

<b>FEDERAL COURT OF APPEAL COUR D'APPEL FÉDÉRALE</b>	
<b>F I L E D</b>	221-nov-2022 L-R Movila
<b>DE P O S É</b>	
<b>MONTRÉAL, QC</b>	<b>1</b> id# 1

A-254-22

**FEDERAL COURT OF APPEAL**

FC file #:

N° T-145-22

BETWEEN:

**NABIL BEN NAOUM**

Appellant

and

**ATTORNEY GENERAL OF CANADA**

Respondent

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**NOTICE OF APPEAL**

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**Nabil Ben Naoum, avocat**  
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*Self-Represented Appellant*

**TO THE RESPONDENT:**

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Appellant. The relief claimed by the Appellant appears below.

THIS APPEAL 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 Appellant. The Appellant request that this appeal be heard at Ottawa.

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 341A prescribed by the *Federal Courts Rules* and serve it on the Appellant's solicitor WITHIN 10 DAYS after 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 341B 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.

~~November 18, 2022~~ November 21, 2022

Issued by: \_\_\_\_\_  
(Registry Officer) L-R Movila, Registry Officer

Address of Local office:  
COURTS ADMINISTRATION SERVICE  
30 McGill ST.  
Montreal, Quebec  
H2Y 3Z7

**TO:** ATTORNEY GENERAL OF CANADA  
Deputy Attorney General of Canada  
284 Wellington Street  
Ottawa, ON, K1A 0H8  
Tel: 613-957-4998  
Fax: 613-941-2279  
**Counsel for the Respondent**

## **APPEAL**

**THE APPELLANT APPEALS** to the Federal Court of Appeal from the order of Associate Chief Justice Jocelyne Gagné dated October 20, 2022 by which she granted the Respondent's motion to strike the Appellants' Application for judicial review.

**THE APPELLANT ASKS** that this Honourable Court:

- a) Order that the decision of Associate Chief Justice Gagné dated October 20, 2022, be set aside;
- b) Order that the Application proceed to a hearing on the merits; and,
- c) Make any other Order that this Honourable Court considers fair and appropriate.

**THE GROUNDS OF APPEAL** are as follows:

1. The Learned Application Judge erred in failing to exercise her discretion to hear the merits of the judicial review application.
2. The Learned Application judge erred in her determination that judicial economy considerations outweighed the important public interest and uncertainty in the law:
  - a. The Learned Application Judge erred in failing to recognize the appropriateness of devoting judicial resources to adjudicating inherently temporary matters such as the Ministerial Orders/Interim Orders;
  - b. The Learned Application Judge erred in failing to find that the Minister's comments regarding the re-implementation of the mandatory vaccine requirement were taken out of context and did not weigh in favour of hearing the application as a matter of public interest;
  - c. The Learned Application Judge erred in finding that discriminating against a specific category of Canadian citizens, to the count of millions, by preventing them from leaving the borders of their very own country for close to a year lacked a significant public interest;
3. The Learned Application judge erred in her finding that the Ministerial Orders/Interim Orders are not evasive of judicial review.
4. *Federal Courts Act*, R.S.C., 1985, c. F-7, Sections 27(1), 57

5. *Federal Court Rules*, SOR/98-106, Part 6
6. Such further and other grounds as the Appellant may advise and this Honourable Court may permit.
7. The Appellant propose that this Appeal be heard in the City of Ottawa, in the Province of Ontario.

November 18, 2022



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