

IN THE FEDERAL COURT OF CANADA
(Appeal Division)

B E T W E E N:

MINISTER OF NATIONAL DEFENCE

Appellant

- and -

MICHELLE DOUGLAS

Respondent

NOTICE OF MOTION

TAKE NOTICE that counsel for the Respondent herein will make a motion to the Court pursuant to the provisions of Rule 324.

THIS MOTION IS FOR an Order dismissing the within appeal, or alternatively, for an Order that the Appellant file a factum or draft factum within a reasonable specified time on such terms as this Honourable Court deems fit.

THE GROUNDS OF THIS MOTION ARE:

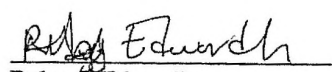
1. That the Appellant has not filed her factum within three weeks of the serving and filing of the Appeal Case, as mandated by Rule 1407(1).
2. That the Appellant has refused to provide a date on which it is expected her factum will be filed.
3. That the Appellant has unduly delayed the prosecution of the within appeal, this application therefore being made pursuant to the provisions of Rule 1407(1).

4. That the delay in this matter may have a detrimental effect on the employment conditions of lesbians and gays currently employed by the Canadian Armed Forces.
5. Such further and other grounds as counsel may advise and this Honourable Court may permit.

THE FOLLOWING DOCUMENTARY EVIDENCE will be presented:

1. The Affidavit of Clayton C. Ruby sworn November 1, 1991;
2. The Affidavit of Amanda Machin sworn October 31, 1991;
3. Such further and other material as counsel may advise and this Honourable Court may permit.

DATED at Toronto, this 1st day of November, 1991.


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Of counsel for the Respondent