

Court File No.:

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

Plaintiff

- and -

Defendant

PLAINTIFF'S STATEMENT OF LAW

MISTRIAL AND STRIKING THE JURY NOTICE

PART I – OVERVIEW

1. The right to a trial by jury is a substantive right of great importance and a party may only be deprived of that right for cogent and compelling reasons.
2. A jury notice may be struck out on a motion from one of the parties only where justice would be better served by discharge of the jury, or the factual issues in the trial are too complex, or it is clear an offence in the action committed by one

© 2017, Barbara Legate, Legate & Associates and Taran Virtual Associates Inc.

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, except that the purchaser of this publication (who for the purposes of copyright only, shall be deemed to be the individual(s) named on the invoice and/or the CD(s)) shall be entitled to copy, modify and use this publication solely for his or her own legal practice. This publication is designed to provide accurate and authoritative information for use as a precedent by lawyers. This publication is not intended to render legal advice. If legal advice or other expert assistance is required, the services of a competent professional should be sought.

* As of the February, 2017 release date, this Statement of Law has been updated by TVA

of the parties is incurable. Where the evidence makes it appropriate to do so, specific issues can be withdrawn from a jury instead of striking the jury altogether.

**** 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.