

B. INFORMATION SHEET: MOTIONS



A Motion is a request by a party for an order or decision from the HRAP on a particular issue at any stage in a proceeding. A Motion can be held in-person, in writing, or electronically.

a) Motions

What are Some Examples of Motions?

There are many different kinds of requests that a party can file as a Motion. Common examples of Motions include requests to the HRAP for:

- A stay of the AGCO Official's order, decision, or ruling that is being appealed
- An Order for a party to comply with disclosure requirements
- A production order requiring a party to make something available for inspection

How do I file a Notice of Motion?

You can file a *Notice of Motion* by completing the [Notice of Motion](#) form, serving it on all parties, and then filing it with the HRAP. For delivery and filing requirements, see *Rule 4, Service and Filing*, of the [Rules of Procedure](#) and [Information Sheet: Technical Guidelines](#).

Please include in the *Notice of Motion* details on why you think the HRAP should grant your request. You should also attach any document which you intend to rely upon in support of your Motion. If the form is incomplete and/or documents are missing, your request for a Motion may be delayed.

When do I file a Notice of Motion?

The *Notice of Motion*, including all supporting materials, must be filed at least **five days** before the Motion will be considered.

For example, if you would like the Motion considered at the pre-hearing conference, please be sure to file and serve the documents at least **five days** before the pre-hearing. Motions can be considered at the pre-hearing conference, the hearing, or on any other date set by the Panel.

How do I respond to a Notice of Motion?

At least **two days** before a Motion will be considered, you can respond to a Motion by filing with the HRAP and

serving on all parties a response that includes all materials that you will rely on in the Motion hearing. Your response should include all the information that is required in a Notice of Motion form (i.e., request, grounds to be argued and reference to statutory provisions and case law, and evidence to support your position).

b) Motion to Request a Stay

What is the effect of a Motion for a stay?

By requesting a stay, you can ask to temporarily suspend the order, decision or ruling of the Judge, Steward, or Registrar that you are appealing. The effect of temporarily suspending the decision or ruling is that it would not apply for now and until the stay is lifted. For example, if the ruling requires a suspension from racing, the suspension would not apply until the stay is lifted.

How do I request a stay?

To allow time for the stay request to be processed, be sure to submit your request as soon as possible and before your suspension is scheduled to start.

To request a stay when you are completing the [Notice of Appeal](#) form, please complete *Section B: Notice of Motion (Requesting a stay of an order, decision or ruling)* of the form.

You can also request a stay at any other time by completing the [Notice of Motion](#) form.

For more information, please see [Notice to Industry 001-Requesting a Stay](#) before the HRAP.

Relevant Forms:

- [Notice of Appeal](#) (Section B)
- [Notice of Motion](#)

Last updated: July 2016

This information sheet is intended to provide general information to appellants and other related parties regarding the appeal process of the Horse Racing Appeal Panel. It does not constitute legal advice. If any information in this information sheet is not consistent with the Rules of Procedure, the Rules of Procedure will prevail.

Horse Racing Appeal Panel
90 SHEPPARD AVE E, SUITE 200, TORONTO ON M2N 0A4
Tel: 416 326-8700 or 1 800 522-2876 toll free in Ontario
Fax: 647 723-2198, Email: info@hrappealpanel.ca