



NUNAVUT COURT OF JUSTICE

Practice Directive 1

The Nunavut Court of Justice is committed to ensuring the preservation of the open court principle. Absent exceptional circumstances, this procedure is to be used solely in civil actions involving allegations of sexual misfeasance. The Rules of Court for Nunavut are silent on the issue of filing anonymized pleadings. Pursuant the authority of the Court under Rule 4 of the Rules of Court, this directive sets out the procedure for filing anonymized pleadings in the Nunavut Court of Justice. This procedure is the only manner in which such requests will be considered.

COMMENCING PROCEEDINGS BY PSEUDONYM

If a Party wishes file a statement of claim with the names of Plaintiff(s) anonymized, the Party must seek an Order from the Court dispensing with the requirements of Rule 15(b) of the Rules of Court of the Nunavut Court of Justice.

This Directive permits a Party to file an Originating Notice with the parties anonymized if the Originating Notice is seeking permission to file a Statement of Claim dispensing with the Requirement of the Rule 15(b). On the authority of this directive, this pleading is the only pleading that may be filed by the Registry absent an Order from the Court. Further, the procedure set out in this Directive is the only means by which Counsel may seek leave to file an anonymized statement of claim. Any Originating Notice filed in accordance with this directive must be endorsed on the backer with the following “This Originating Notice has been filed in Accordance with Practice Directive 1.”

The procedure for making such a request is as follows:

1. An Ex-Parte Originating Notice, with the Parties anonymized, seeking the following relief must be filed:
 - a. An Order dispensing with the requirements under Rule 15(b);
 - b. An Order requiring Counsel to provide a Certificate of True Name (Form 1A) at the time of filing of the Statement of Claim;
 - c. An Order requiring the redaction of the true name(s) of the Applicant(s) to be replaced by the assigned pseudonym in all pleadings and documents filed in the action to be initiated by the statement of claim;

- d. An Order sealing all pleadings and documents in the action, including the Certificate of True Names indicating the true name(s) of the Applicant(s) in an envelope to be kept in the Court file from all parties except for the solicitor(s) of record for the Applicant(s) and Defendant(s); and
 - e. An Order dispensing with the filing fee for the requested statement of claim.
2. The following documentary evidence must be filed with the Originating Notice:
 - a. An Affidavit setting out the necessity of commencing the pleadings by pseudonym;
 - b. A Memorandum addressed to the Duty Judge with written argument relating to the motion;
 - c. A copy of the Anonymized Statement of Claim; and
 - d. A draft Order;
3. The hearing of the Ex-Parte Originating Notice shall proceed in writing, unless otherwise directed by the Court.
4. The Service of a Statement of Claim filed under this Directive, shall not be deemed effective unless it is served with:
 - a. Copies of the Order of the Court issued under section 1 of this directive, and
 - b. A copy of the Certificate of True Name the Registry

This Practice directive comes into force immediately.

DATED at the City of Iqaluit, Nunavut, this 8th day of January, 2016.

Mr. Justice R. Kilpatrick

Mr. Justice N. Sharkey

Madam Justice S. Cooper

Madam Justice B. Tulloch

Mr. Justice P. Bychok

FORM 1A

(Practice Directive 1)

[Style of Cause of Statement of Claim]

CERTIFICATE OF TRUE NAMES

The following table contains the pseudonym(s) corresponding to the true name(s) of plaintiff(s) in this action:

Pseudonym (e.g. John Doe #1, Iqaluit #1)	True name

Date (dd/mm/yyyy)

Signature of Plaintiff/Counsel