

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

THE ESTATE OF HENRY LAO by its Litigation Guardian Wendy Lao, WENDY LAO personally, SOPHIE LAO, a minor, by her Litigation Guardian, Wendy Lao and JENNY LAO, a minor, by her Litigation Guardian Wendy Lao

Plaintiffs

- and -

SERGIO ROSSIE and ANJANI PERSAUD

Defendants

AFFIDAVIT OF DOCUMENTS

I, WENDY LAO, of the City of TORONTO, in the Regional Municipality of Toronto, the Defendant in this Action, MAKE OATH AND SAY:

1. I have conducted a diligent search of my records and made appropriate enquiries of others to inform myself in order to make this Affidavit. This Affidavit discloses, to the full extent of my knowledge, information and belief, all documents relevant to any matter in issue in this action that are or have been in my possession, control or power.
2. I have listed in Schedule "A" those documents that are in my possession, control or power and that I do not object to producing for inspection.

3. I have listed in Schedule "B" those documents that are or were in my possession, control or power and that I object to producing because I claim they are privileged, and I have stated in Schedule "B" the grounds for each such claim.


4. I have listed in Schedule "C" those documents that were formerly in my possession, control or power but are no longer in my possession, control or power, and I have stated in Schedule "C" when and how I lost possession or control of or power over them and their present location.

5. I have never had in my possession, control or power any document relevant to any matter in issue in this action other than those listed in Schedules "A", "B" and "C".


SWORN BEFORE ME at the City of Toronto,

in the Province of Ontario on ..24th of ..

..... March, 2022



Commissioner for Taking Affidavits
(or as may be)



WENDY LAO

LAWYER'S CERTIFICATE

I CERTIFY that I have explained to the deponent,

- (a) the necessity of making full disclosure of all documents relevant to any matter in issue in the action;
- (b) what kinds of documents are likely to be relevant to the allegations made in the Pleadings; and

- (c) if the action is brought under the simplified procedure, the necessity of providing the list required under rule 76.03.

Date: March 24, 2022

A handwritten signature in black ink, consisting of stylized, overlapping loops and lines, positioned above a horizontal line.

NANSE MAAT

SCHEDULE "A"

Documents in my possession, control or power that I do not object to producing for inspection.

1. Motor Vehicle Accident report dated February 28, 2021;
2. Henry Lao Income Tax Returns 2016;
3. Henry Lao Income Tax Returns 2017;
4. Henry Lao Income Tax Returns 2018;
5. Henry Lao Income Tax Returns 2019;
6. Henry Lao Income Tax Returns 2020;
7. Henry Lao Income Tax Returns 2021;
8. Clinical Notes and Records of Dr. Kelly Degeneres from March 2020 to October, 2021;
9. Decoded OHIP Summary of Wendy Lao from January 1, 2018 to October 12, 2021.

SCHEDULE "B"

Documents that are or were in my possession, control or power that I object to producing on the grounds of privilege.

- (d) **Lawyer-Client Privilege:** Documents containing confidential professional communications passing between the deponent, or the deponent's agent and the deponent's legal advisers directly related to the seeking or receiving of legal advice or legal assistance.
- (e) **Litigation Privilege:** Documents comprised of notes, memoranda, reports, confidential correspondence, and copies thereof, prepared for the purposes of obtaining or providing advice concerning this litigation, of obtaining or providing information and evidence to be used in this litigation and preparing for and prosecuting this litigation.
- (f) **Without Prejudice Communication Privilege:** Documents containing or reflecting communications of a without prejudice nature concerning the matters in issue in this litigation.

SCHEDULE "C"

Documents that were formerly in my possession, control or power but are no longer in my possession, control or power.

6. N/A