen, **FCR 275**
Sequence of presentation
argument, **FCR 278**
evidence, **FCR 274**
Severance, **FCR 106**
Simplified action, **FCR 299**
Third party claim, **FCR 198**
Time and place, **FCR 264**
Trial management conference, **FCR 270**
Trial of issue, **FCR 107**
Trial record, **FCR 268, FCR 269**

TRIAL—Cont'd

Undisclosed document, **FCR 232**
Undisclosed information, **FCR 248**
View, **FCR 277**

TRIAL MANAGEMENT CONFERENCE

Generally, **FCR 270**

TRIAL RECORD

Generally, **FCR 268, FCR 269**

UNINCORPORATED ASSOCIATION

Definition, **FCR 2**
Discovery of documents, **FCR 224**
Examination for discovery, **FCR 237**
Proceedings by or against, **FCR 111**
Representation, **FCR 120, FCR 122**
Service of documents, **FCR 132**

VEXATIOUS PROCEEDINGS

Generally, **40**

VIDEO-CONFERENCE

Examination out of court, **FCR 88**
Hearing, **FCR 32**

WITNESS

See also Subpoena
Compelling attendance
detainee, **FCR 45**
generally, **FCR 41**
reference, **FCR 158**
Conduct money, **FCR 42**
Examination
application, **FCR 316**
motion, **FCR 371**
trial, **FCR 282**
Expert, **FCR 52.2 to FCR 52.6, FCR 279, FCR 280**
expert panel, **FCR 282.1, FCR 282.2**
generally, **FCR 52.2 to FCR 52.6, FCR 279, FCR 280**
Failure to appear, **FCR 46**

WITNESS—Cont'd

Fees, **FCR 43**
Medical practitioner, **FCR 253**
Oath, **FCR 282**
Simplified action, **FCR 299**
Subpoena, **FCR 41 to FCR 43**

WRIT OF EXECUTION

See also Enforcement of Orders;
Sheriff
Advance or security required, **FCR 438**
Definition, **FCR 2**
Endorsement, **FCR 433**
Extension of validity, **FCR 437**
Issuance
generally, **FCR 433**
limitations, **FCR 434, FCR 436**
multiple, **FCR 440**
writ in aid, **FCR 435, FCR 436**
writ of sequestration, **FCR 441**
Period of validity, **FCR 437**

WRIT OF EXECUTION—Cont'd

Requisition for, **FCR 433**
Stay of enforcement
generally, **FCR 398**
summary judgment, **FCR 219**
Writ of delivery, **FCR 428**
Writ of possession, **FCR 427**
Writ of seizure and sale
different geographical areas,
FCR 442
interest sold, **FCR 445**
laws of province, **FCR 446, FCR 448**
multiple, **FCR 442, FCR 443**
property bound, **FCR 448**
sum under 0167200, **FCR 444**
unascertained sum, **FCR 443**
Writ of sequestration
availability, **FCR 427 to FCR 429**
issuance, **FCR 441**

