

Court File No.:

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

Plaintiff

- and -

Defendant

PLAINTIFF'S STATEMENT OF LAW

OBLIGATION TO CROSS-EXAMINE: THE RULE IN *BROWNE V. DUNN*

PART I - OVERVIEW

1. If counsel intends to lead evidence to contradict a witness, generally, it must be put to the witness in cross-examination so that the witness has a chance to explain the contradiction.
2. If counsel intends to use surveillance videos or photographs as substantive evidence, or for the purpose of contradicting the plaintiff, they should be shown to the plaintiff to allow him or her to comment or explain his or her actions.
3. If privilege is claimed over surveillance evidence, it may only be used at trial for the purpose of impeaching the witness.

Note: see admissibility of demonstrative evidence if an objection to edited surveillance is to be made.

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**** END OF SAMPLE ****

The remainder of this statement of law contains written submission on this issue and is written like the law portion of a factum.