



COURT OF QUEEN'S BENCH OF ALBERTA

Civil Trial Scheduling Confirmation

Jordan R Crerar Crerar Badejo Hagen Family Law Group 5351 - 75 Street NW Edmonton Alberta T6E 0W4
Phone: 780 -760-1388 Fax: 780 -760-1389 E-mail: jcrerar@cbhfamilylaw.ca
Cameron G Regehr Department of Justice Canada EPCOR Tower 300, 10423 - 101st Street Edmonton Alberta T5H
0E7 Phone: 780 -495-2983 Fax: 780 -495-2964 E-mail: cam.regehr@justice.gc.ca
Laura J Warner and Ryan M.L. Phillips Jensen Shawa Solomon Duguid Hawkes LLP Suite 800 Lancaster Building
304 - 8th Avenue SW Calgary Alberta T2P 1C2 Phone: 403 -571-1520 Fax: 403 -571-1528
E-mail: warnerl@jssbarristers.ca and phillipsr@jssbarristers.ca

Action Number(s): 4803 156019

Style of Cause: AUER v. AUER

The above noted matter has been scheduled for on the Civil Trial List as follows:

Date and Duration: Dec 02, 2020-Dec 04, 2020 : 3 Day(s) Total: 3 Day(s)

Time: 10:00AM

Purpose: Justice Special on Trial List - Family

Location: EDMONTON COURT OF QUEEN'S BENCH,Edmonton Law Courts,1A Sir Winston Churchill
Square,Edmonton,AB,T5J 0R2

Special Requirements Applicant is reactivating Application filed August 31, 2016.
Consent Order filed January 17, 2020 varying Family Law Practice Note 2.
Counsel for Defendant, Jordan Crerar, does not take a position and will not be appearing.
Counsel for Intervenor, The Attorney General of Canada, Cameron Regehr, will be appearing.

Disqualified Justices: GATES, J,KENNY, J

If there is a Justice that would be disqualified/conflicted from hearing this application and they are not listed above, you must notify the Court Coordinator immediately.

Filing Deadlines:

Family Practice Note 2 (effective April 3, 2018) governs this booking, unless otherwise directed by the Court. Parties are expected to review the Practice Note for compliance prior to filing written material. The "triggering date" is the date that the hearing was booked. See the tip sheets attached for further information on the filing of your application and the consequences for failing to comply with the deadlines outlined in Family Practice Note 2.

Family Practice Note 2 can be found at: <https://albertacourts.ca/qb/areas-of-law/family/practice-notes>

Note: Failure to provide any required information to the Court may result in delays or rescheduling.

The Triggering Date is the date of scheduling/booking the Special Family Law Application. Your triggering date is:
JANUARY 20, 2020.



COURT OF QUEEN'S BENCH OF ALBERTA

Application with no Cross-application

Party	Document(s)	Deadline	Consequence for Failure to Comply
Applicant	Applicant's application and affidavit/statement(s)	Two (2) weeks after the Triggering Date	Application will be struck: see paragraph 52.
Respondent	Respondent's affidavit/statement(s)	Four (4) weeks after the Triggering Date	Cost consequences: see paragraph 53.
Applicant	Reply affidavit/statement(s)	Five (5) weeks after the Triggering Date	Cost consequences: see paragraph 53.
Third Parties (if any) (e.g. MEP, CFS)	Third Parties' affidavit(s) (if any)	Five (5) weeks after the Triggering Date	Cost consequences: see paragraph 53.
Applicant, Respondent and Third Parties (if any)	Concise Letter One (1) copy is filed with the Court One (1) copy is served on the opposing party One (1) copy is provided to the assigned Justice two weeks prior to the hearing	Seven (7) weeks after the Triggering Date	Cost consequences: see paragraph 53.
Applicant and Respondent	Update affidavits/statements (if required)	Two (2) weeks before the Hearing Date	Cost consequences: see paragraph 53.

Application with a Cross-application

Party	Document(s)	Deadline	Consequence for Failure to Comply
Applicant	Applicant's application and affidavit/statement(s)	Two (2) weeks after the Triggering Date	Application will be struck: see paragraph 52.
Respondent	Respondent's cross-application and affidavit/statement(s)	Four (4) weeks after the Triggering Date	Cost consequences: see paragraph 53.
Applicant/Cross-Respondent	Applicant's reply/Cross-Respondent's affidavit/statement(s)	Six (6) weeks after the Triggering Date	Cost consequences: see paragraph 53.
Cross-Applicant	Cross-Applicant's reply affidavit/statement(s)	Seven (7) weeks after the Triggering Date	Cost consequences: see paragraph 53.
Third Parties (if any) (e.g. MEP, CFS)	Third Parties' affidavit(s) (if any)	Seven (7) weeks after the Triggering Date	Cost consequences: see paragraph 53.
Applicant, Respondent and Third Parties (if any)	Concise Letter One (1) copy is filed with the Court One (1) copy is served on the opposing party One (1) copy is provided to the assigned Justice two weeks prior to the hearing	Nine (9) weeks after the Triggering Date	Cost consequences: see paragraph 53.



COURT OF QUEEN'S BENCH OF ALBERTA

Applicant and Respondent	Update affidavits/statements (if required)	Two (2) weeks before the Hearing Date	Cost consequences: see paragraph 53.
--------------------------	--	---------------------------------------	--------------------------------------

Affidavit Requirements (including Reply Affidavit)

Application with no Cross-application

Party	Document	Page limits	Consequences for Failure to Comply
Applicant	One (1) Applicant's affidavit	8 pages	Cost consequences: see paragraph 32. Information may not be considered: see paragraph 35.
Respondent	One (1) Respondent's affidavit	8 pages	
Applicant	One (1) Reply affidavit	5 pages	
Applicant and Respondent	One (1) Update affidavit each (new relevant evidence only) One (1) Copy is provided to the assigned Justice two weeks prior to the hearing	3 pages	

Application with a Cross-application

Party	Document	Page limits	Consequences for Failure to Comply
Applicant	One (1) Applicant's affidavit	8 pages	Cost consequences: see paragraph 32. Information may not be considered: see paragraph 35.
Respondent/ Cross-Applicant	One (1) Respondent/Cross-Applicant's affidavit	8 pages	
Applicant/ Cross-Respondent	One (1) Applicant's Reply/Cross-Respondent's response affidavit	5 pages	
Respondent/ Cross-Applicant	One (1) Cross-Applicant's Reply affidavit	5 pages	
Applicant and Respondent	One (1) Update affidavit each (new relevant evidence only) One (1) Copy is provided to the assigned Justice two weeks prior to the hearing	3 pages	

Scheduling Notes: Issues: Determination/Ruling that the Federal Child Support Guidelines are *ultra vires* the *Divorce Act*, or unlawful, invalid or illegal, and are of no force and effect.



COURT OF QUEEN'S BENCH OF ALBERTA

Family Practice Note 2 Tipsheet for Parties Filing an Application

Implementation

Practice Note 2 comes into force on April 3, 2018.

Length of Application

Applications that are estimated to take 20 minutes or less may be heard in Regular Family Chambers. The Court generally will not hear applications for a change of custody, substantial changes to a parenting arrangement or retroactive child or spousal support for a period exceeding 6 months in Regular Family Chambers.

Applications that are estimated to take longer than 20 minutes must be heard in Special Family Chambers.

Before commencing a booking, please be aware that first filing deadline is 2 weeks following the booking date (also known as the “triggering date”); and that email addresses/other contact information for both parties is required to provide a confirmation of the booking.

Agreement of Parties – Hearing Date

Applicants must use best efforts to find a hearing date that is agreeable to all parties.

If the Applicant cannot reach the opposing party within a reasonable time or the opposing party is not co-operating, then the Applicant may select a hearing date and give the Respondent notice of that date.

Upon receiving note of the hearing date, the Respondent has one week to accept the selected hearing date or to seek leave to obtain a different hearing date.

- The Respondent must seek leave of a Justice in Regular Family Chambers: see paragraph 56.
- The Respondent need not file an application with affidavit to seek leave to obtain a different hearing date; rather, it is a type of “speak to” application.
- The Respondent must give the Applicant reasonable notice of his/her intention to seek leave.



COURT OF QUEEN'S BENCH OF ALBERTA

Family Practice Note 2 Tipsheet for Parties Consequences for Failure to Comply

Applications will be struck/cost consequences will be awarded for failure to comply with PN2 filing deadlines for Applications/Cross-Applications and Concise Letters.

Fiats for PN 2 requirements will only be granted in exceptional circumstances.

The following consequences may arise for failure to comply with PN 2:

- Paragraph 9: The Justice hearing an application always has the discretion to adjourn one or more issues to a separate hearing date and order costs of the adjournment.
- Paragraph 20: If the Cross-Applicant failed to bring an application to increase the amount of time for a hearing and there is insufficient time to hear both the application and the cross-application, only the Applicant's application will proceed on the hearing date.
- Paragraph 32: The Court may award costs against a party who includes non-relevant and extraneous documents as exhibits.
- Paragraphs 34, 37, 56.f and 58: The Court will not consider evidence that is not contained in an affidavit or statement, although oral evidence may be heard in Regular Family Chambers in exceptional circumstances and with leave of the Court in Special Family Chambers.
- Paragraph 35: The Court will not consider evidence contained in additional affidavits or statements that are not permitted by this Practice Note, unless the party has obtained leave of the Court.
- Paragraph 36: The Court may or may not consider hearsay evidence contained in letters or unsworn statements authored by third parties that are appended as affidavits.
- Paragraph 53: The Court may impose costs consequences for missed deadlines.
- Paragraph 64: Justices may refuse to hear the application and/or award costs against the non-complying party for any failure to comply with the Practice Note.

Please also note:

- Paragraph 16: An order adjourning a matter from Regular Family Chambers to Special Family Chambers must identify the issues to be determined in Special Family Chambers and indicate whether a cross-application will be filed. The Special Family Chambers booking must still be confirmed with the Court Coordinator. If a previously filed application is being re-activated, a letter and copy of the application document must be provided to the Court Coordinator within 2 weeks of the triggering date (booking date), or the date will be released.