

Form 47.01D
(rule 47.01(2)(c))

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.)

Letter of Request for Examination of Witness Out of the Jurisdiction

To the Judicial Authority of _____ in the _____
of _____.

WHEREAS a proceeding is now pending in the Supreme Court of Newfoundland and Labrador, (General/Family Division) in which A.B. is plaintiff and C.D. is defendant and in which the plaintiff claims _____ (*set out particulars of claim*);

AND WHEREAS it has been represented to the Court that it is necessary for the purposes of justice and for the due determination of the matters in dispute between the parties that the following persons should be examined, upon oath or affirmation touching such matters, namely A.B. of _____, and C.D. of _____ and such other persons as the solicitors or agents of the parties shall mutually request you in writing to examine, and it appears that such persons are resident within your jurisdiction.

NOW THEREFORE I, M.N., a Judge of the Supreme Court of Newfoundland and Labrador (General/Family Division), hereby request that for the reasons aforesaid and for the assistance of the Court, you will be pleased to summon the solicitors or agents of the parties and the persons 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 of witnesses, and that you will cause such person to be examined orally or by interrogatories touching the matters in question, in the presence of the solicitors or agents of the plaintiff and defendant, or such of them as shall, on due notice given, attend the examination.

AND I FURTHER REQUEST THAT you will permit the solicitors or agent of any party, or such of them as shall be present to examine orally or by interrogatories, any person, as may, after due notice in writing, be produced on his or her behalf, and the opposing party to cross-examine the person orally or by interrogatories, and the party producing the person for examination to re-examine him or her orally or by interrogatories.

AND I FURTHER REQUEST THAT you will be pleased to cause the evidence of any such person to be reduced into writing, and any book, letter, paper and document produced on the examination to be duly marked for identification, and you will be further pleased to authenticate the deposition taken on the examination and any book, letter, paper or document, or a certified copy of the same or any extract therefrom by the seal of your tribunal or in such other ways 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, for transmission to the Registrar, at _____, Newfoundland and Labrador.

AND IF FURTHER REQUEST THAT you will cause the examination to be conducted in accordance with the enclosed instructions, with such modifications as may be necessary.

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

(signature)
Registrar/Registry clerk