

SUPREME COURT OF YUKON

Between

Plaintiff/Petitioner

and

Defendant/Respondent

**LETTER OF REQUEST TO FOREIGN COURT 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/petitioner 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 [name] _____, 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, _____, Chief Justice or a Justice of the
Supreme Court of Yukon, hereby request that, for the assistance of the court,
you 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 examination under oath 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 or by interrogatories relating to the
matter in question.

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 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 authenticate the deposition evidence 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 answers to 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, 2134 Second Avenue, Whitehorse, Yukon, Y1A 5H6*], for transmission to the Clerk of the Court of the Supreme Court of Yukon, 2134 Second Avenue, Whitehorse, Yukon, Y1A 5H6.

Dated _____

Chief Justice or Justice,
Supreme Court of Yukon