

Form 47.01B
(rule 47.01(2)(b))

File number: 20_____ G _____

**IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
GENERAL DIVISION**

BETWEEN:

(Plaintiff's name)

PLAINTIFF

AND:

(Defendant's name)

DEFENDANT

(Modify title of proceeding as necessary.)

Order for Examination of Persons Out of the Jurisdiction

Before the Honourable _____ Justice _____.

ON HEARING _____, and **ON READING** the affidavit of _____, sworn to (or affirmed) on the _____ day of _____, 20 _____.

IT IS ORDERED THAT A.B. _____ of _____ is appointed an examiner for the purpose of taking the examination, cross-examination and re-examination orally, on oath or affirmation, of A.B., of _____, and C.D. of _____ persons to be examined on the part of the (plaintiff) (defendant), and of any other persons as the solicitors or agents of the parties shall mutually request the examiner in writing to examine, _____ in *(name of province, territory or country)*.

AND IT IS ORDERED THAT the solicitor for the applicant give to the solicitor of each of the other parties _____ days notice in writing of the date on which the solicitor for the applicant proposes to send out this order to the examiner for execution, and that _____ days after the service of the notice the solicitors for the parties respectively do exchange the names of their solicitors or agents at _____, to whom notice relating to the examination of the persons may be sent.

AND IT IS ORDERED THAT _____ days notice (exclusive of Saturday and Sunday) before the examination of any person hereunder shall be given by the examiner to the solicitor or agent of each of the parties and to each person to be examined unless the notice is waived.

AND IT IS ORDERED THAT the examination be conducted in accordance with the enclosed instructions, with such modifications as may be necessary.

AND IT IS ORDERED THAT the depositions when taken, together with any book, letter, paper or document, referred to therein, or certified copies of the same or extracts therefrom, be sent by the examiner, under seal, to the Supreme Court of Newfoundland and Labrador at

_____, on or before the _____ day of _____, 20, _____, or such other day as may be ordered, thereto to be filed.

AND IT IS ORDERED THAT either party be at liberty to read and use the depositions in evidence on the (trial) (hearing) of this proceeding, saving all just exceptions, without any further proof of the absence at the (trial) (hearing) of the persons examined other than the affidavit of the solicitor or agent of the party using the same as to his or her belief.

AND IT IS ORDERED THAT the (trial) (hearing) of this proceeding is stayed until the filing of the depositions, and that the costs of and incidental to this order and the examination be

_____.

DATED at _____ (city/town) in the Province of Newfoundland and Labrador this _____ (day) of _____ (month), _____ (year).

(signature)

Registrar/Registry clerk