

-FCA-

-ID:1-

Court File No: A- 213-21

FEDERAL COURT OF APPEAL

BETWEEN:

SHELDON BLANK,

FEDERAL COURT OF APPEAL COUR D'APPEL FÉDÉRALE		D E P O S E
F I L E D	20-AUG-2021	
	Robert M'vondo	
WINNIPEG, MB		
		-1-

Appellant

-and-

THE MINISTER OF JUSTICE and THE ATTORNEY GENERAL OF CANADA

Respondent

NOTICE OF APPEAL

OF THE ORDER OF HONOURABLE MADAM JUSTICE KANE DATED AUGUST 13, 2021, FROM THE RESPONDENTS MOTION, MADE IN WRITING PURSUANT TO RULE 369 OF THE *FEDERAL COURT RULES* [THE RULES] FOR A CONFIDENTIALITY ORDER PURSUANT TO RULE 151 OF THE RULES TO PERMIT THE RESPONDENT TO FILE A CONFIDENTIAL AFFIDAVIT TOGETHER WITH EXHIBITS IN UNREDACTED FORM, IN RESPECT OF THE APPLICATION T-255-21 UNDER SECTION 41 OF THE ACCESS TO INFORMATION ACT RSC 1985 CHARTER A-1.

Dated August 20, 2021

Sheldon Blank
 2 Point Douglas Ave.
 Winnipeg, Manitoba
 R3B 0C7

Tel.: (204) 957-5544
 Fax: (204) 582-5228

Court File No: A- 213-21

FEDERAL COURT OF APPEAL

BETWEEN:

SHELDON BLANK,

Appellant

-and-

THE MINISTER OF JUSTICE and THE ATTORNEY GENERAL OF CANADA

Respondent

NOTICE OF APPEAL

TO THE RESPONDENT

A PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Appellant. The relief claimed by the Appellant 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 Appellant. The appellant requests that this application be heard at the Federal Court of Canada in Winnipeg, Manitoba.

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 Court Rules*,

1998 and serve it on the Appellant's solicitor, or where the Appellant is self-represented, on the Appellant, 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 341 prescribed by the *Federal Court Rules, 1998* instead of serving and filing a Notice of Appearance.

Copies of the *Federal Court Rules, 1998*, 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, JUDGEMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

Date: August 20, 2021



Digitally signed by
Kang, Jagwinder
Date: 2021.08.20
11:46:55 -07'00'

Issued by: _____

**JAGWINDER KANG
REGISTRY OFFICER
AGENT DU GREFFE**

Federal Court
4 – 363 Broadway
Winnipeg, Manitoba R3C 3N9

To: The Honourable David Lametti
The Minister of Justice and Attorney General of Canada

Department of Justice
Winnipeg Regional Office
301 – 310 Broadway
Winnipeg, Manitoba
R3C 0S6
Tel: (204) 983-2391
Fax: (204) 984-6488

APPEAL

THE APPELLANT APPEALS to the Federal Court of Appeal from the Order of The Honourable Madam Justice Kane dated August 13,2021 in relation to the Appellant's Application under Section 41 of the *Access to Information Act* regarding Docket T-255-21.

The Honourable Madam Justice Kane erred in fact and law in her Order dated August 13, 2021.

THE APPELLANT ASKS that:

1. The Federal Court of Appeal sets aside the Order of The Honourable Madam Justice Kane.
2. The Federal Court of Appeal requires the Motion Judge to rehear the Motion and review the contents of the Respondents' proposed Confidential Affidavit before making any Decision.
3. The Federal Court of Appeal requires the Motion Judge to determine the correctness of the Confidential Affidavit and only allow the filing confidentially of the records at issue in the Application and if the Court deems there is additional information that is absolutely required to be filed confidentially then the particulars of those records should be disclosed.
4. The Federal Court of Appeal requires the Motion Judge to Order the Respondent to complete the Particulars List.

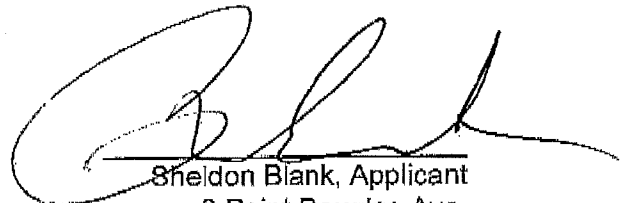
5. The Federal Court of Appeal requires the Motion Judge to Order the Respondent to remove the records from the Confidential Affidavit over which the Respondent is no longer claiming privilege.

THE GROUNDS OF APPEAL are as follows:

1. Procedural unfairness.
2. Errors of Fact.
3. Errors of Law
4. The Honourable Madam Justice Kane erred in fact that the Applicant does not oppose the Order requested by the Respondents.
5. The Honourable Madam Justice Kane erred in fact by framing her reasons as if the Applicant was requesting disclosure of records that were withheld pursuant to the Act.
6. The Honourable Madam Justice Kane erred in law by allowing the Respondent to Confidentially file records over which, by their own admission, are no longer claiming privilege which is not in accordance with S. 47 of *The Access to Information Act*.

7. The Honourable Madam Justice Kane erred in law by not determining whether the proposed Confidential Affidavit was over broad and left the determination to presumably the Application Judge who could then amend the Order, if necessary.
8. The Honourable Madam Justice Kane erred in law by not determining the completeness of the particulars List and presumably allowing the Decision to be made by the Application Judge.
9. The Honourable Madam Justice Kane erred in law by not requiring the Respondent to place their proposed Confidential Affidavit before the Court at the time of the Hearing of the Motion, for the Court to review its relevance.

Dated August 20, 2021



Sheldon Blank, Applicant
2 Point Douglas Ave.
Winnipeg, Manitoba
R3B 0C7

To: The Registry
The Federal Court of Appeal
4th Floor - 363 Broadway
Winnipeg, Manitoba
R3C 3N9

And To: Ms. Brenna Dixon
Legal Counsel for
The Respondent
Department of Justice
301 - 310 Broadway
Winnipeg, Manitoba
R3C 0S6