The Discovery Process

The discovery process is the way you (and the other party) discover the other side's view of what happened in the case. This process is like a roadmap allowing you to see the other side's version of when and where things happened. Discovery is a very important process because it allows you to collect the information necessary to assess the strengths and weaknesses of both your case and the case of the opposing party. It also shows you where you and the other party agree and disagree.

This guidebook provides only a general overview of the rules that apply if you are involved in a case that was commenced by a notice of civil claim (called an "action"). Note that the discovery process is not available in claims started by a petition. Also, note that different discovery rules apply if you are proceeding by fast track litigation (see the guidebook, *Fast Track Litigation*).

Steps in the Discovery Process

There are several possible steps in the discovery process, although it may not be necessary for you to take all of these steps in your case. Each of these steps is described more fully below.

Discovery of documents: You must disclose to the other parties in the proceeding all of the documents that could be used by any party at trial to prove or disprove a material fact. This means that you must describe the documents that you have to the other party, and make them available for the other party to examine.

Examination for discovery: This is a meeting where one party asks an opposing party a series of questions.

Interrogatories: This is a series of written questions provided to the other party to be answered in writing. They may only be used with leave (permission) of the court.

Pre-trial examination of witnesses: This process may be used if there is a person who has material evidence relating to the case and who is not a party to the action. It may only be used with leave (permission) of the court.

Notices to admit: Notices to admit allow you to ask the other party to admit the truth of certain facts.

You may want to consult a lawyer before beginning the discovery process. A lawyer can give you important information and advice about how to find out what you need to know about the other party's case, as well as how much information you must disclose to the other parties in your proceeding.

This Guidebook provides general information about civil, non-family claims in the Supreme Court of BC. It does not explain the law. Legal advice must come from a lawyer, who can tell you why you should do something in your lawsuit or whether you should take certain actions. Anyone else, such as court registry staff, non-lawyer advocates, other helpers, and this guidebook can only give you legal information about how to do something, such as following certain court procedures.

Standards are in effect for the filing of all Supreme Court civil and Supreme Court family documents, except divorce and probate. When you submit your completed documents, registry staff will check to make sure they meet the minimum standards before accepting them for filing. It is your responsibility to include all other information required by the court and ensure it is correct.

For information about how to get help with your case, see the last page of this document.

The discovery process is different for fast track litigation under Rule 15-1. If your action is subject to Rule 15-1 you should read the rule carefully and refer to the guidebook, *Fast Track Litigation*.

Discovery of Documents

Rule 7-1 sets out the requirements for discovery and inspection of documents. It allows you to get access to the documents of the other party that are relevant to your case and requires you to allow the other parties to see your relevant documents.

What is a document?

Rule 1-1 sets out the definition of "document." The definition is quite broad, and includes photographs, films, sound recordings, any record of a permanent or semi-permanent character, or any information recorded or stored by any means of any device. So when you're looking for documents, make sure you think of disks, tapes, and computer files, as well as photographs and films.

Which documents must be disclosed?

To begin the discovery of documents process, you must prepare a list of documents in Form 22 that:

- lists all documents (with a brief description of each) that are or have been in your possession or control that could, if available, be used at trial to prove or disprove a material fact; and
- all other documents which you intend to refer to at trial.

A material fact is something that is directly relevant to your case. For example, if the dispute is about a broken contract for the sale of a boat, the sale price is a fact that is relevant to the case. The sale price is therefore a "material fact." Because the contract could be used to prove the sale price (and probably many other material facts) the contract must be disclosed in your list of documents.

For example, let's say you find a photo of the boat before the sale took place. The condition of the boat prior to the sale is probably relevant to the case. As the photo could be used to prove or disprove a material fact (the condition of the boat) it must be disclosed. By contrast, a contract with the same person for the sale of a different boat three years earlier could probably not be used to prove or disprove any facts material to the present dispute and therefore would not have to be listed.

Preparing a list of documents

Once you have decided which documents need to be disclosed, you must list the documents on Form 22. The list must then be served on all other parties within 35 days after the end of the pleading period (i.e., when the notice of claim, response, counterclaim, reply, and any amendments are completed). The Form 22 list of documents has three parts:

Part 1: Includes all documents that are or have been in your possession or control and that could be used by any party at trial to prove or disprove a material fact. For example:

1.1
15 September 2008, contract of employment between XYZ Company and John Brown. (Then check the box if the document is no longer in your possession or control.)

Part 2: Includes all other documents (if any) that you intend to refer to at trial. For example, these may be documents that you know exist but that were never in your possession or control.

Part 3: Some of your documents may be "privileged" and that means that the other party is not entitled to see them. For example, communications between a lawyer and his or her client are privileged. If you consulted with a lawyer about your case and received a letter from the lawyer that gave you some advice about the case, the letter would be a privileged document and you would not be required to give a copy of it to the other party.

Other privileged documents are those created for the main purpose of helping you prepare to take your case to court. For example, if you met with a mechanical engineer to get some advice about an aspect of your case and took notes of your meeting, you could claim that the notes were privileged.

You may want to talk with a lawyer about the law relating to privileged documents, as it might be difficult for you to determine which documents are privileged. You may harm your case if you provide copies of privileged documents to the other side. You must, however, disclose the existence of documents for which you claim there is a privilege, by listing them in part 3 of Form 22. If you have documents that you claim are privileged, you must describe the nature of the document and the basis for making a claim of privilege. For example:

3.1
16 March 2007, letter from a lawyer, Jane Green, advice on damages in my claim for wrongful dismissal. (Then state the grounds on which you are claiming privilege, e.g., solicitor/client privilege.)

The nature of the privileged documents must be described in a way that, without revealing the privileged information, will enable the other parties to assess the validity of your claim for privilege.

Examining the documents

Form 22 requires you to set out the location and time that the documents you have listed (other than the privileged documents) can be inspected.

Put all the documents (except any privileged documents) in a convenient file or three- ring binder and keep them available. The other parties are entitled to come and look at the documents and can ask you to have copies of all or certain documents made for them. You are entitled to do the same. When you go to review the other party's documents, make a list of any documents you think are important to your case and get copies made for your files.

Copies of documents can be made upon payment to the other party, in advance, of photocopying fees (see Rule 7-1(16)).

If your list of documents is not complete

If you later discover that your list is not accurate or complete, or come into possession of a document that should have been on your list, you must promptly serve an amended list on the other parties (see Rule 7-1(9)). And, if you think that certain documents should have been listed on the other party's list of documents, you can make a demand, in writing, that they prepare and serve a supplementary list, and make those documents available for inspection (see Rule 7-1(10)). If the party fails to comply with the demand within 35, days, you can apply to court for an order that the party comply with the demand.

Requesting a wider scope of documents

If you are aware of any documents that the above noted rules do not require to be disclosed, but you have a reason to inspect those documents, Rule 7-1(11) allows you to request that the documents be disclosed. You must be able to describe the documents with reasonable specificity. An example might be a document that could not be used to prove or disprove a material fact, but that might lead you to additional documents or evidence that could be used to prove or disprove a material fact.

Use of documents

All the parties to a lawsuit have a very serious obligation to use the documents that are produced through the discovery process (including copies of records, transcripts of examinations for discovery, and answers to interrogatories) only for the proper purposes of the proceeding. There are only two exceptions to this:

- Where a party has obtained permission from the court to use the document for a different purpose; and

- Where the owner of the document has consented to the document being used for another purpose.

This obligation is to the court, and if you fail to meet it (for example, by circulating documents to people outside the case or by using documents from a particular proceeding for a different case) you can be held in contempt of court, which has serious consequences.

Legal advice

The law relating to the disclosure of documents can be complicated. For that reason, you may wish to consult a lawyer to make sure that you are disclosing all the documents you should disclose and you are not disclosing documents you should not.

Examinations for Discovery

An examination for discovery is an oral examination on oath. It is another tool you can use along with document discovery to learn about the other side's version of the facts. Rule 7-2 sets out the procedure for examinations for discovery.

An examination for discovery is a meeting where one party asks an opposing party questions about the issues in the dispute. For example, in a case arising from a motor vehicle accident, the driver of one car may want to ask the other party questions about how fast they were driving, whether they wear glasses, the injuries suffered as a result of the accident, etc.

Examinations for discovery are part of the litigation process, but they do not take place in open court, and no judges or court officials are present. The examination takes place in the presence of a court reporter who records each question and its answer, and then provides a transcript (a written record) of the examination. The party answering questions must take an oath or give a solemn affirmation that they will tell the truth. The transcript of the examination for discovery, or portions of it, may be used at trial.

Unless the court orders, or the parties agree, examinations for discovery are limited to 7 hours per party conducting the examination. So, for example, if there is 1 plaintiff and 2 defendants, each defendant may examine the plaintiff for up to 7 hours, resulting in the plaintiff being subjected to up to 14 hours of discovery.

Note: for fast track litigation under Rule 15-1, examinations for discovery are limited to a total of 2 hours by all parties conducting the examination. (See Rule 15-1(11)). So, in a fast track case, if there is one plaintiff, he or she may only be subjected to a total of up to 2 hours of discovery, regardless of the number of defendants.

These two processes – examinations for discovery and document discovery – are very important to preparing your case. They go hand in hand. Once you have documents, you can review them and determine what questions still need to be answered by the other party at an examination for discovery. And, when you have finished an examination for discovery, you might want to request further documents.

Arranging the examinations for discovery

You arrange an examination for discovery using an Appointment to Examine for Discovery (Form 23). There are several things to consider when booking an examination for discovery:

- Who do you want to examine? If there is a single plaintiff or defendant, that is who you will want to examine. If the defendant or plaintiff is a company, you want to examine the person who knows the most about the matters in question.

- When do you want to examine this person? You need to make sure that you are available, that the person you want to examine is available (and their lawyer, if they have one), and that you have booked a court reporter to prepare the transcript. You must serve Form 23 at least 7 days before the date selected for the examination. It makes good sense to wait until all the pleadings have been filed by both parties before scheduling an examination for discovery. That way you will know exactly which issues are in dispute.

- What do you want to ask? You might want to get advice from a lawyer to make sure you are asking questions of the other party that are both appropriate and admissible in court if the case proceeds to trial.

- What documents do you want to use in your discovery? You can bring listed documents (either yours or theirs) to the discovery and ask questions about these documents.

- What court reporter will you use? There are many court reporters and most of them will provide a boardroom that you can use for your discovery. Make sure you book the court reporter as early as possible as they are busy and their boardrooms are often booked up. You can find court reporting services listed in your telephone directory.

Do you have to pay anyone?

When you examine a person for discovery, you are required to pay them a witness fee. Schedule 3 of Appendix C to the Rules of Court sets out the fees payable to witnesses. Make sure that you know how much it will cost you to examine the witness before you go ahead with the discovery. If the witness lives out of town, you will have to pay for their travel expenses, a per diem (per day) rate for meals, and a hotel if they have to stay overnight. Ask a lawyer for advice about this if you are concerned about the cost of examining your witness.

What questions can you ask?

Questions on examinations for discovery can be quite broad and can be asked about anything that is related to your case. In some cases, the person being examined cannot answer a question right away and you might need to ask him or her to find out the answer after the examination and send it to you by letter.

The person being examined for discovery must answer any question within his or her knowledge (or that is possible for them to find out), regarding any matter that is not privileged, and relating to any matter in question in the action. You can also ask the person being examined the names and addresses of other people who might have information relevant to the proceeding.

The party being examined may refuse to answer a question. These are called objections. If the party asking the question does not believe that an objection is appropriate, he or she may schedule a chambers application after the examination to ask a judge to direct the person to answer the question.

Preparing for an examination for discovery

It is a good idea to prepare a script of the questions you wish to ask so you do not forget to ask any important questions. Typically, all discoveries begin with asking the person being examined to state their name, address, and occupation.

You normally have only one opportunity to conduct an examination for discovery so you need to make it count. This may be a good time to consult a lawyer. A lawyer can help you with the types of questions you can ask, the types of questions you might be asked, or what to do if you don't know the answer or you think the answer is privileged.

Getting a transcript of the examination for discovery

When you have examined another party and have paid the required fees, the court reporter will provide you with an original transcript and as many copies (both electronic and paper) as you have ordered. If you decide to use all or any part of this transcript at trial, you will need to provide the court with the original, so you will want to put this away in a safe place and use a copy.

Transcripts are set out in a question and answer format, with each question and answer being numbered in chronological order. The transcripts also set out any questions that have been left outstanding (the undertakings). These questions are those where the person had to find out information or needed to look at documents to find out the answer. You will want to keep track of these questions and make sure they are answered later. This is true whether you are the person being examined or the person doing the discovery.

Interrogatories

The requirements for interrogatories are set out in Rule 7-3. They are only allowed by consent or with leave (permission) of the court. If you believe that interrogatories are necessary, you can ask for leave by filing an application under Part 8 of the rules. Interrogatories must be prepared by using Form 24.

If the court grants leave or the party consents, you can deliver interrogatories to any party in the action and they must be replied to within 21 days of delivery. Answers to interrogatories are delivered in the form of an affidavit, so the party answering the questions swears to the truth of the answers. If there are more than two parties in your case but you wish only to send interrogatories to one party, you are required to send a copy of the interrogatories to all other parties for their information.

The court, in granting leave, may set conditions on the interrogatories, such as the number and length, or what topics they are allowed to cover. Interrogatories may be useful in cases where, for example, you need specific, precise, factual information, such as:

- numbers;
- data;
- bank accounts;
- inventory;
- contents of a house;
- customers of a particular company; or
- other technical information.

Deciding whether or not it is worth the effort to file an application to allow the use of interrogatories may be something to discuss with a lawyer.

When you receive the answers to your interrogatories, make sure they gave you the answers you require, or provided you with a reasonable explanation as to why they did not answer your questions. Rule 7-3(6) sets out some reasons why interrogatory questions do not need to be answered. These are called objections and must also be included in the affidavit that is required in response to the interrogatories within 21 days after delivery.

If interrogatories are delivered to you, you do not need to respond to them unless you agreed to respond or the court has granted the other party leave to issue interrogatories. If the court has granted leave, make sure that you respond to the interrogatories within 21 days. Because you have to answer interrogatories by affidavit, you need to see a lawyer or a notary to swear your affidavit.

Pre-trial Examination of Witnesses

Pre-trial examination of witnesses is dealt with in Rule 7-5. In order to examine a witness under Rule 7-5, you must first get an order from the court (see Rule 8-1 and the guidebook, *Applications to Court* for information on how to do this).

You can use this process when you need information from someone who is not a party to the proceeding and you cannot get this information any other way. This would also apply when the witness will not respond to your letters or telephone calls, so you need to compel him or her to answer your questions.

You must conduct an examination for discovery, not a pre-trial examination of a witness, if a person is:

- a party to the proceeding;
- an officer or director of a party to the proceeding; or
- a partner of a party to the action.

If a person refuses to answer your questions, you must apply in chambers to get the court to order the person to attend at an examination. If you get an order from the court to examine the witness, you will need to prepare and serve a subpoena in Form 25.

This procedure is rarely used and if you think it is going to be necessary in your case, you will want to consult a lawyer to make sure that there is no other way to get the information you require and that the cost and time required to make a chambers application is going to be worth it.

Notice to Admit

A notice to admit can help to expedite your case, shorten your trial, and cut down on the expense of the litigation because they allow both parties to admit to certain facts and documents. In other words, the admitted facts and documents are no longer in issue in the proceeding.

The practical part of a notice to admit is straightforward. You set out facts and attach documents and ask the other party to admit the truth of the facts and the authenticity of the documents. The person receiving the notice to admit can either admit or deny the facts or documents. For example, if a term of the contract is in dispute, you can ask the other party to admit that the contract is the one that both parties signed.

Notices to admit can be delivered to any other party in the proceeding. They are dealt with in Rule 7-7 and Form 26. A copy of Form 26 is attached to this guidebook. Parties have 14 days to respond to a notice to admit.

Like a list of documents, set out each fact and document in separately numbered paragraphs. This makes it easier to respond to the notice to admit. The other party can answer each question by setting down the number of the question and then stating one of these two answers: admitted or denied. If the answer is admitted, that single word is all that is required. If the answer is denied, you need to set out the reason why it is denied. There is no official form for a response to a notice to admit, but you can simply take the form of the notice to admit and include the one-word response in that form.

Notices to admit are a very good tool to help you prepare for trial. A well-drafted notice to admit makes preparing for trial much easier, so you may want to consult with a lawyer once you have prepared your notice to admit, to make sure that it is in good form and will get the results you want.

There is a very important time limit in Rule 7-7(1). If you do not reply to a notice to admit within 14 days, you are deemed to have admitted the facts contained in the notice to admit. Those facts may be very important and it is difficult to withdraw an admission, even a deemed one, once it is made.

If a party denies a fact and the court later finds that the refusal to admit was unreasonable, the court may order the party to pay the costs of proving the truth of the fact (see Rule 7-7(4)).

Get Help With Your Case

Before you start your claim, you should think about resolving your case without going to court (see the guidebook, Alternatives to Going to Court). If you do not have a lawyer, you will have to learn about the court system, the law that relates to your case, what you and the other side need to prove, and the possible legal arguments for your case. You will also need to know about the court rules and the court forms that must be used when you bring a dispute to court.

Legal Information Online

All *Guidebooks for Representing Yourself in BC Supreme Court Civil Matters*, along with additional information, videos and resources for Supreme Court family and civil cases are available on the Justice Education Society website: www.SupremeCourtBC.ca

Clicklaw gives you information about many areas of law and free services to help you solve your legal problems: www.Clicklaw.bc.ca

The Supreme Court of BC's website has information for people who are representing themselves in court: http://www.courts.gov.bc.ca/supreme_court/self-represented_litigants/

Legal information services

The Vancouver Justice Access Centre's, Self-help and Information Services includes legal information, education and referral services for Supreme Court family and civil cases. It is located at 290 - 800 Hornby Street in Vancouver (open Monday to Friday): www.SupremeCourtSelfHelp.bc.ca.

For information about other Justice Access Centre services in Vancouver and Nanaimo, see: http://www2.gov.bc.ca/gov/content/justice/about-bcs-justice-system/jac

Legal advice

You may be eligible for free (pro bono) legal advice. Access ProBono Society of BC's website gives you information about the legal assistance that is available to you: www.AccessProBono.ca.

Legislation

BC Legislation (statutes), regulations, and Rules of Court can be found at: www.BCLaws.ca.

Court rules and forms

Supreme Court forms can be completed in 3 ways:

1. Completed online and filed at: https://justice.gov.bc.ca/cso/index.do
2. Completed online, printed and filed at the registry
3. Printed, completed manually and filed at the registry

Court forms that can be completed online are available at http://www.supremecourtbc.ca/supreme-court-civil-forms

Printable court forms are available at: http://www.supremecourtbc.ca/supreme-court-civil-forms

Common legal terms

You can find out the meaning of legal terms at: www.SupremeCourtBC.ca/glossary

Family law

For information about family law claims, see: www.FamilyLaw.LSS.bc.ca

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NOTES

Form 22

(Rule 7-1 (1))

1

[Style of Proceeding]

LIST OF DOCUMENTS

Prepared by: .....[*party*]..... (the "listing party")

Part 1: DOCUMENTS THAT ARE OR HAVE BEEN IN THE LISTING PARTY'S POSSESSION OR CONTROL AND THAT COULD BE USED BY ANY PARTY AT TRIAL TO PROVE OR DISPROVE A MATERIAL FACT

2

[*Do not include documents listed under Part 2, 3 or 4.*]

No.	Date of document [*dd/mmm/yyyy*]	Description of document	Indicate by a check mark if the document is no longer in the listing party's possession or control	Indicate, for each document listed in this Part by way of an amendment to this List of Documents under Rule 7-1 (9), (12) or (14), the date on which the document was listed
1.1			[ ]	
1.2			[ ]	

Part 2: OTHER DOCUMENTS TO WHICH THE LISTING PARTY INTENDS TO REFER AT TRIAL

3

[*Do not include documents listed under Part 1, 3 or 4.*]

No.	Date of document [*dd/mmm/yyyy*]	Description of document	Indicate by a check mark if the document is no longer in the listing party's possession or control	Indicate, for each document listed in this Part by way of an amendment to this List of Documents under Rule 7-1 (9), (12) or (14), the date on which the document was listed
2.1			[ ]	
2.2			[ ]	

Part 3: DOCUMENTS THAT RELATE TO A MATTER IN QUESTIONS IN THE ACTION

[*List here all documents that are listed in response to a demand under Rule 7-1 (11) of the Supreme Court Civil Rules, and all documents that are listed in response to a court order under Rule 7-1 (14) of the Supreme Court Civil Rules, that have not been listed under Part 1 or 2. Do not include documents listed under Part 1, 2 or 4.*]

No.	Date of document [*dd/mmm/yyyy*]	Description of document	Indicate by a check mark if the document is no longer in the listing party's possession or control	Indicate, for each document listed in this Part by way of an amendment to this List of Documents under Rule 7-1 (9), (12) or (14), the date on which the document was listed
3.1			[ ]	
3.2			[ ]	

4

Part 4: DOCUMENTS FOR WHICH PRIVILEGE FROM PRODUCTION IS CLAIMED

No.	Date of document [*dd/mmm/yyyy*]	Description of document	Grounds on which privilege is claimed	Indicate, for each document listed in this Part by way of an amendment to this List of Documents under Rule 7-1 (9), (12) or (14), the date on which the document was listed
4.1			[ ]	
4.2			[ ]	

TAKE NOTICE that the documents listed in Parts 1 and 2 of this List of Documents that are not shown as no longer being in the listing party's possession or control may be inspected and copied, during normal business hours, at .....[*specify location*]..... .

Date: .....[*dd/mmm/yyyy*].....

.....

Signature of
[ ] listing party [ ] lawyer for listing party

.....[*type or print name*].....

NOTES

Court forms are available at: www.ag.gov.bc.ca/courts/other/supreme/2010SupRules/info/index_civil.htm.

They can be completed online and filed electronically using Court Services Online: www.courtservicesonline.gov.bc.ca.

They can also be printed and completed manually; or completed online, printed and filed.

You do not have to file this form in the court registry, but serve it on the other parties.

1. The style of proceeding is the part at the top of the document that identifies your case within the court system. You will use the style of proceeding on every one of your documents, whether they are filed in the court registry or not. Insert the court number, the location of the registry (e.g., Vancouver), as it is part of your style of proceeding. Write in the names of the plaintiff and defendant in capital letters (not addresses) in the style of proceeding.

2. List the documents that are or were in your possession and control (e.g., 15 September 2008, contract of employment between XYZ company and John Brown. Then check the box if the document is no longer in your possession or control).

3. List the documents to which you intend to refer at trial (e.g., cancelled Bank of Montreal cheque #305 to Jane White in the amount of $500.00. Then check the box if the document is no longer in your possession or control).

4. List the documents for which you claim privilege (e.g., 16 March 2007, letter from lawyer, Jane Green, advice on damages in my claim for wrongful dismissal. Then state the grounds on which you are claiming privilege, e.g., solicitor/client privilege).

NOTES

1

Form 23

(Rule 7-2 (13))

[Style of Proceeding]

APPOINTMENT TO EXAMINE FOR DISCOVERY

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

To: .....[*name of person to be examined*].....

TAKE NOTICE that you are required to attend for your examination for discovery at the place, date and time set out below. If you are not a named party, or a representative of a named party, to this action, you must, unless the court otherwise orders, bring with you all documents in your possession or control, not privileged, relating to the matters in question in this action. Please note the provisions of the Supreme Court Civil Rules reproduced below.

Place: .....

Date: .....[*dd/mmm/yyyy*].....

Time: .....

Date: .....[*dd/mmm/yyyy*]..... .....

Signature of [ ] party wishing to conduct examination [ ] lawyer for party(ies) wishing to conduct examination

.....[*type or print name*].....

Rules 22-7 (5) and 22-8 (4) of the Supreme Court Civil Rules state in part:

"22-7 (5) ... if a person, contrary to these Supreme Court Civil Rules and without lawful excuse,

(a) refuses or neglects to obey a subpoena or to attend at the time and place appointed for his or her examination for discovery, ...

then

(f) if the person is the plaintiff or petitioner, a present officer of a corporate plaintiff or petitioner or a partner in or manager of a partnership plaintiff or petitioner, the court may dismiss the proceeding, and

(g) if the person is a defendant, respondent or third party, a present officer of a corporate defendant, respondent or third party or a partner in or manager of a partnership defendant, respondent or third party, the court may order the proceeding to continue as if no response to civil claim had been filed.

22-8 (4) A person who is guilty of an act or omission described in Rule 12-5 (25) or 22-7 (5), in addition to being subject to any consequences prescribed by those rules, is guilty of contempt of court and subject to the court's power to punish contempt of court."

NOTES

Court forms are available at: www.ag.gov.bc.ca/courts/other/supreme/2010SupRules/info/index_civil.htm.

They can be completed online and filed electronically using Court Services Online: www.courtservicesonline.gov.bc.ca.

They can also be printed and completed manually; or completed online, printed and filed.

You do not have to file this form in the registry, but Serve it on the party you want to examine.

1. The style of proceeding is the part at the top of the document that identifies your case within the court system. You will use the style of proceeding on every one of your documents, whether they are filed in the court registry or not. Insert the court number, the location of the registry (e.g., Vancouver), as it is part of your style of proceeding. Write in the names of the plaintiff and defendant in capital letters (not addresses) in the style of proceeding.

NOTES

Form 24

(Rule 7-3 (1))

1 *[Style of Proceeding]*

INTERROGATORIES

2 *[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]*

3 Interrogatories on behalf of .....[*party(ies)*]..... for the examination of .....[*person(s) required to answer*].....:

[*Set out numbered questions to be answered specifying the person to answer, if the questions are directed to more than one person.*]

4 1

2

Date: .....[*dd/mmm/yyyy*]..... .....

Signature of [ ] party serving interrogatories [ ]
lawyer for party(ies) serving interrogatories

.....[*type or print name*].....

NOTES

Court forms are available at: www.ag.gov.bc.ca/courts/other/supreme/2010SupRules/info/index_civil.htm.

They can be completed online and filed electronically using Court Services Online: www.courtservicesonline.gov.bc.ca.

They can also be printed and completed manually; or completed online, printed and filed.

You do not have to file this form in the registry, but serve it on the party you want to answer the questions.

1. The style of proceeding is the part at the top of the document that identifies your case within the court system. You will use the style of proceeding on every one of your documents, whether they are filed in the court registry or not. Insert the court number, the location of the registry (e.g., Vancouver), as it is part of your style of proceeding. Write in the names of the plaintiff and defendant in capital letters (not addresses) in the style of proceeding.

2. Put the name of the party who is asking for the questions to be answered.

3. Put the name of the person who is required to answer the questions (interrogatories).

4. List the questions that you want answered; e.g., what was the withdrawal in the amount of $550 from your chequing account at the CIBC on March 21, 2009 used for?

NOTES

Form 25

(Rules 7-5 (5), 7-8 (5) and 12-5 (32) and (36))

1

[Style of Proceeding]

SUBPOENA TO WITNESS

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

2

To: .....[*name and address*].....

TAKE NOTICE that you are required to attend to testify as a witness at the place, date and time set out below. You are also required to bring with you all documents in your possession or control relating to the matters in question in this proceeding [*and, if applicable, the following physical objects*]:

Please note the provisions of the Supreme Court Civil Rules reproduced below.

Place: .....

Date: .....[*dd/mmm/yyyy*].....

Time: .....

Date: .....[*dd/mmm/yyyy*]..... .....

Signature of [ ] party serving subpoena [ ] lawyer for party(ies) serving subpoena

.....[*type or print name*].....

Rules 22-7 (5) and 22-8 (4) of the Supreme Court Civil Rules state in part:

"22-7 (5) ... if a person, contrary to these Supreme Court Civil Rules and without lawful excuse,

(a) refuses or neglects to obey a subpoena or to attend at the time and place appointed for his or her examination for discovery,

then

(f) if the person is the plaintiff or petitioner, a present officer of a corporate plaintiff or petitioner or a partner in or manager of a partnership plaintiff or petitioner, the court may dismiss the proceeding, and

(g) if the person is a defendant, respondent or third party, a present officer of a corporate defendant, respondent or third party or a partner in or manager of a partnership defendant, respondent or third party, the court may order the proceeding to continue as if no response to civil claim had been filed.

22-8 (4) A person who is guilty of an act or omission described in Rule 12-5 (25) or 22-7 (5), in addition to being subject to any consequences prescribed by those rules, is guilty of contempt of court and subject to the court's power to punish contempt of court."

NOTES

Court forms are available at: www.ag.gov.bc.ca/courts/other/supreme/2010SupRules/info/index_civil.htm.

They can be completed online and filed electronically using Court Services Online: www.courtservicesonline.gov.bc.ca.

They can also be printed and completed manually; or completed online, printed and filed.

You do not have to file this form in the registry, but serve it on the people named in the subpoena.

1. The style of proceeding is the part at the top of the document that identifies your case within the court system. You will use the style of proceeding on every one of your documents, whether they are filed in the court registry or not. Insert the court number, the location of the registry (e.g., Vancouver), as it is part of your style of proceeding. Write in the names of the plaintiff and defendant in capital letters (not addresses) in the style of proceeding.

2. If more than one person is being served with a subpoena, and they are all being required to come to court on the same day, you can put the names and addresses of all those persons in this space.

NOTES

1

Form 26

(Rule 7-7 (1))

[Style of Proceeding]

NOTICE TO ADMIT

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

2

To: .....[*party(ies)*].....

TAKE NOTICE that the .....[*party(ies)*]....., ...[*name(s) of party(ies)*]....., requests the .....[*party(ies)*]....., ...[*name(s) of party(ies)*]....., to admit, for the purpose of this proceeding only, the facts set out below and the authenticity of the documents referred to below, copies of which are attached.

AND TAKE NOTICE that, unless the court otherwise orders, if the party to whom this notice is directed does not serve a written statement, as provided in Rule 7-7 (2) of the Supreme Court Civil Rules, within 14 days after service of a copy of this notice on him or her, then the truth of the facts and the authenticity of the documents will be deemed to be admitted.

Date: .....[*dd/mmm/yyyy*]..... .....

Signature of [ ] party serving notice to admit [ ]
lawyer for party(ies) serving notice to admit

.....[*type or print name*].....

3

The facts, the admission of which is requested, are: [*Set out facts, using a separate numbered paragraph for each fact requested to be admitted.*]

1

2

4

The documents, the authenticity of which admission is requested, are: [*List documents and attach copies of the documents to this notice to admit.*]

1

2

NOTES

Court forms are available at: www.ag.gov.bc.ca/courts/other/supreme/2010SupRules/info/index_civil.htm.

They can be completed online and filed electronically using Court Services Online: www.courtservicesonline.gov.bc.ca.

They can also be printed and completed manually; or completed online, printed and filed.

You do not have to file this form in the registry, but serve it on the other parties.

1. The style of proceeding is the part at the top of the document that identifies your case within the court system. You will use the style of proceeding on every one of your documents, whether they are filed in the court registry or not. Insert the court number, the location of the registry (e.g., Vancouver), as it is part of your style of proceeding. Write in the names of the plaintiff and defendant in capital letters (not addresses) in the style of proceeding.

2. Insert the name of the party that you are asking to admit these facts.

3. Set out the facts that you want the other party to admit (e.g., That John Brown was driving the motor vehicle that collided with you on June 3, 2008 at the intersection of Granville Street and 12th Avenue in Vancouver, BC).

4. List the documents that you want the other party to admit the authenticity of (e.g., That the attached letter dated June 12, 2008 from John Brown to the plaintiff was written and signed by him).