

Court File No.:

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

Plaintiff

- and -

Defendant

PLAINTIFF'S STATEMENT OF LAW

**VOLUME 1
WITNESSES**

ORDER OF WITNESSES

PART I – OVERVIEW

1. Generally, counsel maintains control over calling evidence, subject to certain rules.

There is no absolute rule that the plaintiff must be called as the first witness, and expert evidence may be led prior to the plaintiff's testimony.
2. It is not necessary to prove each fact underlying an expert's opinion; where there is some admissible evidence on which to base the opinion, it is a matter of the weight to be given to the opinion. An expert opinion may be based on hearsay, but second-hand evidence is not admissible as evidence going to show the existence of facts on

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

which the opinion is based. Second-hand evidence is only admissible to show the information on which the opinion is based.

3. The trial judge may exclude a witness from the courtroom until the witness is called to give evidence.

**** 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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