

**Manitoba Court of Appeal**  
**Requirements for filing and serving documents under the *Court of Appeal Rules*, as amended — March 1<sup>st</sup>, 2010**

Item	Document	Filing Timeline	Extension of Time	Serving Timeline	Other
1	Appeal book (transcript required)	Rule 22(1) - 45 days after transcript filed with the court	Rule 22(2) & 28.1 - <u>Registrar</u> can extend time if written request made before expiry of time period and other parties consent. Otherwise <u>Judge</u> , on motion, with affidavit and notice.	Rule 25 – 5 days after appeal book filed	
2	Appellant's factum (transcript required)	Rule 26(1) - 45 days after transcript filed with the court	Rule 26(2.1) & 28.1 - <u>Registrar</u> can extend time if written request made before expiry of time period and other parties consent. Otherwise <u>Judge</u> , on motion, with affidavit and notice.	Rule 26(3) - 5 days after appellant's factum filed	Deemed abandonment if appellant's factum not filed within time limits. See Rule 33(4) to (6), 35 and 35.1
3	Respondent's factum (transcript required)	Rule 27(1) - 30 days after service of appellant's factum	Rule 27(2.1) & 28.1 - <u>Registrar</u> can extend time if written request made before expiry of time period and other parties consent. Otherwise <u>Judge</u> , on motion, with affidavit and notice.	Rule 27(3) - 5 days after respondent's factum filed	
4	Appeal book ( <u>no</u> transcript required)	Rule 28(1)(a) - 45 days after filing notice of appeal	Rule 28(2)(a) & 28.1 - <u>Registrar</u> can extend time if written request made before expiry of time period and other parties consent. Otherwise <u>Judge</u> , on motion, with affidavit and notice.	Rule 28(1)(a) - time period same as for filing appeal book - 45 days after filing notice of appeal	
5	Appellant's factum ( <u>no</u> transcript required)	Rule 28(1)(a) - same as for appeal book where <u>no</u> transcript required - 45 days after filing notice of appeal	Rule 28(2)(a) & 28.1 - <u>Registrar</u> can extend time if written request made before expiry of time period and other parties consent. Otherwise <u>Judge</u> , on motion, with affidavit and notice.	Rule 28(1)(a) - time period same as for filing appeal book (where <u>no</u> transcript is required) - 45 days after filing notice of appeal	
6	Respondent's factum ( <u>no</u> transcript required)	Rule 28(1)(b) - 30 days after service of appellant's factum	Rule 28(2)(b) & 28.1 - <u>Registrar</u> can extend time if written request made before expiry of time period and other parties consent. Otherwise <u>Judge</u> , on motion, with affidavit and notice.	Rule 28(1)(b) same time period as for filing respondent's factum (where <u>no</u> transcript is required) - 30 days after service of appellant's factum	
7	Case book	Rule 31(1.1)(a) by appellant – 14 days after appellant files factum Rule 31(1.1)(b) by respondent - 14 days after respondent files factum. Rule 31(1.1)(c) if joint case book - 14 days after respondent files factum	Rule 42 (general provision) applies. Court or judge may extend or abridge time before or after expiry of time period.	Rules are silent re time for serving case book. Counsel should serve the case book as soon as possible after filing it.	