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Federal Court of Appeal File No.:
Federal Court File No.: T-677-20

FEDERAL COURT OF APPEAL

BETWEEN:

**MICHAEL JOHN DOHERTY, NILS ROBERT EK, RICHARD WILLIAM ROBERT
DELVE, CHRISTIAN RYDICH BRUHN, PHILIP ALEXANDER MCBRIDE, LINDSAY
DAVID JAMIESON, DAVID CAMERON MAYHEW, MARK ROY NICHOL and
PETER CRAIG MINUK**

Appellants

-and-

ATTORNEY GENERAL OF CANADA

Respondent

NOTICE OF APPEAL

TO THE RESPONDENT:

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Appellants. The relief claimed by the Appellants appear below.

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 Appellants request that this appeal be heard at Ottawa, Ontario.

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.

Date: November 29, 2023

Issued by:

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APPEAL

THE APPELLANTS, Michael John Doherty, Nils Robert Ek, Richard William Robert Delve, Christian Rydich Bruhn, Philip Alexander McBride, Lindsay David Jamieson, David Cameron Mayhew, Mark Roy Nichol and Peter Craig Minuk APPEAL to the Federal Court of Appeal from the judgment of The Honourable Justice Kane of the Federal Court of Canada dated October 30, 2023 (“**Judgment**”) by which the application for judicial review with Federal Court File No. T-677-20 (“**Application**”) was dismissed without costs.

THE APPELLANTS ASK that:

1. The part of the judgment dismissing the Application be set aside;
2. The Application be granted;
3. Costs of this appeal be awarded to the Appellants; and
4. Such further and other relief as counsel may advise and this Honourable Court deems just.

THE GROUNDS OF APPEAL are as follows:

1. The learned Justice Kane Judge erred in finding that the May 1, 2020 *Regulations Amending the Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited, Restricted, or Non-Restricted*, SOR/2020-96 (“**Regulations**”) were not *ultra vires* the *Criminal Code*.
2. The learned Justice Kane erred in finding that the decision of the Governor in Council to prohibit firearms affected by the Regulations was reasonable.
3. The learned Justice Kane erred in finding that that the Governor in Council formed a reasonable opinion that the firearms affected by the Regulations were not reasonable for use in Canada for hunting or sporting purposes.

4. The learned Justice Kane erred in finding that that the Regulations did not infringe on the Appellants' right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.
5. The learned Justice Kane erred in finding that the Governor in Council did not unlawfully sub-delegate its authority to prescribe firearms as prohibited.
6. The learned Justice Kane erred in refusing to draw an adverse inference from the Respondent's assertion of cabinet confidence and failure to produce the record before the Governor in Council.
7. The learned Justice Kane erred in failing to give proper regard to relevant evidence presented at the hearing and/or misapprehending the said evidence.
8. The learned Justice Kane erred in preferring the evidence of the Respondent over conflicting evidence of the Appellant without providing an adequate explanation as to how the conflict was resolved.
9. Section 117.15 of the *Criminal Code*, RSC, 1985, c C-46.
10. Section 7 of the *Canadian Charter of Rights and Freedoms*.
11. *Firearms Act*, SC 1995, c 39.
12. *Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited, Restricted or Non-Restricted*, SOR/98-462.
13. *Regulations Amending the Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited, Restricted, or Non-Restricted*, SOR/2020-96.
14. *Federal Courts Act*, RSC 1985, c F-7.
15. *Federal Courts Rules*, SOR/98-106.

16. *Canada Evidence Act*, RSC, 1985, c C-5.

17. Such further and other grounds as counsel for the Appellant may advise and this Honourable Court deems just.

Date: November 29, 2023

A handwritten signature in black ink, appearing to read "A. Bouchelev", with a long, sweeping flourish extending from the end.

**BOUCHELEV LAW
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