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### **MANITOBA KING'S BENCH RULES ANNOTATED**

**Jonathan M. Woolley**  
**Founding Author: Karen Busby**  
**Release No. 4, November 2024**

This work provides easy access to the Rules and case annotations and includes the King's Bench and Court of Appeal Rules of Practice and Procedure for both civil and criminal matters. The work provides commentary explaining the rules and annotations of all the decisions that interpret the civil rules. Commentary and other secondary resources include Tariffs, forms, practice directions, and Table of Rules Concordance.

### **What's New in this Update**

In this release, the author has updated the Annotations and Practice Directions. Also included is a new CD containing updated fillable forms and checklists.

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## Highlights

**Manitoba King’s Bench Rules — Rule 25.11(1)(d) — Striking Out or Expunging Documents — Does Not Disclose a Reasonable Cause of Action** — An order striking a claim under Rule 25.11(1)(d) will only be granted where it is plain and obvious that, assuming the facts stated in the statement of claim can be proved, that there is no cause of action. In an action against a corporation and its directors for improper conduct, it is not necessary to include a specific request for the court to “pierce the corporate veil” (although it may be a good idea to do so). However, a claimant seeking relief against a corporate director must still plead the material facts necessary to advance claims against the individual defendant(s) in their personal capacity. *Contera Construction Inc. v. Radka Inc. et al.*, 2024 MBKB 34 *per* Associate Judge Goldenberg

**Manitoba King’s Bench Rules — Rule 31.10 — Discovery of Non-Parties With Leave** — The Manitoba Court of King’s Bench Rules contain rules 30.10 and 31.10 which allowing for production from non-parties with leave and for discoveries of non-parties with leave. Those rules, combined with the ability of a pre-trial judge to make ruling on such matters as part of the pre-trial process help to mitigate the concerns of the “remaining defendants” in a proportionate share settlement agreement. As Canadian Courts have consistently favoured the settlement of lawsuits in general, these rules can be engaged usefully to address any perceived unfairness while preserving the parties’ ability to settle claims. *Irwin Homes Ltd. v. Wollmann et al.*, 2024 MBKB 71 *per* Rempel, J.

## ProView Developments

Your ProView edition of this product now has a new, modified layout:

- The opening page is now the title page of the book as you would see in the print work
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- The Table of Cases and Index are now in PDF with no searching and linking
- The Table of Contents now has internal links to every chapter and section of the book within ProView
- Images are generally greyscale and size is now adjustable
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