**Court File No. CV-21-12345**

***ONTARIO***

**SUPERIOR COURT OF JUSTICE**

**B E T W E E N:**

**[PLAINTIFFS]**

**Plaintiffs**

**- and -**

**[DEFENDANTS]**

**Defendants**

**DISCOVERY PLAN PREPARED BY  
COUNSEL FOR THE DEFENDANT   
(DATE)**

**Intended Scope of Documentary Discovery**

**General**

Prior to commencing the Examinations for Discovery, the parties shall identify and produce all relevant documents, not subject to privilege, with respect to the issues set forth in the pleadings, which include but are not limited to the following:

**Liability**

The **Defendants** shall produce or obtain and produce the following documents:

1. Damage documentation with respect to the Defendant motor vehicle, including photos;
2. Copies of any documentation obtained from the police department;
3. Summaries of any Witness Statements, with contact information for the witness, unless subject to privilege.

The **Plaintiff** shall produce or obtain and produce the following documents:

1. Damage documentation with respect to the Plaintiff motor vehicle, including photos;
2. Copies of any documentation obtained from the police department;
3. Summaries of any Witness Statements, with contact information for the witness, unless subject to privilege.

**Medical**

The **Plaintiff** shall produce or obtain and produce the following documents:

1. The OHIP summary for three years pre-accident to date;
2. Copies of all relevant healthcare records in the possession of counsel;
3. Copies of all healthcare records from all treating health care professionals post‑accident and all treating health care institutions post- accident;
4. Copies of all diagnostic records, including x-rays, CAT scans, MRIs etc., post- accident and to provide digitized copies upon request;
5. Medication records for three years pre-accident to date;
6. Copies of the family doctor records for three years pre-accident to date;
7. Records with respect to any illness or injury which would affect working life expectancy or life expectancy.

**Economic**

The **Plaintiff** shall produce or obtain and produce the following documents:

1. Income tax returns, working copies, and supporting documentation prepared by the Plaintiff from his\her accountant for five years pre-accident to date;
2. Notices of Assessment from the Canada Revenue Agency for five years pre-accident to date;
3. Income tax summaries from the Canada Revenue Agency for five years pre-accident to date;
4. Employment records from all employers from three years pre-accident to date;
5. Any records from the Employment Insurance Office for three years pre‑accident to date, or to advise that none exist;
6. Any records from the Long-term disability carrier or Short-term disability carrier for three years pre-accident to date, or to advise that none exist;
7. Any records from the Workmen’s Compensation for three years pre-accident to date, or to advise that none exist;
8. Public Assistance records, for three years pre-accident to date, or to advise that none exist;
9. A statement from the Canada Pension Plan as to contributions made and a statement of entitlement at age 60 and at age 65; and to advise as to amount of entitlement if considered disabled;
10. A copy of the accident benefit file, including but not limited to:
11. Correspondence;
12. Accident Benefit Forms;
13. Mediation and Arbitration documents;
14. Any and all medical reports and medical records;
15. Insurer medical examinations reports;
16. Statements taken from insured or sworn examinations taken from insured;
17. Copies of investigation surveillance reports and copies of surveillance tapes undertaken by the insurer or confirmation from the insurer that none exist, or to advise as to the existence of same and refusal to produce, to be dealt with on motion;
18. Statement of benefits paid to date under the various headings, to be updated every six months;
19. The most recent copy of the Resume of the Plaintiff, or to advise that none exists

**Special Damages**

The **Plaintiff** shall produce records in support of all out-of-pocket expenses incurred to date.

**General Provision Applying to all Sections Above; Other Documents Not Identified Above**

1. The parties shall produce any other documents identified by counsel or opposing counsel, subject to relevance.

2. The parties shall update all records upon reasonable request.

**Timing, cost and manner of the production of documents by the parties and any other persons**

1. The parties shall immediately produce copies of any relevant documents in their possession as of the date of this Discovery Plan;
2. Documents shall be produced electronically unless the other party specifically requests otherwise;
3. Documents that are listed above in the documentary production section, not in the possession of counsel, shall be obtained and produced by the party, and the opposing party shall pay the reasonable cost of obtaining the records, or $.15 per copy for a photocopy of the records, or shall pay the reasonable costs for the disc containing a copy of the records;

OR Documents that are listed above in the documentary production section, not in the possession of counsel, shall be obtained and produced by the party, and the cost of obtaining those documents shall be treated as an assessable disbursement at the conclusion of Trial;

1. Documentary discovery shall be completed within 120 days from the date this Discovery Plan is signed by counsel for the Defendant, failing which any party shall be at liberty to bring a motion to the court to impose terms.
2. Incurrence or payment of disbursements by either party is not determinative of entitlement by the party and is still subject to the determination by the court on costs or is subject to the final agreement between counsel when the matter is settled.

**Sworn Affidavit of Documents**

1. The parties shall deliver a draft Affidavit of Documents within 30 days of the execution of this Discovery Plan which complies with the documentary obligations set out herein, and each party shall deliver a sworn Affidavit of Documents at the commencement of that party’s Examination for Discovery.

**Oral examinations**

1. Oral examination shall be arranged following the completion of documentary production as set forth above;
2. Persons to be produced for oral examination for discovery:
   1. By the Plaintiff:
   2. By the Defendant:
3. Each party is entitled to up to 7 hours of oral Discovery;
4. The order of oral examination shall be agreed upon by counsel.

**Inspection of property**

1. Inspection of property shall be agreed upon by counsel, failing which to be determined on motion.

**Medical examination**

1. Medical examinations to be conducted of the Plaintiff on behalf of the Defendant shall be agreed upon by counsel, failing which to be determined on motion.

**OTHER INFORMATION**

Any other information being relied upon by any party which is intended to result in the expeditious and cost-effective completion of the discovery process in a manner that is proportionate to the importance and complexity of the action, shall be produced.

**Updating**

This Discovery Plan shall be periodically updated to reflect any changes in the information listed above and as listed in subrule 29.1.03(3).

**Signing**

This Discovery Plan shall be executed and returned by opposing counsel within 30 days of the date upon which it is signed by Counsel for the Defendant, who prepared this Discovery Plan.

**Time Periods**

Any time period contained in this Discovery Plan may be amended on agreement by counsel.

**Notice**

Failure to execute and return this Discovery Plan within 30 days will result in a motion by the Defendant to the court to impose the terms of this Discovery Plan, and costs will be sought on a substantial indemnity basis.

**Agreement**

I agree to the conditions contained in the above noted Discovery Plan pursuant to Rule 29.1.03(2), Rule 29.1.03(3), and Rule 29.1.03(4)-*The Sedona Canada Principles* of the 2010 amendments to *Rules of Civil Procedure*.

**Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  
[Lawyer]**

**[Law Firm]**

**Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  
[Lawyer]**

**[Law Firm]**