

Court File No. <>

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

<>

Applicant

-and-

<>

Respondents

MOTION RECORD

**ALLEN J. WYNPERLE,
PROFESSIONAL CORPORATION**
Barristers and Solicitors
25 Main Street West, Suite 400
Hamilton Ontario
L8P 1H1
Tel: (905) 777-0300
Fax: (905) 777-1050
Solicitors for the Applicant
LSUC No. 38540M

TO <>

**AND TO: The Office of the Children's Lawyer
393 University Avenue
14th Floor
Toronto, ON M5G 1W9
<IF MINOR RESPONDENTS>**

Court File No. <>

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

<>

Applicant

-and-

<>

Respondents

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Court File No. <>

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

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Applicant

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NOTICE OF MOTION

THE PLAINTIFF will make a Motion to a Judge on the <> day of <>, 2012, at 10:00 o'clock in the forenoon or as soon thereafter as this Motion can be heard at the John Sopinka Court House, 45 Main Street East, Hamilton, Ontario.

PROPOSED METHOD OF HEARING:

This motion is to be heard orally.

THIS MOTION IS FOR:

1. An Order to appoint <> as Litigation Guardian for the minor Respondents, <>.

THE GROUNDS FOR THIS MOTION are as follows:

1. The Applicant has brought an application to approve the Contingency Fee Retainer Agreements to be entered into by the minor respondents.
2. The minor respondents require litigation guardians appointed by the court prior to the hearing of the application.
3. A request for appointment of litigation guardian was served upon the legal guardians of the respondents by the applicant.
4. The proposed litigation guardians are the legal guardians of the minor respondents as ordered by <> on <>.
5. Rules 1, 4, 7, 16, 7.03, 37, 39, 57.03 and 59 of the Rules of Civil Procedure.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

1. The Affidavit of <>, with Exhibits attached thereto;
2. The pleadings and proceedings herein;
3. Such further and other material as counsel might advise and this Honourable Court may permit.

DATED: <>

**ALLEN J. WYNPERLE,
PROFESSIONAL CORPORATION
LSUC No. 38540M**

Barrister and Solicitor
25 Main Street West, Suite 200
Hamilton ON L8P 1H1
Phone: (905) 777-0300
Fax: (905) 777-1050
Solicitor for the Plaintiff

TO <>

AND TO: The Office of the Children's Lawyer
393 University Avenue
14th Floor
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Court File No. <>

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

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AFFIDAVIT OF

<>

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

1. I am the Solicitor for the Applicant, and as such have knowledge of the matters hereinafter deposed to.
2. I met with the Litigation Guardians, <> on <> wherein my services were requested with respect to a civil proceeding following a motor vehicle accident.
3. The motor vehicle accident took place on <>. <details>.
4. I have been retained to pursue a claim for the <>.
5. On <>, <> was granted legal custody of <>. Attached hereto to this my affidavit as **Exhibit "1"** is a true copy of the custody order signed by Justice <> dated <>.

6. On <>, my office filed an application to seek the courts approval of the Contingency Fee Retainer Agreements to be entered into by the minor children. Attached hereto to this my affidavit as **Exhibit "2"** is a true copy of the Notice of Application dated <>.

7. On <>, <> of our office served the minor children with the Notice of Application and Application Record of the Application by sending a copy of same to their legal guardians, <>. Attached hereto to this my affidavit as **Exhibit "3"** is a true copy of the Affidavit of Service dated November <>.

8. On <>, <> of my office served the minor respondents with a Request for Appointment of Litigation Guardian. Attached hereto to this my affidavit as **Exhibit "4"** is a copy of the Request for Appointment of Litigation Guardian.

9. Litigation Guardians must be appointed for the purposes of the application as all three respondents are minor children and are therefore parties under a disability.

10. <> was born on <> and is presently <> years old.

11. <> was born on <> and is presently <> years old.

12. All minors ordinarily reside in Ontario.

13. <> reside with <>, their <> and legal guardian, at <>.

14. <> ordinarily reside the town of <>, in the province of Ontario.

15. I am advised by <> and verily believe that they consent to act as litigation guardians in this proceeding.

**ONTARIO
SUPERIOR COURT OF JUSTICE**

**ACTION COMMENCED IN THE CITY OF
HAMILTON**

MOTION

**ALLEN J. WYNPERLE
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Solicitor for the Applicant

**ONTARIO
SUPERIOR COURT OF JUSTICE**

**ACTION COMMENCED IN THE CITY OF
HAMILTON**

ORDER

**ALLEN J. WYNPERLE
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