

SUPREME COURT OF YUKON

PRACTICE DIRECTION
CIVIL-4

Affidavits and Lists of Documents

There may be circumstances where a party to an action is not an appropriate person to sign an affidavit of documents as required by Rule 25(6). The parties may agree on the appropriate person or persons to sign one or more affidavits of documents and file a consent order under Rule 25(16). In cases where agreement cannot be reached, either party may set the matter down for a case management conference.

The parties may also agree to, or by court order, exchange the List of Documents attached as Schedule 1 rather than delivering the affidavit of documents required in Rule 25(6).

Form 111, paragraph 6 shall be amended to read:

6 To the best of my knowledge and belief [name of party] has never had in its possession, control or power any documents relating to any matter in issue in this action other than those listed in Schedules A, B and C.

An agreement to exchange lists of documents does not limit the Court's discretion to order the exchange of affidavits of documents.

Duncan C.J.
September 3, 2021

SCHEDULE 1

LIST OF DOCUMENTS OF (PARTY)

Schedule A

Documents in my possession, control or power that I do not object to producing for inspection.

[Number each document consecutively. Set out the nature and date of the document and other particulars sufficient to identify it.]

1. _____
 2. _____
 3. _____
 -
-

Schedule B

Documents that are or were in my possession, control or power that I object to producing on the grounds of privilege.

[Number each document consecutively. Set out the nature and date of the document and other particulars sufficient to identify it. State the grounds for claiming privilege for each document.]

1. _____
 2. _____
 3. _____
 - ...
-

Schedule C

Documents that were formerly in my possession, control or power but are no longer in my possession, control or power.

[Number each document consecutively. Set out the nature and date of the document and other particulars sufficient to identify it. State when and how possession or control of or power over each document was lost, and give the present location of each document.]

1. _____
2. _____
3. _____
-

Take Notice that the documents listed in Schedule A may be inspected during normal business hours at _____
_____ [place].

Dated: _____

Signature [*Party*]

Print Name [*Party*]

(include attached Lawyer's Certificate or Self-Represented Party's Certificate)

LAWYER'S CERTIFICATE

I certify that I have explained to my client:

- (a) the necessity of making full disclosure of all documents relating to any matter in issue in the action; and
- (b) what kinds of documents are likely to be relevant to the allegations made in the pleadings.

Dated: _____

Lawyer [*Signature*]

Lawyer [*Print Name*]

SELF-REPRESENTED PARTY'S CERTIFICATE

I certify that I understand:

- (a) the necessity of making full disclosure of all documents relating to any matter in issue in the action; and
- (b) what kinds of documents are likely to be relevant to the allegations made in the pleadings.

Dated: _____

Party [*Signature*]

Party [*Print Name*]