

A-401-19

Court File No.: T-1631-19

FEDERAL COURT OF APPEAL

BETWEEN:

**CANADA (LEADERS' DEBATES COMMISSION/COMMISSION DES
DEBATS DES CHEFS)**

Appellant

- and -

**REBEL NEWS NETWORK LTD. and
THE ATTORNEY GENERAL OF CANADA**

Respondents



NOTICE OF APPEAL

TO THE RESPONDENTS:

A LEGAL 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 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 appellant. The appellant requests that this appeal be heard at the Federal Court of Appeal in Toronto.

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 Courts Rules* and serve it on the appellant's solicitor, or where the appellant is self-represented, on the appellant, WITHIN 10 DAYS of 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 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 OCT 17 2019

Issued by


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APPEAL

T-1631-19 The Appellant, Canada (Leaders' Debates Commission/Commission Des Debats Des Chefs) (the "Commission") appeals to the Federal Court of Appeal from the order of Justice Zinn dated October 7, 2019 by which Justice Russel W. Zinn granted an interlocutory mandatory injunction that the Leaders' Debates Commission/Commission des Debats des Chefs grant David Menzies and Keenan Bexte of Rebel News Network Ltd. ("Rebel News") the media accreditation required to permit them to attend and cover the Federal Leaders' Debates taking place on Monday October 7, 2019 in the English language and Thursday October 10, 2019 in the French language.

THE APPELLANT ASKS that the Court:

1. Set aside the Order of Justice Zinn dated October 7, 2019 and any costs if so ordered;
2. The costs of the Appeal; and,
3. Grant such further and other relief as Counsel may advise and this Honourable Court may permit.

THE GROUNDS OF APPEAL are as follows:

1. The Commission was established pursuant to an Order in Council dated October 29, 2018 to organize the leaders' debates for the Federal election – one in French and one in English.
2. The Commission's mandate includes ensuring that high journalistic standards are maintained for the leaders' debates.
3. As part of this mandate, the Commission received applications from media organizations for accreditation to cover the leaders' debates.
4. The Commission denied the accreditation of Rebel News on the basis that it is engaged in advocacy work that goes beyond the scope of ethical journalism.

D. Errors Made by Federal Court

5. The Federal Court erred in the application of the law and the facts in granting an interlocutory mandatory injunction. In particular,

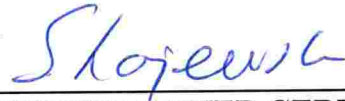
- a. The Federal Court erred that Rebel Media has a strong *prima facie* case.
- b. The Federal Court erred that Rebel Media demonstrated in the evidence that it would suffer irreparable harm.

6. The Appellant will also rely, *inter alia*, on the following legislation and rules in support of this Appeal:

- a. The *Federal Courts Act*, R.S.C 1985, c. F-7, including ss. 2, 18, 27; and
- b. The *Federal Courts Rules*, SOR/98-106, as amended.

7. Such further and other grounds as counsel may advise and this Honourable Court may permit.

October 17, 2019



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