

Index

ANTON PILLER ORDER

- Cost benefit considerations, § 3:7
- Described, § 3:1
- Enforcement of, § 3:5, § 3:6
- Forms (motion for preservation)
 - affidavit of client, APP 3A § 3A:3
 - affidavit of investigator, APP 3A § 3A:2
 - consent of receiver, APP 3A § 3A:4
 - notice of motion, APP 3A § 3A:1
 - order (continuation), APP 3A § 3A:10
 - order (interim)
 - Federal Court, APP 3A § 3A:11
 - Superior Court of Justice
 - anti-piracy cases, APP 3A § 3A:9
 - general, APP 3A § 3A:8
 - undertaking of plaintiff, APP 3A § 3A:6
 - undertaking of supervising solicitors, APP 3A § 3A:5
- Method of obtaining, § 3:3
- Protection for defendant, § 3:4
- Risks, § 3:6
- Search warrant versus, § 3:1
- Test for obtaining, § 3:1, § 3:4
- Timing of, § 3:2
- Undertaking re damages, § 3:6

ARBITRATION AGREEMENT

- Generally, § 4:19, APP 4A § 4A:41 to § 4A:43

BIFURCATION OF TRIALS

- Legislation, § 14:2

BIFURCATION OF TRIALS

—Cont'd

- Precedents
 - affidavit, APP 14A § 14A:2
 - notice of motion, APP 14A § 14A:1
 - order, APP 14A § 14A:3
- Procedural considerations, § 14:4
- Tactical considerations, § 14:4
- Test, § 14:3

BOND

- Generally, § 9:20

CAPACITY, LACK OF

- See STAY OF PROCEEDINGS, MOTIONS RE

CERTIFICATE OF PENDING LITIGATION

- Generally, § 8:1
- Discharging
 - generally, § 8:6
- forms
 - Generally, APP 8A § 8A:6 to § 8A:8
 - affidavit, APP 8A § 8A:7
 - notice of motion, APP 8A § 8A:6
 - order, APP 8A § 8A:8
 - liability for registration of certificate, § 8:10
 - statutory provisions, § 8:7
 - tactical and procedural considerations, § 8:9
 - test re, § 8:8
- Forms, APP 8A § 8A:1 to § 8A:8
- Obtaining
 - generally, § 8:2

INTERLOCUTORY PROCEEDINGS

CERTIFICATE OF PENDING LITIGATION—Cont'd

Obtaining—Cont'd
forms
 generally, **APP 8A § 8A:1 to § 8A:5**
 affidavit, **APP 8A § 8A:2**
 certificate, **APP 8A § 8A:5**
 notice of motion, **APP 8A § 8A:1**
 order, **APP 8A § 8A:3**
 order (leasehold interest), **APP 8A § 8A:4**
 statutory provisions, **§ 8:3**
 tactical and procedural considerations, **§ 8:5**
 test re, **§ 8:4**

CHANGE OF VENUE

Legislation, **§ 13:2**
Practice directions
 Consolidated Provincial Practice Direction, **§ 13:2**
Precedents
 affidavit, **APP 13A § 13A:2**
 motion, **APP 13A § 13A:1**
 order, **APP 13A § 13A:3**
Procedural considerations, **§ 13:4**
Tactical considerations, **§ 13:4**
Test, **§ 13:3**

CHOICE OF LAW

See **STAY OF PROCEEDINGS, MOTIONS RE**

CLAIMS AGAINST MUNICIPALITIES

Generally, **§ 15:1**
Legislation
 generally, **§ 15:2, § 15:3, § 15:5**
 notice requirements, **§ 15:3**
 relief from strict compliance, **§ 15:4**
Precedents
 generally, **APP 15A § 15A:1 to § 15A:4**

CLAIMS AGAINST

MUNICIPALITIES—Cont'd

Precedents—Cont'd
 City of Toronto Act notice, **APP 15A § 15A:2**
 Crown Liability and Proceedings Act, 2019 notice, **APP 15A § 15A:4**
 Municipal Act notice, **APP 15A § 15A:1**
 Public Transportation and Highway Improvement Act notice, **APP 15A § 15A:3**
Tactical and procedural considerations, **§ 15:5**

COSTS

See **SECURITY FOR COSTS**

COUNTERCLAIM

See **SECURITY FOR COSTS**

CRIMINAL PROCEEDINGS

See **STAY OF PROCEEDINGS, MOTIONS RE**

DEFAULT PROCEEDINGS

Generally, **§ 16:1**
Default, noting in, **§ 16:2**
 generally, **§ 16:2**
 considerations, **§ 16:5**
 legislative provisions, **§ 16:3**
 requisition to, **APP 16A § 16A:1**
 setting aside, **§ 16:10**
 affidavit, **APP 16A § 16A:4**
 consent to, **APP 16A § 16A:2**
 considerations, **§ 16:13**
 legislative provisions, **§ 16:11**
 notice of motion, **APP 16A § 16A:3**
 order, **APP 16A § 16A:5**
 test, **§ 16:12**
 test, **§ 16:4**
Default judgments
 generally, **§ 16:6**
 considerations, **§ 16:9**
 legislative provisions, **§ 16:7**

DEFAULT PROCEEDINGS

—Cont’d

Default judgments—Cont’d
motion for

affidavit, **APP 16A § 16A:8,**
APP 16A § 16A:11

judgment, **APP 16A § 16A:9,**
APP 16A § 16A:12

notice of motion, **APP 16A**
§ 16A:7, APP 16A
§ 16A:10

requisition for, **APP 16A § 16A:6**
setting aside, **§ 16:14**

considerations, **§ 16:17**

legislative provisions, **§ 16:15**

test, **§ 16:16**

test, **§ 16:8**

EXAMINATION

For discovery

see **EXAMINATION FOR**
DISCOVERY

Of witness to motion or application

see **EXAMINATION OF WIT-**
NESS TO MOTION OR
APPLICATION

EXAMINATION FOR
DISCOVERY

Equitable, **§ 10:1**

Non-party in Ontario, of
generally, **§ 7:10**

forms

generally, **APP 7A § 7A:7 to**
§ 7A:9

affidavit, **APP 7A § 7A:8**

notice of motion, **APP 7A**
§ 7A:7

order, **APP 7A § 7A:9**

statutory provisions, **§ 7:11**

tactical considerations, **§ 7:13**

test re, **§ 7:12**

EXAMINATION OF WITNESS TO
MOTION OR APPLICATION

Generally, **§ 7:14**

Statutory provisions, **§ 7:15**

EXAMINATION OF WITNESS TO
MOTION OR APPLICATION

—Cont’d

Tactical considerations, **§ 7:17**

Test re, **§ 7:16**

FORUM NON CONVENIENS

See **STAY OF PROCEEDINGS,**
MOTIONS RE

FRIVOLOUS AND VEXATIOUS
ACTION

See **SECURITY FOR COSTS;**
STAY OF PROCEEDINGS,
MOTIONS RE

IMPECUNIOSITY

Generally, **§ 9:13**

INJUNCTIONS

Anton Piller

see **ANTON PILLER ORDER**

Cost benefit considerations, **§ 1:7**

Enforcement of

generally, **§ 1:5**

contempt order, **§ 1:5**

writ of sequestration, **§ 1:5**

Forms

affidavit, **APP 1A § 1A:2**

notice of motion, **APP 1A § 1A:1**

order, **APP 1A § 1A:4**

undertaking re damages, **APP 1A**
§ 1A:3

Interim order, **§ 1:1**

Mandatory injunction, **§ 1:1**

Mareva

see **MAREVA INJUNCTION**

Method of obtaining, **§ 1:3**

Risks of, **§ 1:6**

Test for granting, **§ 1:4**

Timing of, **§ 1:2**

Undertaking re damages, **§ 1:3,**
§ 1:6

INTERIM ORDER

Generally, **§ 1:1**

INTERLOCUTORY PROCEEDINGS

INTERIM RECOVERY OF PERSONAL PROPERTY

See PERSONAL PROPERTY,
INTERIM RECOVERY OF

INTERLOCUTORY ORDER, FAILURE TO COMPLY WITH

Generally, § 4:23, APP 4A § 4A:53
to § 4A:55

INTERVENTION

Generally, § 5:1

Forms

generally, APP 5A § 5A:1 to
§ 5A:9

action

generally, APP 5A § 5A:1 to
§ 5A:3

affidavit, APP 5A § 5A:2

notice of motion, APP 5A
§ 5A:1

order, APP 5A § 5A:3

appeal

generally, APP 5A § 5A:7 to
§ 5A:9

affidavit, APP 5A § 5A:8

notice of motion, APP 5A
§ 5A:7

order, APP 5A § 5A:9

motion, APP 5A § 5A:4 to
§ 5A:6

affidavit, APP 5A § 5A:5

notice of motion, APP 5A
§ 5A:4

order, APP 5A § 5A:6

Friend of court, as

generally, § 5:6

tactical and procedural
considerations, § 5:8

test re, § 5:7

Leave to intervene, § 5:1, § 5:2

Party, as

generally, § 5:3

tactical and procedural
considerations, § 5:5

INTERVENTION—Cont'd

Party, as—Cont'd

test re, § 5:4

Statutory provisions, § 5:2

JUDGMENT, SUMMARY

See SUMMARY JUDGMENT

JURY NOTICES

Delivering a jury notice

generally, § 12:2 to § 5

availability of a jury notice,
§ 12:3

legislation, § 12:2

procedural considerations to
delivery of jury notice,
§ 12:5

tactical considerations to delivery
of jury notice, § 12:5

when to deliver a jury notice,
§ 12:4

Discharge of jury notice

generally, § 12:6 to § 12:12

legislation, § 12:6

procedural considerations to dis-
charge jury notice, § 12:12

tactical considerations to dis-
charge jury notice, § 12:12

test

generally, § 12:7

irregular jury notice, § 12:8

jury trial inappropriate, § 12:9

trial judge discretion, § 12:10

when to bring motion, § 12:11

Extension of time to deliver notice,
§ 12:13 to § 12:15

legislation, § 12:13

procedural considerations to
extend of time for jury
notice, § 12:15

tactical considerations to extend
of time for jury notice,
§ 12:15

test, § 12:14

JURY NOTICES—Cont'd

- Precedents, **APP 12A § 12A:1 to § 12A:7**
- discharge of jury notice
 - generally, **APP 12A § 12A:2 to § 12A:4**
 - affidavit, **APP 12A § 12A:3**
 - notice of motion, **APP 12A § 12A:2**
 - order, **APP 12A § 12A:4**
- extension of time to deliver jury notice
 - generally, **APP 12A § 12A:5 to § 12A:7**
 - affidavit, **APP 12A § 12A:6**
 - notice of motion, **APP 12A § 12A:5**
 - order, **APP 12A § 12A:7**
- jury notice, **APP 12A § 12A:1**

LETTER OF CREDIT

- Generally, **§ 9:21**

LIBEL AND SLANDER ACT

- Generally, **§ 9:10, APP 9A § 9A:25 to § 9A:27**

MANDATORY INJUNCTION

- Generally, **§ 1:1**

MAREVA INJUNCTION

- Cost benefit considerations, **§ 2:7**
- Described, **§ 2:1**
- Enforcement of, **§ 2:5**
- Forms
 - disposal of assets
 - affidavit, **APP 2A § 2A:6**
 - notice of motion, **APP 2A § 2A:5**
 - order, **APP 2A § 2A:7**
 - removal of assets
 - affidavit, **APP 2A § 2A:2**
 - notice of motion, **APP 2A § 2A:1**
 - order, **APP 2A § 2A:4**
 - undertaking re damages, **APP 2A § 2A:3**

MAREVA INJUNCTION—Cont'd

- Method of obtaining, **§ 2:3**
- Origins of, **§ 2:1**
- Risks of, **§ 2:6**
- Test for granting, **§ 2:4**
- Timing of, **§ 2:2**
- Undertaking re damages, **§ 2:6**

NOMINAL PLAINTIFF

- See **SECURITY FOR COSTS**

NON-PARTIES, OBTAINING EVIDENCE FROM

- Generally, **§ 7:1**
- Examination of witness
 - see **EXAMINATION OF WITNESS TO MOTION OR APPLICATION**
- Non-party in Ontario
 - examination for discovery
 - see **EXAMINATION FOR DISCOVERY**
 - production of documents from
 - generally, **§ 7:6**
 - forms
 - generally, **APP 7A § 7A:4 to § 7A:6**
 - affidavit, **APP 7A § 7A:5**
 - notice of motion, **APP 7A § 7A:4**
 - order, **APP 7A § 7A:6**
 - statutory provisions, **§ 7:7**
 - tactical considerations, **§ 7:9**
 - test re, **§ 7:8**
- Non-party outside Ontario
 - generally, **§ 7:18**
 - forms
 - generally, **APP 7A § 7A:10 to § 7A:14**
 - affidavit, **APP 7A § 7A:11**
 - commission, **APP 7A § 7A:13**
 - letter of request, **APP 7A § 7A:14**
 - notice of motion, **APP 7A § 7A:10**

INTERLOCUTORY PROCEEDINGS

**NON-PARTIES, OBTAINING
EVIDENCE FROM—Cont'd**

Non-party outside Ontario—Cont'd
forms—Cont'd

order for commission and let-
ter of request, **APP 7A**
§ 7A:12

statutory provisions, **§ 7:19**
tactical considerations, **§ 7:21**
test re, **§ 7:20**

Subsidiary or affiliate
see **SUBSIDIARY OR AFFILI-
ATE, PRODUCTION OF
DOCUMENTS FROM**

**NORWICH PHARMACAL
ORDER**

Precedents

generally, **APP 10A § 10A:1 to**
§ 10A:4

Affidavit

generally, **APP 10A § 10A:2**
of Investigator, **APP 10A**
§ 10A:3

Notice of Motion, **APP 10A**
§ 10A:1

Order, **APP 10A § 10A:4**

Procedural Considerations, **§ 10:5**
Test for, **§ 10:4**

**PARTNERS, FAILURE TO
DISCLOSE**

See **STAY OF PROCEEDINGS,
MOTIONS RE**

PENDING LITIGATION

See **CERTIFICATE OF PENDING
LITIGATION**

**PERSONAL PROPERTY,
INTERIM RECOVERY OF**

Generally, **§ 6:1**

Forms

generally, **APP 6A § 6A:1 to**
§ 6A:14

motion to obtain interim recovery
generally, **APP 6A § 6A:1 to**
§ 6A:4

**PERSONAL PROPERTY,
INTERIM RECOVERY OF
—Cont'd**

Forms—Cont'd

motion to obtain interim recovery
—Cont'd

affidavit, **APP 6A § 6A:2**

bond, **APP 6A § 6A:4**

notice of motion, **APP 6A**
§ 6A:1

order, **APP 6A § 6A:3**

motion to release security
generally, **APP 6A § 6A:11 to**
§ 6A:14

affidavit, **APP 6A § 6A:12**

consent, **APP 6A § 6A:14**

notice of motion, **APP 6A**
§ 6A:11

order, **APP 6A § 6A:13**

motion to seize other property as
security

generally, **APP 6A § 6A:8 to**
§ 6A:10

affidavit, **APP 6A § 6A:9**

notice of motion, **APP 6A**
§ 6A:8

order, **APP 6A § 6A:10**

motion to set aside order for
recovery

generally, **APP 6A § 6A:5 to**
§ 6A:7

affidavit, **APP 6A § 6A:6**

notice of motion, **APP 6A**
§ 6A:5

order, **APP 6A § 6A:7**

Motion to obtain interim recovery
generally, **§ 6:2, APP 6A § 6A:1**
to § 6A:4

statutory provisions re, **§ 6:3**

tactical and procedural
considerations, **§ 6:5**

test re, **§ 6:4**

Motion to release security
generally, **§ 6:14, APP 6A**
§ 6A:11 to § 6A:14

**PERSONAL PROPERTY,
INTERIM RECOVERY OF
—Cont’d**

Motion to release security—Cont’d
statutory provisions re, § 6:15
tactical and procedural
considerations, § 6:17
test re, § 6:16

Motion to seize other property as
security
generally, § 6:10, APP 6A § 6A:8
to § 6A:10

statutory provisions re, § 6:11
tactical and procedural
considerations, § 6:13
test re, § 6:12

Motion to set aside order for
recovery
generally, § 6:6, APP 6A § 6A:5
to § 6A:7

statutory provisions re, § 6:7
tactical and procedural
considerations, § 6:9
test re, § 6:8

**PROCEEDINGS PENDING
ELSEWHERE**

See STAY OF PROCEEDINGS,
MOTIONS RE

**PUBLIC AUTHORITIES
PROTECTION ACT**

Generally, § 9:11

**RECIPROCAL ENFORCEMENT
OF JUDGMENTS**

Generally, § 9:14

REPLEVIN

See PERSONAL PROPERTY,
INTERIM RECOVERY OF

SEARCH WARRANT

Generally, § 3:1

SECURITY

For costs
see SECURITY FOR COSTS

SECURITY—Cont’d

Seizure and release motions
see PERSONAL PROPERTY,
INTERIM RECOVERY OF

SECURITY FOR COSTS

Generally, § 9:1

Appeal, on, § 9:17

Counterclaimant, entitlement,
§ 9:16, APP 9A § 9A:34 to
§ 9A:36

Forms

generally, APP 9A § 9A:1 to
§ 9A:36

another non-Ontario proceeding
for same relief

generally, APP 9A § 9A:7 to
§ 9A:9

affidavit, APP 9A § 9A:8

notice of motion, APP 9A
§ 9A:7

order, APP 9A § 9A:9

another Ontario proceeding for
same relief

generally, APP 9A § 9A:4 to
§ 9A:6

affidavit, APP 9A § 9A:5

notice of motion, APP 9A
§ 9A:4

order, APP 9A § 9A:6

corporate plaintiff

generally, APP 9A § 9A:16 to
§ 9A:18

affidavit, APP 9A § 9A:17

notice of motion, APP 9A
§ 9A:16

order, APP 9A § 9A:18

counterclaimant

generally, APP 9A § 9A:34 to
§ 9A:36

affidavit, APP 9A § 9A:35

notice of motion, APP 9A
§ 9A:34

order, APP 9A § 9A:36

INTERLOCUTORY PROCEEDINGS

SECURITY FOR COSTS—Cont'd

Forms—Cont'd

foreign plaintiff

generally, **APP 9A § 9A:1 to § 9A:3**

affidavit, **APP 9A § 9A:2**

notice of motion, **APP 9A § 9A:1**

order, **APP 9A § 9A:3**

frivolous and vexatious action

generally, **APP 9A § 9A:22 to § 9A:24**

affidavit, **APP 9A § 9A:23**

notice of motion, **APP 9A § 9A:22**

order, **APP 9A § 9A:24**

Libel and Slander Act (insufficient assets)

generally, **APP 9A § 9A:25 to § 9A:27**

affidavit, **APP 9A § 9A:26**

notice of motion, **APP 9A § 9A:25**

order, **APP 9A § 9A:27**

nominal applicant

generally, **APP 9A § 9A:19 to § 9A:21**

affidavit, **APP 9A § 9A:20**

notice of motion, **APP 9A § 9A:19**

order, **APP 9A § 9A:21**

posting of security

bond, **§ 9:20**

letter of credit, **§ 9:21**

third party claimant

against defendant

generally, **APP 9A § 9A:28 to § 9A:30**

affidavit, **APP 9A § 9A:29**

notice of motion, **APP 9A § 9A:28**

order, **APP 9A § 9A:30**

against plaintiff

generally, **APP 9A § 9A:31 to § 9A:33**

SECURITY FOR COSTS—Cont'd

Forms—Cont'd

third party claimant—Cont'd

against plaintiff—Cont'd

affidavit, **APP 9A § 9A:32**

notice of motion, **APP 9A § 9A:31**

order, **APP 9A § 9A:33**

unpaid costs in another proceeding

generally, **APP 9A § 9A:13 to § 9A:15**

affidavit, **APP 9A § 9A:14**

notice of motion, **APP 9A § 9A:13**

order, **APP 9A § 9A:15**

unpaid costs in same proceeding

generally, **APP 9A § 9A:10 to § 9A:12**

affidavit, **APP 9A § 9A:11**

notice of motion, **APP 9A § 9A:10**

order, **APP 9A § 9A:12**

Grounds for seeking

generally, **9:4 to 9:11**

another proceeding pending,
§ 9:5, APP 9A § 9A:4 to § 9A:6, APP 9A § 9A:7 to § 9A:9

frivolous and vexatious action,
§ 9:9

insufficient assets in Ontario
generally, **§ 9:7, § 9:8**
corporation as plaintiff, **§ 9:7, APP 9A § 9A:16 to § 9A:18**

frivolous and vexatious action,
§ 9:9, APP 9A § 9A:22 to § 9A:24

nominal plaintiff, **§ 9:8, APP 9A § 9A:19 to § 9A:21**

ordinary residence outside
Ontario, **§ 9:4, APP 9A § 9A:1 to § 9A:3**

statutory entitlement
generally, **§ § 9:1, § 9:11**

SECURITY FOR COSTS—Cont'd

Grounds for seeking—Cont'd
 statutory entitlement—Cont'd
 Libel and Slander Act, § 9:10,
 APP 9A § 9A:25 to
 § 9A:27
 Public Authorities Protection
 Act, § 9:11
 unpaid order for costs, § 9:6,
 APP 9A § 9A:10 to
 § 9A:12, APP 9A § 9A:13
 to § 9A:15
 Impecuniosity, § 9:13
 Order for, effect of, § 9:18
 Posting of security
 generally, § 9:19
 bond, § 9:20
 letter of credit, § 9:21
 Reciprocal enforcement of judg-
 ments, § 9:14
 Statutory provisions re, § 9:2
 Tactical and procedural
 considerations, § 9:12
 Third party claimant, entitlement,
 § 9:15, **APP 9A § 9A:28 to**
 § 9A:30, APP 9A § 9A:31 to
 § 9A:33
 Timing of motion, § 9:3

**STAY OF PROCEEDINGS,
 MOTIONS RE**

Generally, § 4:1
 Arbitration agreement, § 4:19, **APP**
 4A § 4A:41 to § 4A:43
 Condition precedent before action
 can proceed, § 4:18, **APP 4A**
 § 4A:38 to § 4A:40
 Costs of motion, failure to pay,
 § 4:23, **APP 4A § 4A:53 to**
 § 4A:55
 Criminal proceedings pending
 generally, § 4:16, **APP 4A**
 § 4A:34
 Canada Evidence Act protections,
 § 4:16
 case law, § 4:16

**STAY OF PROCEEDINGS,
 MOTIONS RE—Cont'd**

Criminal proceedings pending
 —Cont'd
 Charter protections, § 4:16
 confidentiality order, § 4:16
 Forms
 generally, **APP 4A § 4A:1 to**
 § 4A:55
 arbitration agreement, **APP 4A**
 § 4A:41 to § 4A:43
 affidavit, **APP 4A § 4A:42**
 notice of motion, **APP 4A**
 § 4A:41
 order, **APP 4A § 4A:43**
 capacity, lack of
 defendant
 generally, **APP 4A § 4A:16**
 to § 4A:18
 affidavit, **APP 4A § 4A:17**
 notice of motion, **APP 4A**
 § 4A:16
 order, **APP 4A § 4A:18**
 plaintiff
 generally, **APP 4A § 4A:13**
 to § 4A:15
 affidavit, **APP 4A § 4A:14**
 notice of motion, **APP 4A**
 § 4A:13
 order, **APP 4A § 4A:15**
 choice of law/venue
 generally, **APP 4A § 4A:7 to**
 § 4A:9
 affidavit, **APP 4A § 4A:8**
 notice of motion, **APP 4A**
 § 4A:7
 order, **APP 4A § 4A:9**
 condition precedent before action
 can proceed
 generally, **APP 4A § 4A:38 to**
 § 4A:40
 affidavit, **APP 4A § 4A:39**
 notice of motion, **APP 4A**
 § 4A:38
 order, **APP 4A § 4A:40**

INTERLOCUTORY PROCEEDINGS

**STAY OF PROCEEDINGS,
MOTIONS RE—Cont'd**

Forms—Cont'd

costs of motion, failure to pay
generally, **APP 4A § 4A:53 to
§ 4A:55**
affidavit, **APP 4A § 4A:54**
notice of motion, **APP 4A
§ 4A:53**
order, **APP 4A § 4A:55**
criminal proceedings pending,
APP 4A § 4A:34
forum non conveniens
generally, **APP 4A § 4A:1 to
§ 4A:3**
affidavit, **APP 4A § 4A:2**
notice of motion, **APP 4A
§ 4A:1**
order, **APP 4A § 4A:3**
frivolous, vexatious or abuse of
court, action as
generally, **APP 4A § 4A:35 to
§ 4A:37**
affidavit, **APP 4A § 4A:36**
notice of motion, **APP 4A
§ 4A:35**
order, **APP 4A § 4A:37**
interlocutory order, failure to
comply with
generally, **APP 4A § 4A:53 to
§ 4A:55**
affidavit, **APP 4A § 4A:54**
notice of motion, **APP 4A
§ 4A:53**
order, **APP 4A § 4A:55**
jurisdiction over subject-matter,
no
generally, **APP 4A § 4A:10 to
§ 4A:12**
affidavit, **APP 4A § 4A:11**
notice of motion, **APP 4A
§ 4A:10**
order, **APP 4A § 4A:12**
partners, failure to disclose
generally, **APP 4A § 4A:47 to
§ 4A:49**

**STAY OF PROCEEDINGS,
MOTIONS RE—Cont'd**

Forms—Cont'd

partners, failure to disclose
—Cont'd
affidavit, **APP 4A § 4A:48**
notice of motion, **APP 4A
§ 4A:47**
order, **APP 4A § 4A:49**
proceeding pending elsewhere
generally, **APP 4A § 4A:19 to
§ 4A:34**
action pending before foreign
court
generally, **APP 4A § 4A:22
to § 4A:24**
affidavit, **APP 4A § 4A:24**
notice of motion, **APP 4A
§ 4A:23**
order, **APP 4A § 4A:22**
action pending before tribunal
generally, **APP 4A § 4A:25
to § 4A:27**
affidavit, **APP 4A § 4A:27**
notice of motion, **APP 4A
§ 4A:26**
order, **APP 4A § 4A:25**
affidavit of defendant, **APP 4A
§ 4A:20**
affidavit of translator, **APP 4A
§ 4A:21**
notice of motion, **APP 4A
§ 4A:19**
prior Ontario action pending
dismissal of action
generally, **APP 4A
§ 4A:28 to § 4A:30**
affidavit, **APP 4A
§ 4A:30**
notice of motion, **APP 4A
§ 4A:29**
order, **APP 4A § 4A:28**
stay of proceedings
generally, **APP 4A
§ 4A:31 to § 4A:33**

**STAY OF PROCEEDINGS,
MOTIONS RE—Cont'd**

Forms—Cont'd
 proceeding pending elsewhere
 —Cont'd
 prior Ontario action pending
 —Cont'd
 stay of proceedings—Cont'd
 affidavit, **APP 4A**
 § **4A:33**
 notice of motion, **APP 4A**
 § **4A:32**
 order, **APP 4A** § **4A:31**
 real and substantial connection
 generally, **APP 4A** § **4A:4** to
 § **4A:6**
 affidavit, **APP 4A** § **4A:5**
 notice of motion, **APP 4A**
 § **4A:4**
 order, **APP 4A** § **4A:6**
 residence, failure to deliver decla-
 ration re
 generally, **APP 4A** § **4A:50** to
 § **4A:52**
 affidavit, **APP 4A** § **4A:51**
 notice of motion, **APP 4A**
 § **4A:50**
 order, **APP 4A** § **4A:52**
 unauthorized proceedings
 generally, **APP 4A** § **4A:44** to
 § **4A:46**
 affidavit, **APP 4A** § **4A:45**
 notice of motion, **APP 4A**
 § **4A:44**
 order, **APP 4A** § **4A:46**
 Forum non conveniens
 generally, § **4:4**
 case law re, § **4:6**
 forms
 see forms, *supra*
 issues to be addressed, § **4:6**
 key factors in determining, § **4:6**
 tactical considerations, § **4:5**
 Frivolous, vexatious or abuse of
 court, action as, § **4:17**, **APP**

**STAY OF PROCEEDINGS,
MOTIONS RE—Cont'd**

4A § **4A:35** to § **4A:37**
 Interlocutory order, failure to
 comply with, § **4:23**, **APP 4A**
 § **4A:53** to § **4A:55**
 Jurisdiction over subject-matter,
 requirement re, § **4:9**, **APP 4A**
 § **4A:10** to § **4A:12**
 Lack of capacity
 defendant, § **4:11**, **APP 4A**
 § **4A:16** to § **4A:18**
 plaintiff, § **4:10**, **APP 4A** § **4A:13**
 to § **4A:15**
 Law, choice of, § **4:8**, **APP 4A**
 § **4A:7** to § **4A:9**
 Partners, failure to disclose, § **4:21**,
 APP 4A § **4A:47** to § **4A:49**
 Proceeding pending elsewhere
 generally, § **4:12**, **APP 4A**
 § **4A:19** to § **4A:34**
 criminal proceedings
 see criminal proceedings pend-
 ing, *supra*
 foreign court, before, § **4:13**,
 APP 4A § **4A:22** to § **4A:24**
 multiplicity of proceedings,
 § **4:15**
 Ontario tribunal, before, § **4:14**,
 APP 4A § **4A:25** to § **4A:27**
 prior Ontario action pending
 see forms, *supra*
 Real and substantial connection
 requirement, § **4:7**, **APP 4A**
 § **4A:4** to § **4A:6**
 Residence, failure to deliver decla-
 ration re, § **4:22**, **APP 4A**
 § **4A:50** to § **4A:52**
 Statutory authority, § **4:2**
 Timing, § **4:3**
 Unauthorized proceedings, § **4:20**,
 APP 4A § **4A:44** to § **4A:46**
 Venue, choice of, § **4:8**, **APP 4A**
 § **4A:7** to § **4A:9**

INTERLOCUTORY PROCEEDINGS

SUBSIDIARY OR AFFILIATE, PRODUCTION OF DOCUMENTS FROM

Generally, § 7:2

Forms

generally, APP 7A § 7A:1 to
§ 7A:3

affidavit, APP 7A § 7A:2

notice of motion, APP 7A § 7A:1

order, APP 7A § 7A:3

Statutory provisions, § 7:3

Tactical considerations, § 7:5

Test re, § 7:4

SUMMARY JUDGMENT

Affidavit, precedent, APP 11A
§ 11A:3

Case information sheet, precedent,
APP 11A § 11A:1

Costs, § 11:8

Cross-motions, § 11:6

Evidence on motion, § 11:5

Factums, § 11:7

Judgment, precedent, APP 11A
§ 11A:4

Legislative provisions

generally, § 11:2

costs sanctions, § 11:2

counterclaims, § 11:2

crossclaims, § 11:2

effect of, § 11:2

evidence on motion, § 11:2

factums required, § 11:2

motion

disposition of, § 11:2

evidence on, § 11:2

stay of execution, § 11:2

third party claims, § 11:2

trial necessary, § 11:2

where available

generally, § 11:2

to defendant, § 11:2

to plaintiff, § 11:2

Motion

costs, § 11:8

SUMMARY JUDGMENT—Cont'd

Motion—Cont'd

cross, § 11:6

evidence on, § 11:5

factums, § 11:7

notice of, precedent, APP 11A
§ 11A:2

when to bring, § 11:4

Order, precedent, APP 11A § 11A:5

Precedents

generally, APP 11A § 11A:1 to
§ 11A:5

motion

generally, APP 11A § 11A:1 to
§ 11A:5

affidavit, APP 11A § 11A:3

case information sheet, APP
11A § 11A:1

judgment, APP 11A § 11A:4

notice of motion, APP 11A
§ 11A:2

order, APP 11A § 11A:5

Procedural considerations

generally, § 11:4 to § 11:9

costs, § 11:8

cross-motions, § 11:6

evidence on motion, § 11:5

factums, § 11:7

motion, when to bring, § 11:4

risks, § 11:9

Risks, § 11:9

Tactical considerations

generally, § 11:4 to § 11:9

costs, § 11:8

cross-motions, § 11:6

evidence on motion, § 11:5

factums, § 11:7

motion, when to bring, § 11:4

risks, § 11:9

Test for, § 11:3

THIRD PARTY

See SECURITY FOR COSTS

**UNAUTHORIZED
PROCEEDINGS**

Generally, § 4:20, APP 4A § 4A:44
to § 4A:46

VENUE, CHOICE OF

Generally, § 4:8, APP 4A § 4A:7 to
§ 4A:9

WITNESS

See EXAMINATION