

AFFIDAVIT OF SERVICE

File: A-101-18

FEDERAL COURT OF APPEAL

BETWEEN:

Radu Hociung

Appellant

and

Minister of Public Safety and Emergency Preparedness

Respondent

AFFIDAVIT OF SERVICE


I, Radu Hociung, of the Solidaridad in the Quintana Roo state of Mexico, SWEAR THAT:

- I served Minister of Public Safety and Emergency Preparedness with a Motion Record for the Motion for preparation of appeal books by sending a copy by fax on June 22nd, 2018 to Eric Peterson, solicitor for the Respondent, at (416) 973-5004.
- I served the Minister of Public Safety and Emergency Preparedness with Appeal Books by sending a copy by FedEx, a courier to Eric Peterson, solicitor for the Respondent at the Department of Justice, The Exchange Tower, 130 King Street West, Suite 3400, Box 36, Toronto Ontario, M5X 1K6.
- The Appeal Book copy was given to the courier on May 16, 2018. It was delivered on May 22, 2018.
- I attempted to file 5 copies of the Appeal Book with the registry of the Federal Court of Appeal by sending 5 copies by FedEx, a courier, to The Registry of The Federal Court of

Appeal, 180 Queen Street West, Suite 200, Toronto, Ontario, M5V 3L6.

- The Appeal Book copies were given to the courier on May 16, 2018. They were delivered on May 23, 2018
- The Registry of the Federal Court of Appeal informed me by telephone on May 23, 2018 that they would not accept the Appeal Books for filing, citing that the Agreement for Appeal Book Contents had not been filed with the registry within 30 days of filing an appeal notice, and also that the books were printed double sided, and the page numbering did not appear to be correctly generated.
- On Friday, May 25, 2018, I travelled to Canada to re-file new Appeal Books, printed single-sided and with correct page numbering.
- On May 28, 2018, I attempted to file, in person, the Agreement on the Contents of the Appeal Book. The Registry declined to accept it, citing that it had not been filed within 30 days of filing the appeal notice. I pointed out that Rule 72 requires the Registry to refer the document to a judge or prothonotary, without delay, rather than reject it altogether. The Registry then agreed to refer the Agreement to a judge or prothonotary.
- On May 28, 2018 I attempted a second time to file newly printed copies of the Appeal Books, this time single-sided and with correct page numbers. The Registry refused to accept it, citing that the Agreement on the Contents of the Appeal Book had not been filed on time. I pointed out Rule 72, requiring the registry to refer the documents to a judge or prothonotary for filing directions, however the Registry refused to apply it.

- On May 28, 2018 the Registry returned to me the first edition Appeal Books, as well as the second edition I had brought in person.
- On May 28, 2018, being unable to file the Appeal Books and having no practical way of progressing them before my return to Mexico, I destroyed the 10 copies that were rejected by the Registry by throwing them in garbage disposal.


Radu Hociung

Sworn before me at the City of Solidaridad in the Quintana Roo state of Mexico on June 22, 2018.


LEOD L. L.
Consular Officer of Canada
Consular Agency of Canada in Playa del Carmen
Avenida 10 entre Calle 3 y 5, Playa del Carmen, Mexico, 77710

SOR/2004-283, s. 35

Consular Agency of Canada /
Agence Consulaire du Canada
Plaza Peraiso, Ave. 10 x Calle 3 y 5 Sur
Playa del Carmen, Q.Roo, Mexico

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