

Applicant: Mikeal Totten Federal Court

JR
ID 1

AND: Teamsters Rail Conference, Canadian Pacific Railway
Canadian Industrial Relations Board. ← Respondents:

FORM 301- Rule 301

T-1263-22

Heading →

NOTICE OF APPLICATION

(General Heading - Use Form 66)

Court Seal

NOTICE OF APPLICATION

FEDERAL COURT COUR FÉDÉRALE	
FILED	DEPOSE
JUN 17 2022	
ERIN LIVINGSTONE	
VANCOUVER, BC	1

TO THE RESPONDENT:

A PROCEEDING HAS BEEN COMMENCED by the applicant. The relief claimed by the applicant appears on the following page.

THIS APPLICATION will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court orders otherwise, the place of hearing will be as requested by the applicant. The applicant requests that this application be heard at (place where Federal Court of Appeal (or Federal Court) ordinarily sits). VANCOUVER, BC.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or a solicitor acting for you must prepare a notice of appearance in Form 305 prescribed by the Federal Courts Rules and serve it on the applicant's solicitor, or where the applicant is self-represented, on the applicant, WITHIN 10 DAYS after being served with this notice of application.

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 APPLICATION, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

date June 17, 2022

Issued by: Registry Officer _____

Address of local office: _____

TO: Name and address of each respondent

Mr. Wade Phillips, Street Suite 1 2775 Lancaster
Road Ottawa, Ontario, Canada, T2C 4X9
1613 922-4162

Name and address of every other person required to be served

Ms. Trisha Gain Canadian Pacific Railway
Legal Counsel 7550 odgen Dale Road, SE, Calgary,
Alberta. T2C 4X9
1888 511-7557

APPLICATION

(Where the application is an application for judicial review)

This is an application for judicial review in respect of

Identify the tribunal *Canadian Industrial Relations Board*

Set out the date and details of the decision, order or other matter in respect of which judicial review is sought. *May 18, 2022. File # 035493-C CIRB*

The applicant makes application for: *Complaint was dismissed*

State the precise relief sought. *Reverse the decision to find the union at fault.*

Union bad faith Arbitrary.

The grounds for the application are:

State the grounds to be argued, including any statutory provision or rule relied on. *Due to CIRB false information in decision letter.*

This application will be supported by the following material:

List the supporting affidavits, including documentary exhibits, and the portions of transcripts to be used. *New evidence, the decision letter incorrect false information, misleading.*

(If the applicant wishes a tribunal to forward material to the Registry, add the following paragraph:)

The applicant requests name of the tribunal *(Request all documents that I have provided.)* to send a certified copy of the following material that is not in the possession of the applicant but is in the possession of the tribunal to the applicant and to the Registry: Specify the particular material.

Date *June 17, 2022*

Michael Ull
(Signature of solicitor or applicant)

(Name, address, telephone and fax number of solicitor or applicant)

~~Mr. Wade Phillips
President Suite 1 2775 Lancaster Road
Ottawa, Ontario, Canada, T2C 4X9~~

~~Ms. Trisha Gain
Legal Counsel
Canadian Pacific Railway
7550 Odgen Dale Rd. SE, Calgary, Alberta,
Canada. T2C 4X9~~

SOR/2004-283, ss. 35 and 38

*Michael Totter
1942 Glenwood Drive, Kamloops, B.C
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250 819-4814*