

1991 CarswellAlta 767, 120 A.R. 335, 8 W.A.C. 335

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Freeman v. Pellerin

Paul Douglas Freeman, Plaintiff (Respondent) and Julli Mary Cecile Pellerin, Defendant (Appellant)

Alberta Court of Appeal

Kerans, J.A.

Judgment: November 28, 1991

Docket: Appeal 12993

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Counsel: *C. Parkinson (Ms.)*, for Plaintiff (Respondent).

*D. Castle (Ms.)*, for Defendant (Appellant).

Subject: Family

***Kerans, J.A.:***

1 This is an application for a stay in connection with an appeal from an order made in Queen's Bench yesterday granting interim access to a child, the access to commence on December 1, 1991. I should observe today is November 28.

2 The obvious problem is that any decision about a stay, whether I grant a stay or do not grant a stay, would affect the rights of one party or the other depending on the outcome of the appeal. In such circumstances, it is my view that the best course, if the appeal is not frivolous, is to hear the appeal on an expedited basis. I order this appeal will be heard in 30 minutes.

3 I thank counsel for their expression of willingness to be ready. I understand from both counsel that both clients have Legal Aid certificates and that there are applications pending for appointment of counsel on the appeal. Under the circumstances, I urge Legal Aid to approve them *ex post facto*. I order them to do so if I have the power to do so, and, if I do not have the power to do so, I urge them to do so in the strongest possible terms.

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