



[2022] 1 F.C.R. D-7

PRACTICE

Motion record — Motion to serve, file motion record regarding contents of appeal book — Registry not filing said motion record because it did not contain affidavit — Seeking Court's direction — *Federal Courts Rules*, SOR./98-106, r. 364(2)(c) requiring that motion record contain all affidavits, other material served by moving party for use on motion — However, nothing prohibiting moving party from filing motion record that does not rely on an affidavit — Parties differing on four documents (two motion records, affidavit from appellant, response from respondent) to be included in appeal book — General rule being that an appeal book only contains documents that were in record before Federal Court — None of the four documents in question were in record before Federal Court — Those documents not necessary to resolution of issues in dispute in underlying appeal — Documents excluded from appeal book — Motion dismissed.

CHRISTEN V. CANADA (REVENUE AGENCY) (A-16-22, 2022 FCA 65, Locke J.A., reasons for order dated April 13, 2022, 4 pp.)