

Court File No.:

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

Plaintiff

- and -

Defendant

PLAINTIFF'S STATEMENT OF LAW

**VOLUME 5
RULES OF OPENING STATEMENTS**

PART I - OVERVIEW

1. The plaintiff may make an opening statement first. The defence usually makes an opening statement after the plaintiff's evidence has concluded; however, the defendant's opening statement may follow the plaintiff's with the leave of the trial judge.
2. Objections to an opening statement should be registered at trial. A failure to object can be fatal to the success of an appeal. If counsel has not objected at trial, an appellate court will only intervene in exceptional cases.
3. Although counsel has a duty to make an impassioned opening statement,

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

inflammatory comments are not permitted. The opening statement is not a time for argument or personal opinion and should not refer to matters that are irrelevant or not within the jury's province. Counsel ought to be guided by the pleadings and the proof required.

**** 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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