

Federal Court of Appeal No:

FEDERAL COURT OF APPEAL

BETWEEN:

CANADIAN FRONTLINE NURSES and KRISTEN NAGLE

Appellants

and

ATTORNEY GENERAL OF CANADA

Respondent

NOTICE OF APPEAL

TO THE RESPONDENT:

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the appellants. The relief claimed by the appellants appears below.

THIS APPEAL will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court directs otherwise, the place of hearing will be as requested by the appellants. The appellants request that this appeal be heard at Ottawa.

IF YOU WISH TO OPPOSE THIS APPEAL, to receive notice of any step in the appeal or to be served with any documents in the appeal, you or a solicitor acting for you must prepare a notice of appearance in Form 341A prescribed by the *Federal Courts Rules* and serve it on the appellants' solicitor or, if the appellants are self-represented, on the appellants, WITHIN 10 DAYS after being served with this notice of appeal.

IF YOU INTEND TO SEEK A DIFFERENT DISPOSITION of the order appealed from, you must serve and file a notice of cross-appeal in Form 341B prescribed by the *Federal Courts Rules* instead of serving and filing a notice of appearance.

Copies of the *Federal Courts Rules*, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO OPPOSE THIS APPEAL, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

February 21, 2024

Issued by: _____

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APPEAL

THE APPELLANTS APPEAL to the Federal Court of Appeal from the Judgment of The Honourable Mr. Justice Mosley (the “reviewing Judge”) dated January 23, 2024, Federal Court File Docket T-306-22, by which the Reviewing Judge dismissed the Appellants’ application for judicial review of the decisions by the Governor in Council to declare a Public Order Emergency pursuant to s 17(1) of the *Emergencies Act*, RSC 1985, c 22 (4th Supp), and to promulgate the *Emergency Measures Regulations*, SOR/2022 and the *Emergency Economic Measures Order*, SOR/2022 (the “T-306-22 Judgment”).

THE APPELLANTS ASK that the T-306-22 Judgment be set aside and that they be granted their costs of this appeal and the proceedings below.

THE GROUNDS OF APPEAL are as follows:

1. The reviewing Judge erred in denying the Appellants standing.
2. The reviewing Judge erred in finding that the Application was moot.
3. The reviewing Judge erred in finding that the temporary measures (i.e. the *Emergency Measures Regulations* and *Emergency Economic Measures Order*) were not incompatible with the *Canadian Bill of Rights*, SC 1960, c. 44.
4. The reviewing Judge’s decision not to award the Appellants costs was an error in principle and/or is plainly wrong.
5. The reviewing Judge erred in fact and in law, misapprehended the evidence, and failed to observe the principles of natural justice.
6. The Appellants rely on sections 18.1 and 27(1) of the *Federal Courts Act*, RSC 1985, c F-7 and Part 6 of the *Federal Court Rules* SOR/98-106.

7. Such further and other grounds as counsel may advise and this Honourable Court permits.

The Appellants propose that this appeal be heard at Ottawa.

February 21, 2024



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