

FEDERAL COURT OF APPEAL

BETWEEN:

Radu Hociung

Appellant

and

Minister of Public Safety and Emergency Preparedness

Respondent

MOTION RECORD

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TO:

The Registrar
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AND TO:

Eric Peterson, Counsel to the Respondent
DEPARTMENT OF JUSTICE
Ontario Regional Office
The Exchange Tower
130 King St. West
Suite 3400, Box 36
Toronto, Ontario

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TAB 1

NOTICE OF MOTION

A-101-18

FEDERAL COURT OF APPEAL

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NOTICE OF MOTION

TAKE NOTICE THAT the appellant will make a motion to the Court in writing under Rule 343(5) of the Federal Courts Rules.

THE MOTION IS FOR:

1. An Order to the Administrator to prepare an appeal book from documents on the record in Federal Court file T-1450-15
2. That the Court accept the enclosed agreement for contents of the appeal book, or in the alterenate, determine the content anew.
3. His costs of this motion; and
4. Such other relief as this Honourable Court deems just.

THE GROUNDS FOR THE MOTION ARE:

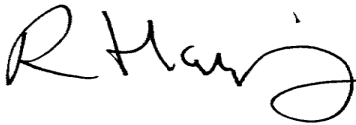
1. The Registrar has refused to accept for filing appeal books already prepared by the Appellant and served to the Respondent.
2. The agreement on the contents of the appeal book was reached within the 30 days required by Rule 343, but it was not filed promptly.
3. The appellant is an inexperienced self-represented litigant, and lacks the experience to prepare the

document to the exacting standards required by the Registry.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

1. The record of the proceeding.
2. The pleadings herein.
3. The affidavit herein.

DATE: June 22, 2018



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TAB 2

FEDERAL COURT OF APPEAL

BETWEEN:

Radu Hociung

Appellant

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Respondent

WRITTEN REPRESENTATIONS

OVERVIEW

1. This appeal was brought on March 26, 2018 to challenge an interlocutory order of Federal Court Justice Gleeson date March 15, 2018 in case T-1450-15
2. The Appellant is an inexperienced self-represented litigant, and lives outside of Canada.
3. On April 12, 2018, the parties agreed in writing, by email as to the contents of the appeal book.
4. The requirement to file the agreement with the registry within 30 days of serving the notice of appeal was overlooked.
5. The Appellant proceeded to prepare, serve and file the Appeal Book as agreed on April 12th.
6. On May 23, 2018, upon receipt of the Appeal Book copies, the registry contacted the Appellant to inform him that the Appeal Books would not be filed because the deadline for filing an agreement was missed.
7. Prior to the May 23 telephone call from the Registry, the appellant was unaware of the requirement to file the agreement separately, and proceeded with the remaining steps as well as he was able.
8. The registry also noted irregularities with the formatting of the submitted Appeal Book, namely that it was printed double-sided and lacked consecutive page numbers spanning all the tabs in the book.
9. Having decided not to accept the submitted Appeal Book, the registry requested the Appellant to make

arrangements for their return.

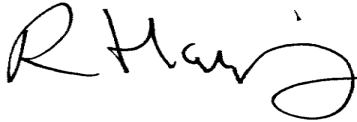
10. On Friday May 25, 2018, the Appellant came to Canada to straighten out the irregularities, and to put the appeal back on track, including filing the agreement and new copies of the Appeal Books with that addressed the deficiencies in the original Books.
11. On May 28, 2018, after a weekend of printing and binding, the Appellant visited the Registry to file the agreement and the new Appeal Books.
12. At the Registry, two Registry officers insisted that neither agreement nor the new appeal books could be filed without a motion to extend time to file, in spite of Rule 72, which addresses irregularities such as these.
13. A third registry officer agreed that Rule 72 does apply to late filings, and the document should be referred to a judge or prothonotary for filing instructions, as specified by that rule. However, she only applied this rule to the agreement, and still refused to apply it equally to the books themselves.
14. This proceeding appears stalled, due to documents not being accepted for filing by the registry.
15. The only roadblock in preventing this proceeding from continuing at this time is the difficulty in getting the Appellant-prepared appeal books accepted for filing, even though they have already been served to the Respondent.
16. An order that the Administrator prepare and file the appeal books would remove this filing roadblock and allow the proceeding to continue.
17. The contents of the appeal book is not in dispute, as the enclosed agreement shows, however, as the filing deadline has been missed, the Court may either use the agreed content, or determine an alternate contents, as if an agreement were not reached at all.

ORDER SOUGHT

18. The Appellant requests:
 - (a) An order that the Administrator prepare the Appeal Book pursuant Rule 343(5)
 - (b) Any time extensions necessary for the Registry to accept filing the resulting Appeal Book.
 - (c) His costs on this motion
 - (d) Any other such order or directions that the Court deems just.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

DATE: June 22, 2018



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TAB 3

Affidavit of the Appellant