**FORM 7**[*Rule 46(1)*]

CACV \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

IN THE COURT OF APPEAL FOR SASKATCHEWAN

BETWEEN:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Appellant   
(*insert status in court appealed from*)

AND:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Respondent   
(*insert status in court appealed from*)

**NOTICE OF APPLICATION TO**

**DISMISS APPEAL FOR WANT OF PROSECUTION**

TAKE NOTICE THAT:

1. The Respondent intends to apply to the Court of Appeal, at the Court House, 2425 Victoria Avenue, Regina, Saskatchewan (*or, 520 Spadina Crescent East, Saskatoon, Saskatchewan if appearing in Saskatoon*)on a date and time to be set by the Registrar, for the following relief:

(a) An order pursuant to Rule 46(1) of *The Court of Appeal Rules* dismissing the within appeal for want of prosecution.

(b) An order pursuant to Rule 52 of *The Court of Appeal Rules* that the costs of this application shall be (*insert cost order requested*).

2. The following material will be filed in support of this application:

(a) This notice of application with proof of service.

(b) The affidavit of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ .

(c) The order of the Honourable Justice \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ with proof of service, requiring the perfection of this appeal.

(*date*)

DATED at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ , Saskatchewan, on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ .  
 (*date*)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  
Signature of the Respondent or   
Lawyer for the Respondent

**TO:** Appellant \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**TO:** REGISTRAR

COURT OF APPEAL FOR SASKATCHEWAN

2425 VICTORIA AVENUE

REGINA, SASKATCHEWAN

S4P 4W6

Telephone: 306-787-5382

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**THIS DOCUMENT IS FILED BY:**

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| --- | --- |
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| Lawyer in charge of the file (*if any*): |  |
| Name of self-represented individual (*if any*): |  |
| Address for service: |  |
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New. Gaz. 9 Sep. 2022.