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A-136-23

FORM 337.1 - Rule 337.1

NOTICE OF APPEAL

FEDERAL COURT OF APPEAL

BETWEEN:

PREVENTOUS COLLABORATIVE HEALTH

and

CANADA (MINSTER OF HEALTH)

Appellant

Respondent

(Court File No. T-190-19)

FEDERAL COURT OF APPEAL

BETWEEN:

PROVITAL HEALTH

and

CANADA (MINSTER OF HEALTH)

Appellant

Respondent

(Court File No. T-191-19)

FEDERAL COURT OF APPEAL

BETWEEN:

COPEMAN HEALTHCARE CENTRE

and

CANADA (MINSTER OF HEALTH)

Appellant

Respondent

(Court seal)

NOTICE OF APPEAL UNDER SUBSECTION 27(1)(c) OF THE FEDERAL COURTS ACT

FEDERAL COURT OF APPEAL		D É P O S É
COUR D'APPEL FÉDÉRALE		
F I L E D	(Court File No. T-189-19)	
	MAY 17 2020	
KINNERY NAIK		
CALGARY, AB		

TO THE RESPONDENT:

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

THIS APPEAL will be heard by the Federal Court of Appeal 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 appellants. The appellants request that this appeal be heard at Calgary, Alberta.

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 appellants' solicitor or, if the appellant is self-represented, on the appellant, WITHIN 10 DAYS after served with this notice of appeal.

IF YOU INTEND TO SEEK A DIFFERENT DISPOSITION of the judgment 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 613-996-6795) 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.

(Date) MAY 12 2023

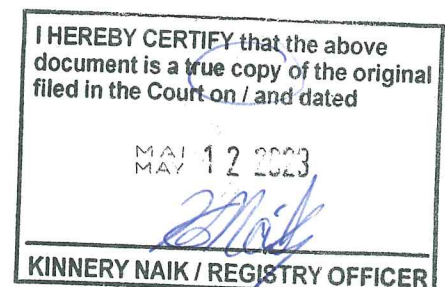
**ORIGINAL SIGNED BY
KINNERY NAIK
A SIGNÉ L'ORIGINAL**

Issued by: _____
(Registry Officer)

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TO: **Department of Justice Canada/Government of Canada**
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APPEAL

THE APPELLANTS APPEAL to the Federal Court of Appeal from the order of The Honourable Madam Justice Mandy Ayleen dated May 3, 2023 (“**Order**”) by which she dismissed the Appellants’ application pursuant to Rule 51 of the *Federal Court Rules*, SOR/98-106 (“**Application**”) to compel the Respondent to disclose additional documents (“**Documents**”) that are relevant to the Appellants’ case.

THE APPELLANTS ASK for:

1. The Order be set aside; and
2. An order to be issued requiring the Respondent to produce the Documents sought by the Appellants in the Application.

THE GROUNDS OF APPEAL are as follows:

1. The Federal Court erred by concluding that the Documents are not relevant;
2. The Federal Court erred in not considering the Appellants’ Notices of Application holistically;
3. The Federal Court erred by applying an overly-restrictive and incorrect relevance test in considering whether the Documents sought by the Appellants were relevant;
4. The Federal Court erred in holding that the expansive wording of the document requests suggested that the Appellants were engaging in a fishing expedition, as the request for the Documents impliedly only included records that are relevant and material, and the Court has the plenary jurisdiction to control its own process by narrowing the scope of documents compelled.

May 12, 2023



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Per: Gerald. D. Chipeur, K.C.
D. Bronwyn Simmons