

Court File No.:

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

Plaintiff

- and -

Defendant

**PLAINTIFF'S STATEMENT OF LAW
VOLUME 5
RULES OF OPENING STATEMENTS**

PART I - OVERVIEW

1. The plaintiff may make an opening statement first. The defence usually makes an opening after the plaintiff's evidence has concluded; however, the defendant's opening may follow the plaintiff's opening with the leave of the trial judge.
2. Objections to an opening address should be registered at trial. A failure to object can be fatal to the success of an appeal; where counsel has not objected at trial, an appellate court will only intervene in exceptional cases.
3. Although counsel has a duty to make an impassioned address, inflammatory comments are not permitted. The opening address is not a place for argument or

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* As of the February, 2017 release date, this Statement of Law has been updated by TVA

personal opinion and should not refer to matters that are irrelevant or not within the jury's province. Counsel should be guided by the pleadings and the proof required.

** END OF SAMPLE **

The remainder of this statement of law contains written submission on this issue and is written like the law portion of a factum.

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