

Court File No.:

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

Plaintiff

- and -

Defendant

PLAINTIFF'S STATEMENT OF LAW

VOLUME 3

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

PART I - OVERVIEW

1. Generally, if counsel intends to lead evidence to contradict a witness, the evidence 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, the evidence should be shown to the plaintiff to allow him or her an opportunity to explain or comment.
3. If privilege is claimed over surveillance evidence, it may only be used at trial for the purpose of impeaching the witness.

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

**** 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.

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