

**Aniz Alani**

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R E C E I V E D	FEDERAL COURT COUR FÉDÉRALE  Nov 6, 2015  Julia Orchard Vancouver, BC
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Federal Court  
701 West Georgia Street  
Vancouver, BC V7Y 1B6

Attention: Courts Administration Service

Dear Sirs/Mesdames:

**Re: ALANI, Aniz v. Canada (Prime Minister) et al.**

**Court No: T-2506-14**

**Informal Request for Adjournment of Hearing Pending Disposition of Appeal**

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Further to the Case Management Conference held before Lafrenière P. on October 22, 2015, I write in my capacity as Applicant in the above reference proceeding to informally request that the hearing of the Application currently scheduled for December 9-10, 2015 be adjourned pending the disposition of the Respondents' appeal in Court File No. A-265-15 of the Order of the Court (per Harrington J.) of May 21, 2015.

As a preliminary comment, I have not raised this current proposal with counsel for the Respondents before this correspondence. However, in the interests of time, and given the approaching hearing dates, I am raising this request simultaneously for consideration by the Case Management Judge and the Respondents in case it may be determined expeditiously. I respectfully request the Court's indulgence in this regard.

The rationale for my adjournment proposal is as follows.

In light of the stated intention of Prime Minister Trudeau's majority government to establish a non-partisan advisory body to recommend Senate appointments, and what I would anticipate to be a reasonable delay in implementing this proposal pending which a corresponding delay in filling existing vacancies would seem unobjectionable, the urgency of determining the scope of a Prime Minister's legal obligation to advise the Governor General to fill Senate vacancies is, in my respectful view, less immediate than it was before the issuance of the writ of election. While I remain of the view that the legal issues raised in the Application continue to warrant the Court's adjudication so that the existing legal uncertainty may be addressed for the benefit of the public and the current as well as future governments, the timing of such guidance is less relevant given that the current Prime Minister has not expressed an intention not to fill Senate vacancies indefinitely.

The Respondents' appeal raises objections as to justiciability and jurisdiction, which overlap the same objections raised in response to the Application.

If the Respondents' appeal is unsuccessful, I respectfully submit that it is reasonable to expect that the issues to be resolved in the application may be significantly narrowed. As a result, the existing hearing duration of two days before the Federal Court may be reduced accordingly. Moreover, it is reasonable to anticipate that, by the time the Federal Court of Appeal has issued its decision in respect of the Respondents' appeal, the present government may have taken steps to implement reforms in the Senate appointment process, in consideration of which I may be independently prepared to reconsider the utility of proceeding with the Application at all.

Meanwhile, if the Respondents' appeal is successful, the litigation will come to an end but after a hearing of one to three hours rather than after a two day hearing. While my position in respect of the appeal remains that it is without merit, it is in my respectful submission appropriate to consider this potential outcome in determining the most efficient way forward.

I am hopeful that this informal request might attract consent but would otherwise respectfully request the Case Management Court's direction as to the procedure for addressing this proposal in a timely and efficient manner.

I would be grateful if this correspondence could be brought to attention of the Case Management Judge (Lafrenière P.) for consideration.

Sincerely,



Aniz Alani

cc: Messrs. Jan Brongers and Oliver Pulleyblank, counsel for the Respondents (by e-mail)