

**SUPREME COURT OF YUKON**

Between

Plaintiff/ Petitioner

and

Defendant/ Respondent

**APPOINTMENT TO EXAMINE FOR DISCOVERY**

To [*the person to be examined*]:

TAKE NOTICE that you are required to attend for your examination for discovery at the time, date, and place set out below. Unless the court otherwise orders, you are required to bring with you all documents in your possession or control as listed in Schedule A of your Affidavit of Documents pursuant to Rule 25 of the *Rules of Court* relating to the matters in question in this action. Please note the provisions of the *Rules of Court* included in this Appointment.

Time: \_\_\_\_\_

Date: \_\_\_\_\_

Place: \_\_\_\_\_

Dated \_\_\_\_\_

\_\_\_\_\_  
Party [*or party's lawyer*]

Rules 2 (5) and 59 (4) of the *Rules of Court* state in part:

- “2 (5) Where a person, contrary to these 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) where the person is the plaintiff, petitioner, or 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) where the person is the defendant, respondent or a third party or 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 appearance had been entered. . . .

59 (4) A person who is guilty of an act or omission described in Rule 2 (5), or Rule 42 (22), 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.”