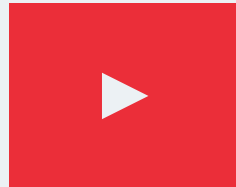




Financial statements and orders to enforce disclosure

Provincial Advocates
Training Conference 2021



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Financial Statements and Orders to Enforce Disclosure



DISCLAIMER

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NOT LEGAL ADVICE



Overview

- Financial Disclosure Requirements
- Orders to enforce in FLA
- Orders to Enforce Financial Disclosure in BCSC Rules
- Orders to enforce in BCPC
 - Case Management Orders (s.61-65) – Form 10
 - Orders to enforce (S. 131 - 137) – Form 29
- Case Law *Colucci*
 - *Michel v. Graydon*
- Questions



Who needs to complete a Financial Statement?

- Anytime there are claims relating to \$\$, a financial statement is necessary.
- Complete a financial statement if the following are at issue:
 - Child support (including s. 7 expenses);
 - Spousal support; or
 - Division of property and/or debts.
 - Exception: if a party is claiming only child support but no s. 7 expenses, they may not be required to complete F8
- Rule 5-1 in BCSC Family Rules
- Rule 3, 25, 28, and 34 in BCPC Family Rules



Financial Statement not required in some situations

- Financial statements are not necessary when:
 - Client is only seeking child support for children under 19 and children are not stepchildren *and* children are living with applicant 60% or more of the time
 - Client is only claiming for divorce
 - Seeking orders re: parenting arrangements that will not affect child support (i.e. there is not a change in the 60/40 shared time)
 - Seeking conduct or protection orders only
- Depending on what is being claimed, not all portions of financial statements are required
 - Both financial statements has clear instructions at the beginning



When must a Financial Statement be completed in BC Supreme Court

- SCFR Rule 5.1(11)
 - If a party is making a claim that requires them to complete F8, then F8 needs to be filed and served within 30 days after the service of the document in which claim is made
- Financial statements are a lot of work and may be difficult to meet 30-day timeline. Ensure clients are aware of timeline and urgency
- If not possible to complete F8 within timeline, best to notify opposing party/counsel
- Do everything possible to file and serve F8 before court appearances

Practice tip: file Notice of Family Claim/Application and F8 at the same time



When must a Financial Statement be completed in BC Provincial Court

- PCFR Rules:
 - 25 – when submitting an *Application about a Family Law Matter* (Form 3) re: child or spousal support
 - 28 – when submitting a *Reply to an Application About a Family Law Matter (with Counter Application)* (Form 6) re: child or spousal support
 - 34 – when submitting *Reply to a Counter Application* (Form 8) re: child or spousal support
- Financial Statement must be filed with any of the 3 situations above



How to Start?

- Clients are often overwhelmed when they see the form
- Give instructions so clients understand the following:
 - Purpose of completing F8
 - Deadline (if any)
 - Documents they should provide
 - At the very minimum, they'll need last 3 years of Notices of Assessments and Tax Returns and most recent paystub or receipt of assistance
- If clients do not have necessary documents, complete Parts 2 (Expenses) and Part 3 (Property & Debts) first
- Part 1 (Income) is more complicated



Financial Statement is an Affidavit

- Remind client that a financial statement is a sworn/affirmed document and needs to be true to the best of their ability
- Information will and can change over time, and clients will have the opportunity to update it if/when necessary
- But most importantly, they must be truthful and not hide any information on the financial statement
- I'll be reviewing the BCSC F8 but same principles for BCPC Financial Statement Form 4



Tools to request financial disclosure

- *Family Law Act*, s. 212 (orders for disclosure) and s. 213 (enforcing orders re: disclosure)
- BCSC Family Rules: 5- 1 and 9-1
- BCPC Family Rules



Family Law Act, s. 212

Orders respecting disclosure

- Allows the Courts to make an order to disclose information in accordance with BC SCFR or BC PCFR
- If order is made, the Court can also order a party to pay, to the other party or to another person, all or part of the expenses reasonably and necessarily incurred in complying with an order
- Person must not disclose information obtained under this order except what is necessary to resolve family law dispute and in accordance with the order



Family Law Act, s. 213

Enforcing orders respecting disclosure

- If a party fails to comply with an order for disclosure under s. 212 or a requirement to disclose information set set out by the rules or they provide information that is incomplete, false or misleading
- The court can:
 - Make an order under s. 212
 - Draw negative inference, including imputing income
 - Require party to give security
 - Fine the person for non-compliance for up to \$5000
 - Require the individual to pay all or part of expenses for non-disclosure incurred by the requesting party
 - An amount of up to \$5000 to the party affected by nondisclosure
 - Any other orders the Court deems appropriate



BC SCFR 5-1 Financial Disclosure

- 5-1 – defines “applicable income documents”
 - Includes last 3 years of Tax Returns and Notices of Assessments or Reassessments
 - Most recent paystub
 - If individual is receiving income assistance, then documentary evidence that individual is receiving social assistance
 - Documents pertaining to individuals who are self-employed
- 5-1 (13) – particulars may be demanded when F8 lacks sufficient information
- 5-1(15) information must be kept current
 - Written statement setting out changes in financial statement
 - Revised Form F8
- 5-1 (14) – court may order particulars or new F8 be completed if party fails to provide particulars 7 days after receipt of demand



Forms required to enforce in BC Supreme Court

- Notice of Application (Form F31)
 - Pursuant to section 212 of the *Family Law Act* and the *BC Supreme Court Rules 5-1*, an order that the Respondent shall, by 30 days of the Order, file and serve the following documents:
 - Financial Statement and all the applicable income documents as per Rule 5-1.
- Affidavit (Form F30)
 - List out the history of the litigation
 - Provide details of any requests made to the opposing party for financial disclosure



Orders to Enforce in BCPC

- Case Management Orders (s.61-65)
- Form 10 – Application for Case Management Order
- Form 29 – Preparing an Application about Enforcement (Form 29)



Case Management Orders

- Case Management Orders (Rules 61-65 of the BC Prov. Court Rules)
- Rule 61- Case management orders can be made at anytime
- Rule 62- A judge can order: m)respecting the conduct of a party or management of a case, including pre-trial and trial process and evidence disclosure, as set out in rule 112 (1) (i) *[what happens at trial preparation conference]* of these rules;



Preparing an Application for Case Management Order

- Form 10
- Provincial Court Family Rules:
<https://www2.gov.bc.ca/gov/content/justice/courthouse-services/documents-forms-records/court-forms/prov-family-forms>



Application for Case Management Orders (Form 10)

- can be used to apply for 1 or more of the following (adjourning a court appearance; transferring the court file to another registry; requiring a parentage test; setting a specified period for the filing and exchanging of information. Etc. etc. etc.



Form 29: Preparing an Application About Enforcement

- When parents or guardians don't follow written agreements, court orders or a determination of a parenting coordinator – you can apply for an enforcement of the order.
- If you have a written agreement, or a court order from another jurisdiction that is filed in BCPC under the *Family Law Act* you can enforce it using this form.
- If person receives notice of a foreign order from BCPC – you can request to set it aside- must do so within 30 days after receiving the registration (Still form 29). If applying to set aside the registration of a foreign order, must give notice to the designated authority who will notify the other party of the application



Rule 135 guides Form 29

Applying for orders about enforcement

135 A party who is applying for an order about any of the following must file and serve on each other party, at least 7 days before the date referred to in the application for the court appearance, an application about enforcement in Form 29 [*Application About Enforcement*], including a copy of the agreement, determination or order to be enforced:

(a) enforcing a filed written agreement or order, including enforcing the written agreement or order through a court order under any of the following sections of the [Family Law Act](#):

- (i) section 61 [*denial of parenting time or contact*];
- (ii) section 63 [*failure to exercise parenting time or contact*];
- (iii) section 228 [enforcing orders respecting conduct];
- (iv) section 230 [enforcing orders generally];
- (v) section 231 [extraordinary *remedies*];

(b) enforcing, changing or setting aside a filed determination of a parenting coordinator;

(c) setting reasonable and necessarily incurred expenses under any of the following sections of the [Family Law Act](#):

- (i) section 61 [*denial of parenting time or contact*];
- (ii) section 63 [*failure to exercise parenting time or contact*];
- (iii) section 212 [orders respecting disclosure];
- (iv) section 213 [enforcing orders respecting disclosure];
- (v) section 228 [enforcing orders respecting conduct];
- (vi) section 230 [extraordinary *remedies*];

(d) determining whether arrears are owing under a support order or agreement made under the [Family Law Act](#) and, if so, the amount of the arrears.

[am. B.C. Reg. 236/2020, Sch. 2, s. 7.]



Rule 136 also guide Form 29

136

(1) In this rule, "**designated authority**" has the same meaning as in the [Interjurisdictional Support Orders Act](#).

(2) A party who is applying for an order under section 19 (3) [*foreign orders after registration*] of the [Interjurisdictional Support Orders Act](#) to set aside the registration of a foreign order under that Act must file and serve on the designated authority, by registered mail at least 30 days before the date referred to in the application for the court appearance, an application about enforcement in Form 29 [*Application About Enforcement*], including a copy of the foreign order to be enforced.

(3) The adult who serves an application under subrule (2) must

- (a) complete a certificate of service in Form 7 [*Certificate of Service*], and
- (b) file the certificate at least 10 days before the date referred to in the application for the court appearance.



Additional Forms for Enforcing Orders

Form 26- Request to File an Agreement

→ to *file* a written agreement for enforcement in Provincial Court

Form 27- Request to File a Determination of Parenting Coordinator

→ to file a determination for enforcement in Provincial Court

Form 28- Request to File an Order

→ to file an order from the **BCSC** for enforcement in BCPC



Preparing Forms for Filing

- 1) Prepare 3 copies (1 for client, 1 for Court, one for OP)→ Staple together→ Bring all copies to the court registry for filing or send by mail or if sending by fax use Form 52- Fax Filing Cover Page
- 2) File at a Provincial Court Registry
(where the existing Provincial Court case with the same parties is filed or nearest to where the child lives most of the time, if the case involves a child-related issue, or nearest to where you live, if the case does not involve a child-related issue)
- 3) Serve the OP at least 7 days notice of the date and time of the court appearance (unless otherwise ordered). 7 clear days between service date and court date. The date will be scheduled with the registry when you file the form.



J.C.P. v. J.B., 2013 BCPC 297

[18] While I am of the view that the failure to pay child support will not often constitute an act of family violence, when the failure is the result of a determined decision not to pay, knowing the impact it would have on Ms. B., who had limited income, and my rejection of Mr. P.'s explanation for failing to pay, I have concluded that this was **designed to inflict psychological and emotional trauma** to Ms. B. and is therefore an act of family violence. [emphasis added]

- The Honorable Judge Merrick



Colucci v. Colucci 2021 SCC 24

[52]...Courts and legislatures have also implemented various mechanisms to incentivize and even require regular ongoing disclosure of updated income information by the payor, along with tools to move proceedings forward in the face of non-disclosure. Those mechanisms include imputing income to payors who have failed to make adequate disclosure, striking pleadings, drawing adverse inferences, and awarding costs. By encouraging timely disclosure, these tools reduce the likelihood that the recipient will be forced to apply to court multiple times to secure disclosure.



THANK YOU!

Questions?

Contact:

Rise Women's Legal Centre

<https://womenslegalcentre.ca/>

Twitter: @RiseWomensLegal

Instagram: <https://www.instagram.com/risewomenslegal/>

Facebook: <https://www.facebook.com/RiseWomensLegalCtr>

Haley Hrymak

hhrymak@womenslegalcentre.ca

Twitter/Instagram: @HaleyHrymak

www.haleyhrymak.com

Vicky Law

vlaw@womenslegalcentre.ca

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Form F31 (Rule 10-6(3) and 10-9(1))

Court File No.: #####

Court Registry:

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

Donald Trump

CLAIMANT

AND:

Ruth Bader Ginsburg

Respondent

NOTICE OF APPLICATION

Name of Applicant: Ruth Bader Ginsburg

WITH NOTICE TO: Donald Trump DOB: January 1, 1950

Address for service: 123 Non-Disclosure Street

City: Won't Tell You City Province: Fake News Postal Code: ### ###

Phone: _____ Email: _____

FROM: Ruth Bader Ginsburg DOB: January 2, 19##

Address for service: 123 Awesome Street

City: Women Rock Province: Supreme Court Postal Code: ### ###

Phone: _____ Email: ruthbaderginsburg@awesome.com

TAKE NOTICE that an application will be made by the applicant to the presiding judge or master at the courthouse at [INSERT ADDRESS FOR COURTHOUSE] at [INSERT TIME] on [INSERT DATE], for the order(s) set out in Part 1 below.

Part 1: Orders Sought

1. Pursuant to section 212 of the *Family Law Act* and the *BC Supreme Court Family Rules* (the "Rules") 5-1(13) – (14), 5-1(19), 9-1(1) and 9-1(15) of the *Supreme Court Family Rules*, an Order that Mr. Donald Trump shall, by 4:00p.m. on DATE /30 days after the date of this Order, electronically disclose by email to ruthbaderginsburg@awesome.com, the following:
 - a. Conveyance/Land Title documents for all real property under Mr. Donald Trump's name
 - b. Government issued assessments for all real property under Mr. Donald Trump's names, including land outside British Columbia;
 - c. Any real property appraisals, as well as appraisal of tools, vehicles, inventory and equipment;
 - d. Purchase documents and financing documents for the purchase of any real property or assets acquired from [INSERT DATE] to the date of the Order;

Commented [VL1]: Typically, client should receive the documents at least 30 days prior to trial date or if no trial date scheduled, 30 days after date of Order

Commented [VL2]: This is usually date of separation but can be earlier or later depending on facts

- e. Applications for loans, mortgages and other forms of credit, including but not limited to the complete mortgage applications through BANK #1 and Mortgage Lender #1;
- f. Mortgage documents for all properties owned by Mr. Donald Trump, including the current balance owing, and all mortgage statements from [INSERT DATE] to the date of the Order;
- g. Property tax notices for all properties under Mr. Donald Trump's name from [INSERT DATE] to the date of the Order;
- h. Black book values for vehicles, recreational vehicles, trailers and boats;
- i. Copies of any chattel mortgage;
- j. Appraisals for any collections or jewelry or works of art;
- k. List of contents of any safety deposit box;
- l. A list of any debts that are held jointly or separately by Mr. Donald Trump;
- m. Proof of any expenses deducted from the gross earnings of Mr. Donald Trump from [INSERT DATE] to the date of the Order;
- n. Information relating to any interest or shares held in corporations;
- o. Corporate ledger reports from [INSERT DATE] to the date of the Order;
- p. Authorizations to speak to the Mr. Donald Trump's accountant or company lawyer;
- q. Particulars of past and ongoing contracts of all businesses of Mr. Donald Trump, from [INSERT DATE] to the date of the Order;
- r. All invoices issued by Mr. Donald Trump or his businesses from [INSERT DATE] to the date of the Order;
- s. Particulars of payments to subtrades and contractors from [INSERT DATE] to the date of the Order;
- t. Financial statements of all businesses of Mr. Donald Trump, from [INSERT DATE] to the date of the Order;
- u. Unredacted bank and credit card statements for accounts in the name of any proprietorships and businesses held by Mr. Donald Trump from [INSERT DATE] to the date of the Order;
- v. Breakdown of all earnings and expenses relating to any unincorporated or incorporated businesses held by Mr. Donald Trump from [INSERT DATE] to the date of the Order;
- w. Explanation for how the travel expenses claimed by Mr. Donald Trump relate to his business expenses;
- x. All invoices for self-employment income from [INSERT DATE] to the date of the Order;
- y. Unredacted Personal and Business bank account statements for all accounts whether personally held or jointly held by Mr. Donald Trump, including but not limited to the two bank accounts listed in Mr. Donald Trump's F8 Financial Statement, ##### and #####, including any accounts in overdraft, records of cancelled cheques, and records of wire and bank transfers from [INSERT DATE] to the date of the Order;
- z. Statements from investment accounts including stock portfolios, GICs and term deposits from [INSERT DATE] to the date of the Order;
- aa. All unredacted credit card statements including personal and corporate credit cards from [INSERT DATE] to the date of the Order;
- bb. Ownership documents for any assets owned from [INSERT DATE] to the date of the Order
- cc. RRSP account statements from [INSERT DATE] to the date of the Order;
- dd. Pension statements including Canada Pension Plan Statements;
- ee. Beneficiary Information for any Pension and/or RRSP;

- ff. Copies of Life Insurance Policies and any beneficiary designation and value;
 - gg. Copies of any trust agreements relating to property;
 - hh. Lines of Credit Statements, and all loan documents, including the current balance owing, from [INSERT DATE] to the date of the Order;
 - ii. Promissory notes on personal loans from [INSERT DATE] to the date of the Order;
 - jj. Documents showing repayment of loans from [INSERT DATE] to the date of the Order;
 - kk. Utility statements, including but not limited to hydro, phone, cable, property taxes, water and sewage bills, from [INSERT DATE] to the date of the Order;
2. Pursuant to Rule 5-1(28)(a) of the *Rules*, an Order that, Mr. Donald Trump's Form F8 financial statement and all applicable income documents as per Rule 5-1(1), including, but not limited to:
 - a. A copy of every personal income tax return filed by Mr. Donald Trump for each of the 3 most recent taxation years;
 - b. A copy of every notice of income tax assessment or reassessment issued to Mr. Donald Trump for each of the 3 most recent taxation years;
 - c. The financial statements of Mr. Donald Trump's businesses; and
 - d. A statement showing a breakdown of all salaries, wages, management fees or other payments or benefits paid to, or on behalf of, persons or corporations with whom Mr. Donald Trump does not deal at arm's length.
 3. Pursuant to Rule 5-1(28)(d) of the *Rules*, this Court shall proceed under Rule 21-7 to punish Mr. Donald Trump for contempt of court for failing to comply with the [INSERT DATE] Order made by the Honourable Mr. Justice Scalia.
 4. Pursuant to section 213(2)(d)(iii) of the *Family Law Act* and Rules 5-1(28)(e) and 21-7(1), an Order that Mr. Donald Trump shall, for failing to comply with the Order made by the Honourable Mr. Justice Scalia on [INSERT DATE], pay to Ms. Ruth Bader Ginsburg within two weeks of this Order being made:
 - a. all of the expenses reasonably and necessarily incurred as a result of the non-disclosure of information or the incomplete, false or misleading disclosure, including fees and expenses related to family dispute resolution; and
 - b. \$5,000 to or for the benefit of Ms. Ruth Bader Ginsburg, whose interests were affected by the non-disclosure of information and the incomplete, false or misleading disclosure of Mr. Donald Trump.
 5. Pursuant to section 213(2)(c) of the *Family Law Act*, an Order that Mr. Donald Trump shall give security in the amount of \$5000 to the Court for the purposes of enforcing this Order.
 6. Pursuant to Rules 5-1(28)(h) and 16-1(14) of the *Supreme Court Family Rules*, an Order for Costs.

Commented [VL3]: This should only be applied for if opposing party has continuously ignored court orders.

Part 2: Factual Basis

1. [INSERT FACTS].
2. Did your client ask for these documents before?
 - a. If yes, when, how, and remember to include a copy of communication as exhibit
3. Have there been any court orders for opposing party to disclose financial documents?
 - a. If yes, outline order(s).
4. Has opposing party provided any financial statements?

- a. If yes, when?
 - b. Provide reasons for why you need updated financial statements
5. Has opposing party complied with your request and/or court order(s)?
- a. Provide information about court orders if any.

Part 3: Legal Basis

1. Pursuant to section 212 of the *Family Law Act*, a court may, at any stage of a proceeding,
 - (1) make an order to disclosure information in accordance with the *Supreme Court Family Rules*.
 - (2) If an order is made under subsection (1), the court may order a party to pay, to the other party or to another person, all or part of the expenses reasonably and necessarily incurred in complying with the order.
2. Pursuant to section 213 of the *Family Law Act*,
 - (1) This section applies if a person
 - (a) Failed to comply with:
 - (i) an order for disclosure made under section 212, or
 - (ii) a requirement to disclose information in accordance with the *Supreme Court Family Rules*, within the time or in the manner required by the Rules, or
 - (b) provides information that is incomplete, false or misleading.
 - Mr. Donald Trump did not comply with the Order made by the Honourable Mr. Justice Scalia on [INSERT DATE], respecting the disclosure of Mr. Donald Trump's financial documents.
 - (2) In the circumstances set out in subsection section 213, subsection (1), the Court may do one or more of the following:
 - (a) Make an order under section 212;
 - (b) Require a party to give security in any form that the court directs;
 - (c) Make an order requiring the person described in subsection (1) to pay:
 - (i) A party for all or part of the expenses reasonably and necessarily incurred as a result of the non-disclosure of information or the incomplete, false or misleading disclosure, including fees and expenses related to family dispute resolution;
 - (ii) An amount not exceeding \$5,000 to or for the benefit of a party, or a spouse, or child whose interests were affected by the non-disclosure of information or the incomplete, false or misleading disclosure; or
 - (iii) A fine not exceeding \$5,000;
 - (d) Make any other order the court considers appropriate.
3. Pursuant to Rule 5-1(13), if a Form 8 financial statement lacks sufficient information, the other party may demand particulars.
4. Pursuant to Rule 5-1(14), if the party from whom particulars are demanded under subrule (13) fails to provide those particulars within 7 days after receipt of the demand, the court may, on terms it considers appropriate, make any order it considers will further the object of these *Supreme Court Family Rules*, including:

- (a) An order that particulars be served within a specified time, or
 - (b) An order that a new Form F8 financial statement be served within a specified time.
- Mr. Donald Trump did not produce documents or particulars in accordance with the disclosure request made by Ms. Ruth Bader Ginsburg on [INSERT DATE]
5. Pursuant to Rule 5-1(19), if a party discloses business or corporate interests in a Form F8 statement served under this rule, the party receiving the Form F8 financial statement may, in writing, request the disclosing party to produce for inspection and copying specified documents or classes of documents in the disclosing party's possession or control that might reasonably be required to verify the valuation of the disclosing party's interest or to determine the disclosing party's income.
6. Pursuant to Rule 5-1(28)(a), (d), (e), and (h), the Court may:
- (a) Order that the Form F8 financial statement, applicable income document or particulars, as the case may be, be filed or served or both on terms the court considers appropriate;
 - (d) Proceed under Rule 21-7 to punish the party for contempt of court;
 - (e) impose a fine under section 213(2)(d)(iii) of the *Family Law Act*;
 - (h) make an order as to costs.
7. Pursuant to Rule 9 – 1(1), unless all parties consent or the court otherwise orders, each party to a family law case must:
- (a) Prepare a list of documents in Form F20 that lists
 - (i) all documents that are or have been in the party's possession or control and that could, if available be used by any party at trial to prove or disprove a material facts, and
 - (ii) all other documents to which the party intends to refer at trial.
8. Pursuant to Rule 9-1(15), if a document is in the possession or control of a person who is not a party, the court, on an application under Part 10 brought on notice to the person and the parties, may make an order for one or both of the following:
- (a) production, inspection, and copying of the documents;
 - (b) preparation of a certified copy that may be used instead of the original.
9. Pursuant to Rule 16 – 1(14)(b), the Court may award costs that relate to some particular application, step or matter in or related to the family law case, and in awarding those costs, the court may fix the amount of costs, including the amount of disbursements.
10. Pursuant to Rule 21-7(1), the power of the court to punish contempt of court must be exercised by an order of committal or by imposition of a fine or both.
11. In *Colucci v Colucci*, 2021 SCC 24, the Supreme Court of Canada emphasized the importance of full financial disclosure. With specific regards to paragraph 51:
- Full and frank disclosure is also a precondition to good faith negotiations. Without it, the parties cannot stand on the equal footing required to make informed decisions and resolved child support disputes outside of court. Promoting proactive payor disclosure thus advances the objectives – found in s. 1 of the *Guidelines* – of reducing conflict between the parties and encouraging settlement.

Part 4: Material to be Relied Upon

1. Affidavit #1 of Ruth Bader Ginsburg, affirmed on [INSERT DATE].
2. Financial Statement of Donald Trump, made [INSERT DATE].

The applicant estimates that the application will take 30 minutes.

- ☒ This matter is within the jurisdiction of a master.
- ☐ This matter is not within the jurisdiction of a master.

Responding to Application

TO THE PERSONS RECEIVING THIS NOTICE OF APPLICATION: If you wish to respond to the application, you must, within the time for response to application described below,

- (a) file an Application Response in Form F32;
- (b) file the original of every affidavit, and of every other document, that
 - (i) you intend to refer to at the hearing of this application, and
 - (ii) has not already been filed in the family law case; and,
- (c) serve on the applicant 2 copies, and on every other party one copy, of the following
 - (i) a copy of the filed Application Response,
 - (ii) a copy of each of the filed affidavits and other documents that you intend to refer to at the hearing of this application and that has not already been served on that person, and
 - (iii) if this application is brought under Rule 11-3, any notice that you are required to give under Rule 11-3(9).

Time for Response to Application

The documents referred to in paragraph (c) above must be served in accordance with that paragraph,

- (a) unless one of the following paragraphs applies, within 5 business days after service of this Notice of Application;
- (b) if this application is brought under Rule 11-3, within 8 business days after service of this Notice of Application; and,
- (c) if this application is brought to rescind, change or suspend a final order, within 14 business days after service of this Notice of Application.

Date:

RUTH BADER GINSBURG, RESPONDENT

To be completed by the court only

Order made:

☐ on the terms requested in paragraphs _____ of Part 1 of this Notice of Application

☐ with the following variations and additional terms

Date: _____

Signature of ☐ Judge ☐ Master

Appendix

THIS APPLICATION INVOLVES THE FOLLOWING:

- ☒ document discovery: comply with demand for documents
- ☒ document discovery: production of additional documents
- ☒ document discovery: other matters concerning document discovery
- ☐ oral discovery: extend oral discovery
- ☐ oral discovery: other matter concerning oral discovery
- ☐ amend pleadings
- ☐ add/change parties
- ☐ summary judgment
- ☐ summary trial
- ☐ service
- ☐ interim order
- ☐ change order
- ☐ adjournments
- ☐ proceedings at trial
- ☐ experts: appointment of additional expert(s): financial matters
- ☐ experts: other matters concerning experts