

Superior Court of Justice Family Court Branch

(Name of court)

Court File Number

FC-15-2446-0

Form 14A: Affidavit
(general) dated

at 161 Elgin Street, Ottawa, Ontario K2P 2K1
Court office address

Applicant(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Jonathan Kiska
1244 Lampman Crescent, Ottawa, Ontario K2C 1P8
mobile: 613-723-0010 jk@johnkiska.com

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Wade Smith
700-116 Lisgar Street, Ottawa, Ontario K2P 0C2
phone: 613-237-3444 wsmith@bellbaker.com

Respondent(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Deirdre Moore
7 Vanson Avenue, Ottawa, Ontario K2E 6A9
mobile: 613-791-1451 deirdre@cceh.ca

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

This Exhibit ' E ' referred to in the
Affidavit of ... Deirdre Moore ...

sworn before me at the City of Ottawa, this
... 20 ... day of ... April ... 2017 ...

My name is (full legal name) Deirdre Ann Moore

I live in (municipality & province) City of Ottawa, Ontario

[Signature]
A Commissioner for taking affidavits

and I swear/affirm that the following is true:

Set out the statements of fact in consecutively numbered paragraphs. Where possible, each numbered paragraph should consist of one complete sentence and be limited to a particular statement of fact. If you learned a fact from someone else, you must give that person's name and state that you believe that fact to be true.

1. I was advised on November 10, 2015 that the Applicant was bringing an emergency motion against me.
2. Form 8: Application (General) clause 23. states that "The Respondent's medical, mental health, CAS records and police reports are highly relevant to the issues in this Application and will shed light on what course of action is in the best interest of the children.
3. I requested a list of the documents that were identified in 2. above on March 19, 2017 but was advised that "since they are your reports, it is your obligation to contact the various doctors/hospitals and produce your medical records." See Exhibit A
4. I believe it is their obligation to provide the reports that they suggest support this Application. There are many, and I would like to know which ones, specifically, were used. Furthermore, I do not have access to the Police reports listed in 2. above.

Put a line through any blank space left on this page.

Sworn/Affirmed before me at City of Ottawa
municipality

in Ontario
province, state, or country

on April March 11, 2017
date
S. J.
Commissioner for taking affidavits
(Type or print name below if signature is illegible.)

[Signature]
Signature
(This form is to be signed in front of a
lawyer, justice of the peace, notary public
or commissioner for taking affidavits.)

Superior Court of Justice Family Court Branch

(Name of court)

at 161 Elgin Street, Ottawa, Ontario K2P 2K1

Court office address

Form 14B: Motion
Form

Names of parties: Deirdre Moore
Jonathan Kiska

Applicant: Jonathan Kiska

Respondent: Deirdre Moore

Hearing date: April 18, 2017

Name of case
management judge:

This form is filed by:

☐ applicant ☒ respondent ☐ (Other, specify.)

This motion is made:

☐ with the consent of all persons affected ☐ with notice to all persons affected – unopposed
☒ with notice to all persons affected – opposition expected ☐ without notice

NOTE TO PERSON MAKING THIS MOTION: If this is a motion to change past and future support payments under an order that has been assigned to a government agency, you must also serve this motion form on that agency. If you do not, the agency can ask the court to set aside any order that you may get in this motion and can ask for court costs against you.

Order that you want the court to make: (If you need more space, add an extra sheet but do not make any changes to this form.)

An order that the Applicant provide an affidavit listing every document that is relevant to any issue in the case and is in the party's control or available to the party on request.

Laws and rules on which you are relying: (Give name of statute and section numbers; name of regulation and section numbers; and rule numbers.)

ONTARIO REGULATION 114/99 - FAMILY LAW RULES

RULE 19: DOCUMENT DISCLOSURE

AFFIDAVIT LISTING DOCUMENTS

19. (1) Subject to subrule (1.1), every party shall, within 10 days after another party's request, give the other party an affidavit listing every document that is,

(a) relevant to any issue in the case; and

(b) in the party's control, or available to the party on request. O. Reg. 114/99, r. 19 (1); O. Reg. 383/11, s. 5 (1).

I want the court to deal with this motion:

- ☐ by relying only on written material. ☒ in a hearing at which affected persons may attend personally.
- ☐ by conference telephone call. (An appointment for such a call must be arranged in advance; see rule 14 of the Family Law Rules.)

At this motion, I am relying on the following material:

- ☒ Tabs/pages Motion Form 14B & Affidavit Form 14A of the continuing record
- ☐ Pages _____ of the transcript of the evidence of (name of person) re: Document Disclosure
- _____, dated April 11/17

(Relevant parts of the transcript must be highlighted.)

This party's lawyer (Give lawyer's name, firm, telephone & fax number and e-mail address [if any]. If no lawyer, give party's name, and address for service, telephone & fax number and e-mail address [if any].)

Deirdre Moore
7 Vanson Avenue, Ottawa, Ontario K2E 6A9
mobile: 613-791-1451 deirdre@cceh.ca

Other party's lawyer (Give lawyer's name, firm, telephone & fax number and e-mail address [if any]. If no lawyer, give party's name, and address for service, telephone & fax number and e-mail address [if any].)

Wade Smith
700-116 Lisgar Street, Ottawa, Ontario K2P 0C2
phone: 613-237-3444 wsmith@bellbaker.com

Deirdre Moore
Signature

April 11, 2017
Date of signature

Deirdre Moore

From: Wade Smith <WSmith@bellbaker.com>
Sent: Monday, March 20, 2017 7:33 AM
To: Deirdre Moore; jk@johnkiska.com
Subject: RE: Rule 19 - Document Disclosure

In that they are your reports, it is your obligation to contact the various doctors/hospitals and produce your medical records.

Wade L. Smith
Bell Baker LLP
700-116 Lisgar Street
Ottawa, Ontario
K2P 0C2
613-237-3448 (324)

From: Deirdre Moore [mailto:deirdre@cceh.ca]
Sent: March-19-17 9:43 PM
To: jk@johnkiska.com; Wade Smith
Subject: Rule 19 - Document Disclosure

This Exhibit 'A' referred to in the
Affidavit of Deirdre Ann Moore
sworn before me at the City of Ottawa, this
11 day of April, 2017.
[Signature]
A Commissioner for taking affidavits

Mr. Kiska, Mr. Smith,

Perhaps I erred in my previous requests as per attached? Plus, I am not sure who to ask ... so I am asking both of you.

According to Form 8 of your Application (Disclosure and Police Enforceability Clause #23): "The Respondent's medical, mental health, CAS records and police reports are highly relevant to the issues in this Application and will shed light on what course is in the best interest of the children."

According to Rule 19: Document Disclosure,

19. (1) Subject to subrule (1.1), every party shall, within 10 days after another party's request, give the other party an affidavit listing every document that is,

- (a) relevant to any issue in the case; and
- (b) in the party's control, or available to the party on request. O. Reg. 114/99, r. 19 (1); O. Reg. 383/11, s. 5 (1).

(2) The other party is entitled, on request,

- (a) to examine any document listed in the affidavit, unless it is protected by a legal privilege; and
- (b) to receive, at the party's own expense at the legal aid rate, a copy of any document that the party is entitled to examine under clause (a). O. Reg. 114/99, r. 19 (2).

(3) Subrule (2) also applies, with necessary changes, to a document mentioned in a party's application, answer, reply, notice of motion or affidavit. O. Reg. 69/15, s. 7 (2).

Please provide documents as per Rule 19(1) with respect to your Application. Meanwhile, I will start working on a second Form 22.

Thank you.
Deirdre Moore, CFA, BBA