

SUPREME COURT OF YUKON

Between

Plaintiff/ Petitioner

and

Defendant/ Respondent

LETTER OF REQUEST FOR EXAMINATION OF WITNESS OUT OF JURISDICTION

To the judicial authority of _____ in the _____ of _____.

Whereas this proceeding is now pending in the Supreme Court of Yukon in which the plaintiff claims _____.

And whereas it appears to me that it is necessary for the purposes of justice and for the due determination of the matters in question between the parties that the following persons should be examined upon oath or affirmation relating to those matters, namely _____, of _____, and _____, of _____, and such other persons as the lawyers or agents of the parties shall mutually request you in writing to examine, and it appears that persons are residents within your jurisdiction.

Now I, _____, a Judge of the Supreme Court of Yukon, hereby request that, for the assistance of the court, you will be pleased to summon the lawyers or agents of the parties and the witnesses to be examined, to attend at such time and place as you shall appoint, either before you or such other person as according to your procedure is competent to take the deposition examination of witnesses, and that you will cause the witnesses to be examined orally or by interrogatories relating to the matters in question, in the presence of the lawyers or agents of the parties or such of them as shall, on due notice given, attend the examination.

And I further request that you permit the lawyer or agent of any party present to examine any witness called by the lawyer or agent and the lawyer or agent of any opposing party to cross-examine the witness and the lawyer or agent of the party calling the witness to re-examine the witness.

And I further request that you will be pleased to cause the evidence of each witness to be recorded verbatim, and any document produced on the examination to be marked for identification, and that you will be further pleased to

authenticate the depositions taken on the examination and any document, or certified copy of the same or any extract therefrom by the seal of your court or tribunal or in such other way as is in accordance with your procedure, and to return the same, together with any interrogatories and a note of the charges and expenses payable in respect of the execution of this request to the Under Secretary of State for External Affairs of Canada at Ottawa, Canada [*or, if the judicial authority to whom the letter is addressed is in Canada, to the Deputy Minister of Justice for the Yukon Territory, 2134 Second Avenue, Whitehorse, Yukon Territory, Y1A 5H6*], for transmission to the Clerk of the Supreme Court of Yukon, 2134 Second Avenue, Whitehorse, Yukon, Y1A 5H6.

Dated _____

Judge, Supreme Court of Yukon