

**FEDERAL COURT OF APPEAL**

**BETWEEN:**

**THE PRIME MINISTER OF CANADA and  
THE GOVERNOR GENERAL OF CANADA**

**Appellants**

**and**

**Aniz ALANI**

**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 on the following page.

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 Vancouver.

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 341 prescribed by the *Federal Courts Rules* and serve it on the appellants' solicitor WITHIN 10 DAYS of 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 341 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.

**ORIGINAL SIGNED BY  
FRANK FEDORAK  
A SIGNÉ L'ORIGINAL**

Date: May 29, 2015

Issued by: \_\_\_\_\_

(Registry Officer)

Address of  
local office:

Federal Court of Canada  
3<sup>rd</sup> Floor  
701 West Georgia Street  
Vancouver, British Columbia  
V7Y 1B6

TO: **Aniz Alani**



Respondent

I HEREBY CERTIFY that the above document is a true copy of  
the original issued out of / filed in the Court on the \_\_\_\_\_  
day of MAY 29 2015 A.D. 20 \_\_\_\_\_

Dated this \_\_\_\_\_ day of MAY 29 2015 20 \_\_\_\_\_

A handwritten signature in ink, appearing to read "Frank Fedorak", written over a horizontal line.

**APPEAL**

THE APPELLANTS APPEAL to the Federal Court of Appeal from the order of the Federal Court (Mr. Justice Harrington) dated May 21, 2015 in File No. T-2506-14 by which the Federal Court dismissed the Appellants' motion to strike and dismissed the Respondent's application for judicial review.

THE APPELLANT ASKS that:

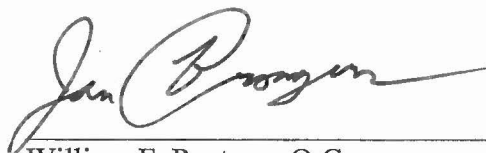
1. this appeal be allowed;
2. the order of the Federal Court be set aside; and
3. the Federal Court of Appeal grant the order that the Federal Court should have granted, namely, that:
  - a. the Respondent's notice of application is struck; and
  - b. the Respondent's application for judicial review is dismissed; or
4. such further and other relief as the Federal Court of Appeal deems just.

THE GROUNDS OF APPEAL are as follows:

1. the Federal Court erred by finding that it is not plain and obvious that the Respondent's application for judicial review is not justiciable, as the Prime Minister's advice to the Governor General with regard to Senate appointments is an inherently political matter based on constitutional convention that is not appropriate for judicial determination;
2. the Federal Court erred by finding that it is not plain and obvious that the Respondent's application for judicial review is outside the jurisdiction of the Federal Court as the Prime Minister, in providing advice on Senate appointments to the Governor General, is not acting pursuant to an Act of Parliament or a prerogative of the Crown and, as such, is not a "federal board, commission or other tribunal" subject to judicial review before the Federal Court;
3. accordingly, the Federal Court erred in permitting the Respondent's application for judicial review to proceed to a full hearing on the merits when it is so clearly improper as to be bereft of any possibility of success;

4. the *Federal Courts Act*, esp. sections 2, 18, 18.1, 27 and 52;
5. the *Federal Courts Rules*, esp. Rules 3, 4 and 221; and
6. such further and other grounds as the Appellants advise and this Honourable Court may permit.

Date: May 29, 2015



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William F. Pentney, Q.C.  
Deputy Attorney General of Canada

**Per: Jan Brongers**  
**Oliver Pulleyblank**  
Department of Justice  
British Columbia Regional Office  
900 – 840 Howe Street  
Vancouver, British Columbia  
V6Z 2S9

Tel: (604) 666-0110  
Fax: (604) 666-1585

Solicitor for the Appellants