

Court File No.:

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

Plaintiff

- and -

Defendant

**PLAINTIFF'S STATEMENT OF LAW
VOLUME 6
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

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

the trial are too complex, or it is clear an offence in the action committed by one 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 Where the evidence makes it appropriate to do so, specific issues can be withdrawn from a jury instead of striking the jury altogether.

3. Juries are capable of determining issues in a medical malpractice action.
4. The Court may cure offences in an opening or closing statement with a blunt instruction to the jury. A mistrial is a last resort.

**** 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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