

NOTES

Form 23

(Rule 7-2 (13))

[Style of Proceeding]

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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.
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