

**FEDERAL COURT OF-APPEAL**

BETWEEN:

**Radu Hociung**

Appellant

and

**Minister of Public Safety and Emergency Preparedness**

Respondent

**LETTER TO THE COURT**

**Re: Explanation of late filing of agreement on Contents of Appeal Book**

Radu Hociung  
246 Southwood Drive  
Kitchener, Ontario  
N2E 2B1  
Tel: (519) 883-8454  
Fax: (226) 336-8327  
email: radu.cbsa@ohmi.org

**TO:**

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

**Honourable Court,**

I am writing to respectfully request your permission to file the agreement on the Contents of the Appeal Book late, and provide the explanation for the delay.

The Appellant is an inexperienced self represented litigant. This is the first appeal he is conducting. The agreement on the Contents of Appeal Book was obtained on April 12, 2018, but the requirement to file it separately with the Court was overlooked.

Upon reaching agreement with the Respondent, the Appellant proceeded to prepare the Appeal Books, which were couriered to the Registry on May 16, 2018, and also served to the Respondent.

Upon receipt of the Appeal Books, the Registry informed the Appellant by telephone on May 23, 2017 that the Books could not be accepted as the Agreement had not been filed within 30 days of filing the Appeal Notice, and that the Appellant should take the Books back, and file a motion for extension of time to file the Agreement. The Registry also informed the Appellant of other apparent errors in the Appeal books, namely:

- Covers were not grey
- Pages were printed double sided
- Page numbering was restarted in each tab or section of the Book, but not consecutive from the first to the last page of the Book.

Having overlooked Rule 343 regarding filing the Agreement, the telephone call on May 23<sup>rd</sup> from the Registry is the first time the Appellant became aware of the requirement.

Upon learning of the missed step, the Appellant, who lives in Mexico, immediately planned and booked a trip to Canada to attempt to resolve the filing irregularity. There were two items to rectify:

- (a) The requirement for a motion to extend the time was incorrect. Per Rule 72(1)(b),

where an document is submitted for filing, the Administrator shall “(b) where the Administrator is of the opinion that the document is not in the form required by these Rules or that other conditions precedent to its filing have not been fulfilled, refer the document without delay to a judge or prothonotary.”

- (b) The Appellant rectified the irregularities in the couriered Appeal Book by printing and binding a new set of books, and brought them to the Registry for filing.

On Monday, May 28<sup>th</sup>, 2018, the Appellant brought the newly printed Appeal Books to the Registry, intending to file them, and also intending to file the Contents Agreement. He was successful in convincing the registry that Rule 72(1)(b) should be applied with respect to the filing of the Agreement, but was not successful in convincing the same Registry that the same rule should apply with respect to the Appeal Books, which were ready to be filed at that time.

As a result of the visit to Toronto, the Appellant respectfully submits this explanation as to the delay in filing the Contents Agreement, and wishes to inform the Court of his clear intent to proceed with the Appeal, demonstrated by the efforts in preparing, serving, and attempting to file the Appeal Books with the Registry.

As the Appeal Books were not accepted for filing, the Appellant kept one copy and destroyed the other 6 copies, as it would not be practical to bring them to Mexico, only to courier them back to Toronto at some later date.

Instead, the Appellant plans to immediately file a motion requesting that the Registry be directed to prepare the Appeal Books as per the Agreement, with the expectation that further deficiencies in preparing the Books will be avoided.

Regarding the Contents Agreement, it was originally reached by email communications with the Respondent's Solicitor. Upon the visit to the Registry on May 28, 2018, the Appellant was informed that the email printout format is not a proper form for this agreement, and that a paper signed agreement was necessary. The appellant prepared and forwarded the agreement in the proper form (aided by a sample obtained from the Registry) to the

Respondent's solicitor, who advised as the attached email indicates, that the Appellant has his consent to sign the form on his behalf.

The appellant requests that the Attached Agreement be filed in the Appeal Record.

June 1, 2018

Sincerely,

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

Radu Hociung

Plaintiff

**FEDERAL COURT OF APPEAL**

BETWEEN:

**Radu Hociung**

Appellant (plaintiff)

and

**Minister of Public Safety and Emergency Preparedness**

Respondent (Defendant)

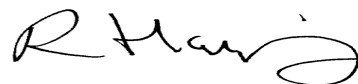
**AGREEMENT AS TO THE CONTENTS OF APPEAL BOOK**

Pursuant to subsection 343(1) for the *Federal Court Rules*, the parties agree that the following documents shall be included in the appeal book in respect of the above noted appeal:

1. A table of contents describing each document;
2. The Notice of Appeal in this Appeal;
3. The Order of Justice Gleeson dated March 15, 2018, on the motion to Amend the Statement of Claim;
4. The following pleadings from the first instance:
  1. The Statement of Claim with Court File Number T-1450-15
  2. The Statement of Defense with Court File Number T-1450-15
  3. Plaintiff's complete Motion Record for Leave to Amend the Statement of Claim
  4. Defendant's complete Response to the amendment motion motion
  5. Plaintiff's reply to the Defendant's response
5. The Agreement as to the Contents of the Appeal Book; and
6. A certificate, in Form 344, signed by the appellant, stating that the contents of the appeal book are complete and legible

DATED at the City of Playa Del Carmen, Quintana Roo, Mexico, Jun 1, 2018

**ATTORNEY GENERAL OF CANADA**



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Radu Hociung, per: Eric O. Peterson,  
Counsel to the Minister of Public Safety

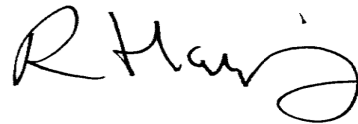
and Emergency Preparedness, by consent

**DEPARTMENT OF JUSTICE**

Ontario Regional Office  
The Exchange Tower  
130 King Street West  
Suite 3400, Box 36  
Toronto, Ontario  
M5X 1K6  
Tel: (416) 952-6334  
Fax: (416) 973-5004

Dated at the City of Playa del Carmen, Quintana Roo, Mexico, May 30, 2018

**Radu Hociung**



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Radu Hociung  
246 Southwood Drive  
Kitchener, Ontario  
N2E 2B1  
Tel: (519) 883-8454  
Fax: (226) 336-8327  
email: radu.cbsa@ohmi.org

**Subject:** RE: Appeals A-101-18 and A-102-18, Radu Hociung vs. MPSEP  
**From:** "Peterson, Eric" <Eric.Peterson@justice.gc.ca>  
**Date:** 31/05/2018 8:47 AM  
**To:** 'Radu Hociung' <radu.cbsa@ohmi.org>

Thank you Mr. Hociung. The formal agreements are fine and you have my consent to sign the forms on my behalf.

Please note my office's new address, effective this week.

Eric Peterson  
Crown Counsel / Avocat de la Couronne  
Department of Justice Canada / Ministère de la Justice Canada  
National Litigation Sector / Secteur national du contentieux  
Ontario Regional Office / Bureau régional de l'Ontario  
Richmond Adelaide Centre / Centre Richmond Adelaide  
120 Adelaide Street West / 120, rue Adelaide Ouest  
Suite 400 / Pièce 3400  
Toronto (Ontario) M5H 1T1  
Tel. / Tél: (647) 256-7550  
Fax / Téléc: (416) 973-5004  
E-mail / Courriel: eric.peterson@justice.gc.ca

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**From:** Radu Hociung [mailto:radu.cbsa@ohmi.org]  
**Sent:** May 30, 2018 3:54 PM  
**To:** Peterson, Eric <Eric.Peterson@justice.gc.ca>  
**Subject:** Re: Appeals A-101-18 and A-102-18, Radu Hociung vs. MPSEP

Mr Peterson,

Upon trying to file the Appeal Books that I have served you, I found that the Registry will not accept the agreement we reached below in the form of a printout of the email, and as such we should put it in an acceptable formal form.

Kindly find attached two agreements, for the A-101-18 and A-102-18 appeals, that reflect our email agreement. Please execute and return them to me either by email or fax, and I will file them with the Court.

Thank you for your prompt attention

Sincerely

Radu Hociung.

Radu Hociung Tel: 519-883-8454 Fax: 226-336-8327 Email (preferred): [radu.cbsa@ohmi.org](mailto:radu.cbsa@ohmi.org)

On 12/04/2018 1:41 PM, Peterson, Eric wrote:

Mr. Hociung,

Thank you for your email. My client is in agreement with your proposal for the Appeal Books.

Eric Peterson

Crown Counsel / Avocat de la Couronne

Department of Justice Canada / Ministère de la Justice Canada

National Litigation Sector / Secteur national du contentieux

Ontario Regional Office / Bureau régional de l'Ontario

The Exchange Tower / La tour exchange

130 King Street West / 130, rue King Ouest

Suite 3400, Box 36 / Pièce 3400, C.P. 36

Toronto (Ontario) M5X 1K6

Tel. / Tél: (416) 952-6334

Fax / Téléc: (416) 973-5004

E-mail / Courriel: [eric.peterson@justice.gc.ca](mailto:eric.peterson@justice.gc.ca)

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**From:** Radu Hociung [<mailto:radu.cbsa@ohmi.org>]

**Sent:** April 12, 2018 2:29 PM

**To:** Peterson, Eric <[Eric.Peterson@justice.gc.ca](mailto:Eric.Peterson@justice.gc.ca)>

**Subject:** Appeals A-101-18 and A-102-18, Radu Hociung vs. MPSEP

Mr. Peterson,

For the appeal books in the two appeals, A-101-18 and A-102-18, pursuant Federal Courts Rule 343(1) the appellant intends to use the following documents:

In each appeal book,

- Motion record of the respective motion being appealed
- Respective responding motion records
- Respective replies
- Statement of Claim and Proposed Amended Statement of Claim

Is your client in agreement with these proposed Appeal Book contents?

Thank you

Radu Hociung

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Radu Hociung Tel: 519-883-8454 Fax: 226-336-8327 Email (preferred): [radu.cbsa@ohmi.org](mailto:radu.cbsa@ohmi.org)