

NOTIFICATION PAR TÉLÉCOPIEUR  
(ARTICLE 110 C.P.C.)

EXPÉDITEUR :	ME BRENT D. TYLER 83 rue St-Paul ouest Vieux Montréal (Québec) H2Y IZI
NOTRE NO DE TÉLÉPHONE :	(514) 966-2977
NOTRE NO DE FAX :	(514) 842-8055
NOTRE DOSSIER :	EP-2101
NOTIFICATION EFFECTUÉE A :	ME JEAN-YVES BERNARD Bernard, Roy & Associés 1 Notre-Dame E., #8.00 Montréal (Québec) H2Y IB6  Procureur de l'intimé Procureur général du Québec
NO DU FAX RÉCEPTEUR :	514-873-7074 Tél : 514-393-2336
DATE DE LA TRANSMISSION :	28 juin 2018
HEURE DE LA TRANSMISSION :	14 h 10
NATURE DE CE DOCUMENT :	Appellant's Motion to Increase the Number of Pages and other Requests relating to his Brief Article 377 C.C.P.
NO DE LA COUR :	500-09-027501-188
TOTAL DES PAGES TRANSMISES INCLUANT LE BORDEREAU DE TRANSMISSION :	7

**CANADA  
PROVINCE OF QUEBEC  
DISTRICT OF MONTREAL**

**COURT OF APPEAL**

---

**NO: 500-09-027501-188**

**KEITH OWEN HENDERSON**

*APPELLANT/Petitioner*

v.

**ATTORNEY GENERAL OF QUEBEC**

*RESPONDENT/Respondent*

&

**ATTORNEY GENERAL OF CANADA**

*MIS-EN-CAUSE/Intervener  
(Aggressive)*

&

**SOCIÉTÉ SAINT-JEAN-BAPTISTE DE  
MONTREAL**

*MIS-EN-CAUSE/Intervener  
(Amicus curiae)*

---

**APPELLANT'S MOTION TO INCREASE THE NUMBER OF PAGES OF HIS  
ARGUMENT, TO EXTEND THE DELAY TO FILE HIS BRIEF AND FOR OTHER  
REQUESTS RELATING TO THE PREPARATION OF SCHEDULES  
(Article 377 C.C.P.)**

**TO ONE OF THE JUDGES OF THE COURT OF APPEAL FOR THE DISTRICT OF  
MONTREAL, APPELLANT/PETITIONER RESPECTFULLY SUBMITS THE  
FOLLOWING:**

1. By Notice of Appeal dated May 10, 2018, APPELLANT/Petitioner (hereinafter "Appellant") appealed from the judgment of the Superior Court of the District of Montreal rendered by the Honourable Justice Claude Dallaire on April 18, 2018 (received by the Appellant on April 19, 2018) which dismissed Appellant's Re-Amended Motion for a Declaratory Judgment pursuant to Article 453 of the old C.C.P. and Re-Amended Application for Declaratory Relief pursuant to sections 24(1) and 52 of the *Constitution Act, 1982*, without costs;

2. The hearing took place over a period of seven (7) days, March 20, 21, 22, 23, 24, 27 and 28, 2017;
3. Appellant respectfully requests permission to increase the number of pages of his Argument (PARTS I, II, III and IV) from thirty (30) pages to fifty (50) pages for the reasons set out herein;
4. The page length of fifty (50) pages is made necessary by the complexity of the issues raised in this appeal as is reflected in the length of the judgment of the Superior Court, 101 pages, and the history of the litigation relating to the secession of Quebec, including the decision of the Supreme Court of Canada in *Reference re Secession of Quebec* [1998] 2 S.C.R. 217 (hereinafter the "*Secession Reference*");
5. Appellant respectfully submits that the longer factum will considerably expedite the hearing of this appeal;
6. Appellant also respectfully requests an extension of the delay to file his brief from three (3) months after the Notice of Appeal to six (6) months for essentially the same reasons, namely, the complexity of the issues raised in this appeal and the history of the litigation relating to the secession of Quebec;
7. Exhibit R-14 filed before the Superior Court consists of five (5) volumes of evidence prepared by the Mis-en-Cause Attorney General of Canada in the *Secession Reference*;
8. The decision of the Supreme Court in the *Secession Reference* is essential in appreciating the issues raised in this appeal and the evidence put before the Court in that case is essential in appreciating the factual context in which the decision was made;
9. As in all constitutional cases, the issue of context is crucial to the appreciation of the issues raised and for that reason, Appellant submits that all of Exhibit R-14 should be before this Court when it hears the present appeal;
10. The five (5) volumes of evidence are all paginated with tabs in accordance with the Rules of Practice of the Supreme Court and it would significantly lower the cost of putting this evidence before this Court if Appellant were allowed to file these volumes separately in their current form without filing a technological version;
11. In another appeal in this same case, #500-09-012698-023, this request was granted;
12. The attorneys for the other parties, except for the attorneys for the Mis-en-Cause Société Saint-Jean-Baptiste de Montréal, are already in possession of these five (5) volumes;

13. In the circumstances, Appellant respectfully requests 1) permission to file these five (5) volumes in their current form without filing a technological version, 2) that they be dispensed from filing the usual number of copies, 3) that they be permitted to file an original and three (3) copies with the Court and 4) that they be dispensed from serving copies on the other parties;

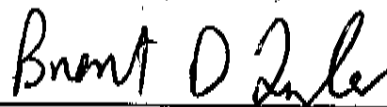
14. A copy of the five (5) volumes will be provided to the attorneys for the Mis-en-Cause Société Saint-Jean-Baptiste de Montréal in the event that the SSJBM obtains Intervener status in this appeal and for a reasonable fee;

15. The present Motion is well-founded in fact and in law;

**FOR THESE REASONS, APPELLANT REQUEST THAT YOU:**

- 1) **GRANT** the present Motion;
- 2) **PERMIT** Appellant to increase the number of pages of his Argument (PARTS I, II, III and IV) from thirty (30) pages to fifty (50) pages;
- 3) **EXTEND** the delay to file Appellant's brief from three (3) months after the Notice of Appeal to six (6) months;
- 4) **PERMIT** Appellant to file Exhibit R-14, consisting of five (5) volumes of evidence prepared by the Mis-en-Cause Attorney General of Canada in *Reference re Secession of Quebec* [1998] 2 S.C.R. 217, in their current form without filing a technological version;
- 5) **DISPENSE** Appellant from filing the usual number of copies of Exhibit R-14;
- 6) **PERMIT** Appellant to file an original and three (3) copies of Exhibit R-14 with the Court;
- 7) **DISPENSE** Appellant from serving copies of Exhibit R-14 on the other parties;
- 8) **THE WHOLE** without costs.

MONTREAL, June 27, 2018



**BRENT D. TYLER**  
**ATTORNEY FOR APPELLANT/Petitioner**

**AFFIDAVIT OF BRENT D. TYLER**

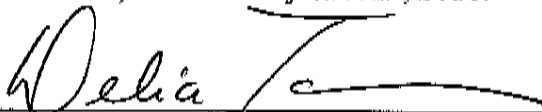
I, the undersigned, Brent D. Tyler, attorney, exercising my profession at 83 St. Paul Street West, Montreal, Quebec, H2Y 1Z1, solemnly affirm the following:

1. I am the attorney of APPELLANT/Petitioner in the Motion to Increase the Number of Pages of his Argument and other Requests relating to his Brief annexed hereto;
2. The facts alleged in said Motion are true;

**AND I HAVE SIGNED:**

  
 \_\_\_\_\_  
**BRENT D. TYLER**

**SOLEMNLY AFFIRMED** before me at Montreal, this 27th day of June, 2018.

  
 \_\_\_\_\_  
 Commissioner of Oaths



**NOTICE OF PRESENTATION**

**TO:** Me Jean-Yves Bernard  
Bernard, Roy & Associés  
1 Notre Dame E., Suite 8.00  
Montreal, Quebec  
H2Y 1Z1

*Attorney for Respondent*  
*Attorney General of Quebec*  
By Fax: 514-873-7074

Me Claude Joyal  
Complexe Guy-Favreau, East Tower  
200 René-Lévesque Boulevard W., 9<sup>th</sup> floor  
Montreal, Quebec  
H2X 1X4

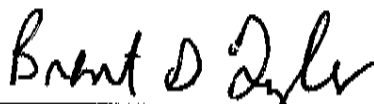
*Attorney for Mis-en-Cause*  
*Attorney General of Canada*  
By Fax: 514-283-3856

Me Marc Michaud  
Michaud Santoriello Avocats  
5365 Jean-Talon East, Suite 602  
Saint-Léonard, Quebec  
H1S 3G2

*Attorney for Mis-en-Cause*  
*SSJBM*  
By Fax: 514-374-6698

**TAKE NOTICE** that Appellant's Motion to Increase the Number of Pages of his Argument and other Requests relating to the Preparation of his Brief will be presented before one of judges of this Honourable Court at Édifice Ernest-Cormier, 100 Notre Dame Street East, in Room RC-18, on July 18, 2018 at 9:30 a.m. or as soon thereafter as counsel may be heard.

MONTREAL, June 27, 2018



---

**BRENT D. TYLER**  
*ATTORNEY FOR APPELLANT/Petitioner*

NO: 500-09-027501-188

COURT OF APPEAL  
DISTRICT OF MONTREAL

KEITH HENDERSON  
*APPELLANT/Petitioner*

v.  
ATTORNEY GENERAL OF QUEBEC  
*RESPONDENT/Respondent*

&  
ATTORNEY GENERAL OF CANADA  
*MIS-EN-CAUSE/Intervener*  
*et al*

APPELLANT'S MOTION TO INCREASE THE  
NUMBER OF PAGES OF HIS ARGUMENT AND  
OTHER REQUESTS RELATING TO THE  
PREPARATION OF HIS BRIEF  
(Article 377 C.C.P.)

COPY FOR ME JEAN-YVES BERNARD

BRENT D. TYLER  
ATTORNEY

AT-5590  
Edifice "La Caserne"  
83 St-Paul West  
Montreal, Quebec  
H2Y 1Z1  
tel: (514) 966-2977  
fax: (514) 842-8055  
e-mail: [brentdtyler@gmail.com](mailto:brentdtyler@gmail.com)  
O/F: EP-2101