

Court file no. Insert

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

BETWEEN:

Insert Name

PLAINTIFF

and

Insert Name

DEFENDANT

**FACTUM OF THE MOVING PARTIES,  
Insert Name**

Insert Firm Name  
Firm Address

Telephone: Insert  
Facsimile: Insert

Insert Counsel (LSUC Number)  
Solicitor for Insert Name

TO: Insert Opposing Counsel  
Insert Address

Telephone: Insert  
Facsimile: Insert

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

Court file no. Insert

BETWEEN:

Insert Name

PLAINTIFF

and

Insert Name

DEFENDANT

**FACTUM OF THE MOVING PARTY,  
INSERT NAME**

**PART I – NATURE OF THE MOTION**

1. This Factum is filed in support of a motion for summary judgment in favour of the Insert Name.

**PART II – FACTS**

2. Insert Details (including chronology and history of the litigation)  
Insert Sources

**PART III – ISSUES**

3. The issues to be determined at the hearing of the motion are as follows:
  - i. Whether summary judgment ought to be granted in favour of the Plaintiff/Defendant.
  - ii. List any additional issues

## PART IV – LAW AND ARGUMENT

### **Purpose of Summary Judgment Rule**

4. The purpose of the summary judgment rule is to dispose of an action where it is shown that a trial is not necessary.

[REDACTED]

[REDACTED]

5. Rule 20 provides for granting summary judgment when:
- i. there is no genuine issue requiring a trial (Rule 20.04(2)(a), (2.1) and (2.2))
  - ii. the parties consent to summary judgment of the matter and the court is satisfied that granting summary judgment is justified (Rule 20.04(2)(b))
  - iii. only the amount is at issue (Rule 20.04(3))
  - iv. the only issue is a question of law (Rule 20.04(4))
  - v. the plaintiff's claim is for an accounting (Rule 20.04(5))

[REDACTED]

*[Editor's Note: Choose section from below that applies to your motion and delete all sections that do not apply]*

### **No Genuine Issue Requiring a Trial**

6. Rule 20.04(2) of the *Rules of Civil Procedure*, provides that the court shall grant summary judgment in favour of a defendant if it is satisfied that there is no genuine issue requiring a trial with respect to a claim.

[REDACTED]

END OF SAMPLE

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