

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
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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 23rd 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 28th, 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