

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.

© 2025, Barbara Legate, Legate Injury Lawyers and Taran Virtual Associates Inc.

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, except that the purchaser of this publication (who for the purposes of copyright only, shall be deemed to be the individual(s) named on the invoice and/or the CD(s)) shall be entitled to copy, modify and use this publication solely for his or her own legal practice. This publication is designed to provide accurate and authoritative information for use as a precedent by lawyers. This publication is not intended to render legal advice. If legal advice or other expert assistance is required, the services of a competent professional should be sought.

\* 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.*

How to order:

Call us toll-free 1-877-262-7762

E-mail Stephen Taran [taran@virtualassociates.ca](mailto:taran@virtualassociates.ca)

Ask about our payment plans.