

## Index

### DOCUMENTS, DISCOVERY OF

- Generally, **3:1**
- Affidavit, conclusiveness of, **3:30**
- Affidavit, examination on, **3:32**
- Affidavit, form of the, **3:26**
- Affidavit, motion for a better, **3:33**
- Affidavit, sufficiency of, **3:25**
- Affidavit of documents, **3:24**
- Costs, **3:90**
- Description of documents, **3:28**
- Digital evidence, preservation of, **IF:4**
- Facebook profile, **IF:2**
- Infants, **3:27**
- Inspection of documents, **3:87**
- Need to inform self, **3:22**
- Newly discovered documents, **3:31**
- Non-production, remedies for, **3:89**
- Oppression, **3:23**
- Privilege, claims of, **3:65 to 3:67**
  - descriptions, insufficient, **3:67**
  - descriptions, sufficient, **3:66**
  - without prejudice, **3:69**
- Privilege, legal professional, **3:54 to 3:64**
  - allowed, **3:55**
  - communications—believed to be for solicitors, **3:61**
  - communications—with insurer’s solicitor, **3:59**
  - communications—with other party’s solicitor, **3:58**
  - communications—with solicitors where fraud or crime involved, **3:64**
  - communications—with solicitor who ceased to practice, **3:62**

### DOCUMENTS, DISCOVERY OF —Cont’d

- Privilege, legal professional, **3:54 to 3:64**—Cont’d
  - communications—with solicitor who declined to act, **3:60**
  - communications—with third party, **3:57**
  - disclosure—of client name or address by solicitor, **3:63**
  - not allowed, **3:56**
- Privilege, statement of grounds of, **3:29**
- Privilege, waiver of, **3:86**
- Privileged matter, **3:53**
- Privilege—other forms, **3:68 to 3:85**
  - accident reports, **3:75**
  - clergymen, **3:85**
  - correspondence between co-plaintiffs or co-defendants, **3:79**
  - Crown or public interest, **3:70**
  - documents—prepared in contemplating litigation, **3:78**
  - documents—previously existing, **3:80**
  - documents—privileged in another action, **3:81**
  - documents—relating to a party’s own case, **3:76**
  - expert opinions, **3:71**
  - hospital records, **3:73**
  - medical reports, **3:72**
  - police, other official reports, **3:74**
  - private and confidential communications, **3:85**
  - tax returns, **3:83**

**DOCUMENTS, DISCOVERY OF**

—Cont'd

- Privilege—other forms, **3:68 to 3:85**—Cont'd
  - trade secrets, **3:84**
  - trusts, **3:82**
- Production, documents subject to, **3:37 to 3:40**
  - another capacity, documents in possession but in, **3:40**
  - pleadings, documents mentioned in, **3:38**
  - third parties, documents in possession of, **3:39**
- Production, grounds for resisting, **3:41 to 3:43**
  - expense involved, **3:43**
  - generally, **3:42**
- Production, orders for, **3:34 to 3:36**
  - inspection by the court, **3:36**
  - relevancy, **3:35**
- Production, place of, **3:6**
- Production, postponement of, **3:5**
- Production, time for, **3:4**
- Production of, who may be compelled to, **3:8 to 3:21**
  - bankers, **3:9**
  - bankruptcy, trustees in, **3:12**
  - benefit of action, person to receive, **3:17**
  - companies, **3:14**
  - Crown, the, **3:15**
  - fiduciary capacity, persons in a, **3:11**
  - friends, next, **3:16**
  - infants, **3:16**
  - not parties to action, others, **3:18**
  - official guardians, **3:16**
  - partnerships, **3:13**
  - solicitors, **3:10**
- Request to inspect documents, **3:3**
- Secondary evidence, **3:88**
- Social media, **A:5**
- Test under R.7-1, **IF:3**

**DOCUMENTS, DISCOVERY OF**

—Cont'd

- Types of documents, **3:44 to 3:52**
  - books, **3:45**
  - business records, **3:46**
  - court proceedings, **3:50**
  - court proceedings, earlier, **3:51**
  - forgery, alleged, **3:52**
  - insurance, **3:47**
  - libel suits, **3:48**
  - patents, **3:49**
- Use of documents produced, **3:7**
- What are documents?, **3:2**

**EXAMINATION FOR DISCOVERY**

- Administrative bodies, by, **2:8**
- Advantages and disadvantages, **1:4**
  - advantages, **1:5**
  - disadvantages, **1:6**
- Answering, remedies and objections to, **2:105**
- Attendance at, procuring, **2:72 to 2:74**
  - persons outside jurisdiction, **2:74**
  - persons within jurisdiction, **2:73**
- Charter rights, and, **IF:1**
- Conduct of the examination, **2:54.50, 2:55 to 2:59**
  - generally, **2:55**
  - improper conduct, **2:59**
  - interpreter, use of, **2:58**
  - nature of proceeding, **2:56**
  - role of counsel, **2:57**
- Corporations, examination of, **2:43 to 2:54**
  - disclosure—knowledge of an officer, **2:54**
  - generally, **2:43**
  - officer, who is an, **2:44**
  - officer or servant, selection of, **2:48**
  - officers, past, **2:46**
  - second officer, **2:53**
  - servants, **2:45**

**EXAMINATION FOR****DISCOVERY—Cont'd**

- Corporations, examination of, **2:43 to 2:54—Cont'd**
  - solicitors of a corporation, **2:47**
- Costs, **2:9**
- Customs Act, under, **IF:1**
- Duty to inform self, **2:85, 2:86**
  - generally, **2:85**
  - officers of a corporation, **2:86**
- Evidence, as, **2:97 to 2:101**
  - company officers, **2:99**
  - generally, **2:98**
  - impeachment, purpose of, **2:100**
  - time for, **2:101**
  - use of, **2:5**
- History of, **1:2**
- Judgment on admissions, **2:104**
- Nature of, **1:7**
- Orders for, **2:71**
- Particulars, as distinguished from, **2:6**
- Penalties, **2:75**
- Place of examination, **2:60 to 2:64**
  - persons outside jurisdiction, **2:64**
  - persons within jurisdiction, **2:60 to 2:63**
- Postponement of—consequential discovery, **2:76**
- Preparation of, **2:1 to 2:3**
  - counsel for party to be examined, by, **2:3**
  - examining counsel, by, **2:2**
  - generally, **2:1**
- Principles of, **2:4**
- Privilege and propriety of, **2:88 to 2:96**
  - adultery, questions showing, **2:92**
  - divorce and matrimonial causes, **2:95**
  - general, **2:88**
  - husband and wife, communications between, **2:91**
  - incriminating questions, **2:93**
  - solicitor and client, **2:89**

**EXAMINATION FOR****DISCOVERY—Cont'd**

- Privilege and propriety of, **2:88 to 2:96—Cont'd**
  - trade secrets, **2:96**
  - work product privilege, **2:90**
- Production of documents, **2:103**
- Purposes of, **1:3**
- Questions, relevancy of, **2:77 to 2:84**
  - broader than trial, **2:78**
  - “fishing” questions, **2:83**
  - hearsay evidence, **2:80**
  - impeaching credibility, **2:82**
  - narrower than trial, **2:79**
  - opinion evidence, **2:81**
  - questions of law, **2:84**
- Scope of, **2:87**
- Second examination, **2:106**
- Statements made by counsel, **2:102**
- Time for, **2:65 to 2:70**
  - abuses of procedure, **2:68**
  - after commencement of trial, **2:70**
  - amendment to pleadings, **2:69**
  - generally, **2:66**
  - staying of, **2:67**
- Who may be examined, **2:18 to 2:42**
  - assignors and assignees, **2:36**
  - bankrupt, **2:35**
  - co-defendants, **2:37**
  - counterclaim, defendant by, **2:39**
  - defendant who has not defended, **2:41**
  - generally, **2:19**
  - infants, **2:21 to 2:24**
  - interpleader, **2:40**
  - notice, **2:20**
  - partnerships, **2:42**
  - persons who are not parties, **2:25 to 2:42**
  - procedurally, **2:34**
  - third parties, **2:38**

**EXAMINATION FOR**

**DISCOVERY—Cont'd**

- Who may examine, **2:10 to 2:17**
- actions tried together, **2:17**
- effect of pleading on adversity, **2:13**
- entitlement to discovery, **2:15**
- evolution of adversity, **2:12**
- generally, **2:10**
- limited to areas of adversity, **2:14**
- party adverse in interest, **2:11**
- third party actions, **2:16**

**INSPECTION AND  
PRESERVATION OF  
PROPERTY**

- Generally, **6:1**
- Application, notice of, **6:4**
- How distinguished, **6:2**
- Inspection
  - costs, **6:13**
  - extent of tests, **6:7**
  - place of, **6:9**
  - reports of, **6:12**
  - second, **6:11**
  - types of property subject to, **6:6**
  - who may, **6:10**
- Order for, **6:5**
- Restoration of property, **6:8**
- When allowed, **6:3**

**INTERROGATORIES**

- Generally, **4:1**
- Advantages of, **4:4**
- Answers as evidence, **4:15**
- Answers to, **4:10**
- Conclusiveness of answers, **4:13**
- Disadvantages of, **4:5**

**INTERROGATORIES—Cont'd**

- Duty to inform self, **4:11**
- Form of, **4:6**
- Further questions, **4:14**
- Objections to questions, **4:12**
- Object of, **4:2**
- Oral examination, versus, **4:3**
- Range of discovery by, **4:8**
- Relevancy, **4:9**
- Time for delivery of, **4:7**

**INTRODUCTION**

- Generally, **1:1 et seq.**

**PHYSICAL EXAMINATIONS**

- Generally, **5:1**
- Actions other than personal injury, **5:10**
- By whom, **5:6**
- Examining physician, **5:5**
  - right to examine records, **5:9**
  - selection of, **5:5**
- Extent of, **5:8**
- Medical reports, **5:12**
- Parties entitled or subject to, **5:4**
- Place of examination, **5:3**
- Qualification of medical expert witness, **A:3**
- Range and scope, **5:7**
- Refusal to obey orders for, **5:14**
- Second examinations, **5:13**
- Solicitor-Client Relationship, proof of, **A:2**
- When examination may be held, **5:2**
- Who may be present, **5:11**

**SECONDARY EVIDENCE**

- Generally, **A:4, 3:87, 3:88**