

FEDERAL COURT OF-APPEAL

BETWEEN:

Radu Hociung

Appellant

and

Minister of Public Safety and Emergency Preparedness

Respondent

**LETTER TO THE REGISTRAR
Re: Respondent Requests Dated Feb 27, 2019**

Radu Hociung
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TO:

The Registrar
Federal Court of Canada
180 Queen Street West
Suite 200
Toronto, Ontario
M5V 3L6

Dear Registrar,

I am writing in response to the Respondent's requests in his letter to the Registrar dated February 27, 2019.

The Respondent would like to limit the Appellant's submissions for the two appeals to a total of one hour and fifteen minutes to be allocated to Appellant's oral submissions in both appeals, but gives no grounds or explanation.

The respondent is making his request by way of an informal letter, seeking to manipulate the registrar's scheduling of the hearings, in a way that prevents the respondent from objecting to his groundless request.

The Respondent has no basis for his time estimate, and is not privy to the Appellant's prepared presentation. The Appellant's presentation is certified to require 70m and 7h40m respectively for the two appeals, as shown in the requisition for hearing. The respondent's request is oppressive.

If the respondent wishes to affect the scheduled hearing time, he can do so pursuant Rule 54:

Federal Court Rule 54

Motion for directions

54 A person may at any time bring a motion for directions concerning the procedure to be followed under these Rules.

Requête pour obtenir des directives

54 Une personne peut présenter une requête à tout moment en vue d'obtenir des directives sur la procédure à suivre dans le cadre des présentes règles.

The key difference between a formal motion for direction and an informal request to the Registrar, is that with a motion, he must explain his grounds, and the other party is allowed to respond to his grounds. Also, the outcome of a Motion is reviewable by Judicial Review, while an informal request is not. Furthermore, he can simply lie in an informal letter, without consequence, while in a motion he may be held to strict proof.

Corrections to the Record

The appellant would like to kindly request that the Registrar correct the record for date 2019-01-28 on both dockets. The Court directed that the Appellant's revised memorandum may be accepted for filing. The filing date reflected on the record should be the date that the memorandum was filed, and should have been accepted. This date is December 4, 2018, as stamped on the memorandums when they were delivered to the Registrar. The record incorrectly shows the filing date as 28-JAN-2019, but should be 4-DEC-2018. I.e., the record should read "Memorandum of fact and law on behalf of the appellant filed on 4-DEC-2018 3 judges' copies stored in Ottawa"

Previously, the respondent manipulated the registrar into requesting directions on 14-NOV-2018, with respect to this memorandum, and he obtained not only the delayed filing as shown above, but also a delay in filing his own memorandum. Rule 346 is unambiguous about the deadline for filing the respondent's memorandum (ie, the respondent must file his memorandum within 30 days after service of the appellant's memorandum), yet through manipulation, he managed to obtain a 3-month delay without any good reason:

Federal Court Rule 346:

Appellant's memorandum

346 (1) Within 30 days after filing an appeal book, the appellant shall serve and file a memorandum of fact and law.

Respondent's memorandum

(2) Within 30 days after service of the appellant's memorandum of fact and law, the respondent shall serve and file the respondent's memorandum of fact and law.

Mémoire de l'appellant

346 (1) Dans les 30 jours suivant le dépôt du dossier d'appel, l'appellant signifie et dépose son mémoire des faits et du droit.

Respondent's memorandum Mémoire de l'intimé

(2) Dans les 30 jours suivant la signification du mémoire de l'appellant, l'intimé signifie et dépose le sien.

The respondent was served with the appellants's memorandum on 26-OCT-2018 (appellant's affidavit of service filed 31-OCT-2018), thus the respondent's deadline for serving and filing his own memorandum, according to rule 346, was 25-NOV-2018 (within 30 days **after**

service). Instead, through manipulation, the respondent obtained a 3-month delay to 28-FEB-2019.

In his letter dated 14-NOV-2018, the respondent lied about having received both memoranda as one facsimile transmission, thus alleging that the appelland had improperly served him, and obtaining the registrar's delay in filing the memorandums. Had he been held to Rule 58, he would have had to make a motion attacking the irregularity of being served an oversized document by fax, and the lie would have been exposed by the Appellant's response to the Motion.

Federal Court Rule 58

Motion to attack irregularity

58 (1) A party may by motion challenge any step taken by another party for non-compliance with these Rules.

When motion to be brought

(2) La partie doit présenter sa requête aux termes du paragraphe (1) le plus tôt possible après avoir pris connaissance de l'irrégularité.

Requête en contestation d'irrégularités

58 (1) Une partie peut, par requête, contester toute mesure prise par une autre partie en invoquant l'inobservation d'une disposition des présentes règles.

Exception

(2) La partie doit présenter sa requête aux termes du paragraphe (1) le plus tôt possible après avoir pris connaissance de l'irrégularité.

The appellant respectfully requests that the Registrar disregard the respondent request for direction, as it is not proper form to request direction, and advise him that he may make such request as prescribed by Rule 54

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Hociung'.

Radu Hociung - Appellant