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

Court file no. Insert

ONTARIO
SUPERIOR COURT OF JUSTICE

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]

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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