*(Court file no.)*

Form 34B

Courts of Justice Act

summons to witness (examination out of court)

*(General heading)*

[SEAL]

summons to witness

TO *(Name of person to be examined)*

YOU ARE REQUIRED TO ATTEND (*choose one of the following*)

In person

By telephone conference

By video conference

at the following location

*(Office address for in person examination or telephone conference or video conference details, such as a dial-in number, access code, video link, etc., if applicable)*

on ………………….. (*day*), …………………………. (*date*), at …………………. (*time*), for (*choose one of the following*):

|  |  |  |
| --- | --- | --- |
|  |  | Cross-examination on your affidavit dated (*date*) |
|  |  | Examination for discovery with leave of the court |
|  |  | Examination out of court as witness before hearing |
|  |  | Examination in aid of execution |
|  |  | Taking evidence before trial |

If you object to the method of attendance, you must notify the party that summonsed you or their lawyer (see contact information at the end of this form). If you and the party that summonsed you, or other parties, cannot come to an agreement on the method of attendance, the party that summonsed you must request a case conference for the court to make an order under Rule 1.08(8).

YOU ARE REQUIRED TO PRODUCE at the examination the following documents and things: *(Set out the nature and date of each document and give particulars sufficient to identify each document and thing.)*

ATTENDANCE MONEY for day*(*s*)* of attendance is served with this summons, calculated in accordance with Tariff A of the Rules of Civil Procedure, as follows:

|  |  |
| --- | --- |
| Attendance allowance of $.......... daily | $ |
| Travel allowance | $ | |
| Overnight accommodation and meal allowance | $ | |
|  |  | |
| TOTAL | $ | |

If further attendance is required, you will be entitled to additional attendance money.

IF YOU FAIL TO ATTEND OR REMAIN UNTIL THE END OF THIS EXAMINATION, YOU MAY BE COMPELLED TO ATTEND AT YOUR OWN EXPENSE AND YOU MAY BE FOUND IN CONTEMPT OF COURT.

Date ...................................................................... Issued by ..................................................................

Local registrar

Address of

court office ................................................................

................................................................

This summons was issued at the request of, and inquiries may be directed to: *(Name, address*, *email address (if any), and telephone number of examining lawyer or party)*

TO *(Name, address, e-mail address (if any), and telephone number of lawyer or of person to be examined)*

RCP-E 34B (May 3, 2021)