

Federal Court of Appeal



Cour d'appel fédérale

Date: 20210728

Docket: A-183-21

Ottawa, Ontario, July 28, 2021

Present: LASKIN J.A.

BETWEEN:

BARBARA SPENCER, SABRY BELHOUCHE, BLAIN GOWING, DENNIS WARD,
CINDY CRANE, DENISE THOMSON, NORMAN THOMSON

Appellants

and

STEVEN DUESING & NICOLE MATHIS

Appellants

and

THE ATTORNEY GENERAL OF CANADA

Respondent

ORDER

WHEREAS the appellants appeal from the judgment of the Federal Court dated June 18, 2021, dismissing their application for judicial review, brought on constitutional and other

grounds, of an order in council requiring certain international air travelers arriving in Canada to be detained in quarantine hotels or quarantine facilities;

WHEREAS the appellants have brought a motion in writing to expedite the hearing of their appeal, and the respondent asks that the motion be dismissed;

WHEREAS the party seeking to vary the time frame provided in the Rules for the conduct of proceedings bears the burden of showing why the ordinary time frame should not apply;

WHEREAS the Court has reviewed the motion records filed by the parties, and has considered the factors that the appellants and the respondent submit, and the Court agrees, are relevant to the disposition of the motion, including whether an expedited hearing is necessary to ensure the effectiveness of the remedy sought, whether it can be achieved through a fair process, and whether it would be in the public interest;

AND WHEREAS the Court is on balance satisfied, particularly in light of the public interest, that the hearing of the appeal should be expedited;

THIS COURT ORDERS that

1. The hearing of this appeal shall be expedited.
2. The appellants shall file a requisition for hearing on or before August 6, 2021.
3. The timetable for the remaining steps in the appeal shall be as follows:
 - the parties shall file the agreement as to the content of the appeal book on or before August 6, 2021;

- the appellants shall file proof of any required order of transcripts on or before August 6, 2021;
- the appellants shall file the appeal book on or before August 27, 2021;
- the appellants shall serve and file their memorandum of fact and law on or before September 17, 2021;
- the respondent shall serve and file his memorandum of fact and law on or before October 18, 2021;
- the parties shall file the joint book of authorities on or before October 29, 2021.

“J.B. Laskin”

J.A.