

Application No: <>

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

<>

Applicant

*-and-*

<>

Respondents

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**APPLICATION RECORD**

(Returnable <>)

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**Allen J. Wynperle  
Professional Corporation  
Barrister and Solicitor  
25 Main Street West Suite 200  
Hamilton, Ontario L8P 1H1  
Tel: (905)777-0300  
Fax: (905) 777-1050  
Applicant**

TO <>

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

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Applicant

-and-

<>

Respondents

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Exhibit 1	Contingency Fee Retainer Agreement For <>	1

Application No: <>

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

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Applicant

-and-

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Respondents

**AFFIDAVIT OF < >**

I, < > , of the < > , in the Province of Ontario, MAKE OATH AND SAY  
AS FOLLOWS:

1. I met with the Litigation Guardians, <> on <> wherein my services were requested with respect to a civil proceeding following a motor vehicle accident.
2. The motor vehicle accident took place on <>. <DETAILS OF ACCIDENT>
3. I have been retained to pursue a claim for <>.
4. Pursuant to the Contingency Fee Agreement O. Reg 195/04 which is supplemental to the Solicitors Act R.S.O 1990, a Contingency Fee Retainer Agreement was drafted and is required by s. 5 to be approved by way of application.

5. Attached as **Exhibit "1"** to my Affidavit is the Contingency Fee Retainer Agreement as drafted for the Plaintiffs, <>.
6. The contingency fee agreement will cover the cost of all steps in the litigation.
7. I will continue to retain all experts which may include, but are not limited to, assessments of: the physical and emotional need of <>, assessment of care giving expense, past and future care and rehabilitation and dependency (loss of income) claims. I agree to be responsible for the costs of these reports on behalf of the Plaintiffs.
8. I am a lawyer practicing in the city of < > having being called to the Bar in < > . Attached as **Exhibit "2"** are true copies of my Curriculum Vitae and Biography.
9. I became a certified specialist in civil litigation in 2006.
10. My practice as a lawyer is restricted to Plaintiff focused personal injury litigation.
11. I have recent experience pursuing similar claims for spouse's and children of deceased motorists.

12. I reviewed the contents of the contingency fee retainer agreement with each Respondent's Litigation Guardian and received each of their consent to proceed with the within application.
13. I confirm and have advised each Respondent's Litigation Guardian that approval of this agreement does not in any way interfere with the Respondents' legal right to have any account rendered under the contingency fee retainer agreement reviewed by the Court to ensure that it is ultimately fair and reasonable.
14. I have reviewed and consent to the Contingency Fee Retainer Agreement which is subject to this Application.
15. I make this Affidavit for this application made by the Applicant and for no other purpose.

**SWORN BEFORE ME** at  
the City of Hamilton, in  
the Province of Ontario,  
this    day of    , 2011.

A COMMISSIONER, ETC.



ALLEN WYNPERLE

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

<>

Applicant

-and-

<>

Respondents

**AFFIDAVIT OF <>**

I, <>, of the Town of <>, in the Province of Ontario, MAKE OATH AND SAY AS FOLLOWS:


- 16. I am the Litigation Guardian for my grandchild, <>, born <>.
- 17. I have given written authority to < > , to act for my grandchildren, <>, in a civil proceeding arising out of a motor vehicle accident.
- 18. The motor vehicle accident took place on <>. <DETAILS OF ACCIDENT>
- 19. I and the Respondents, <>, are ordinarily residents in Ontario, and that we reside in the Town of <>, in the Province of Ontario.
- 20. I have no interest in the within proceeding adverse to that of the Respondents, <>.
- 21. I acknowledge that I have been informed of my liability to pay personally any costs awarded against the Respondents, <>.
- 22. I acknowledge that the contingency fee agreement will cover the cost of all steps in the litigation. Attached hereto and marked as

**Exhibit "1"** to this my affidavit is a true copy of the proposed retainer agreement.

- 23. I am advised by Allen J. Wynperle and verily believe, he will continue to retain all experts which may include, but are not limited to, assessments of: the physical and emotional need of <>, assessment of care giving expense, past and future care and rehabilitation and dependency (loss of income) claims.
- 24. I have reviewed and consent to the Contingency Fee Retainer Agreement which is subject to this Application.
- 25. I make this Affidavit for this application made by the Applicant and for no other purpose.

**SWORN BEFORE ME** at  
the City of Hamilton, in  
the Province of Ontario,  
this day of , 2011.

A COMMISSIONER, ETC.



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