



COURT OF QUEEN'S BENCH FOR
SASKATCHEWAN

FAMILY PRACTICE DIRECTIVE #3

OBJECTIONS TO AFFIDAVIT EVIDENCE IN FAMILY MATTERS

REFERENCE: FAM-PD #3

Former Reference: Practice Directive #17 issued October 17, 2001

Effective: July 1, 2013

Amended: May 1, 2014

1. Objections to affidavits shall be raised by filing a notice of objection in the form attached hereto.
2. A copy of the affidavit objected to is to be attached to the notice of objection with those portions to which objection is taken highlighted or otherwise identified, such as by underscoring, and a notation in the margin as to the Rule upon which objection is taken and the grounds for the objection (example: hearsay, argument, opinion, irrelevant, etc.).
3. A notice of objection shall be served and filed:
 - (i) when objecting to the affidavit(s) filed in support of the substantive motion: at least seven days before the return date;
 - (ii) when objecting to the affidavit(s) filed in response to the substantive motion: at least one clear day before the return date;
 - (iii) when objecting to a reply affidavit: by noon the day before the return date.
4. A response to the notice of objection shall be filed in the form attached hereto.
5. The response to the notice of objection shall be served and filed as follows:
 - (i) in reply to the objection to the affidavit(s) filed in support of the substantive motion: at least two clear days prior to the return date;
 - (ii) in reply to the objection to the affidavit(s) filed in response to the substantive motion: 12:00 noon of the day before the return date;
 - (iii) in reply to the objection to the reply affidavit: at the hearing on the return date.

6. There will be no argument in chambers on the objection unless the chamber judge requests further comment.

Chief Justice M. D. Popescul

NOTICE OF OBJECTION TO AFFIDAVIT EVIDENCE

TAKE NOTICE that an application is hereby made to the presiding judge in chambers at the court house in _____, Saskatchewan at _____ o'clock in the _____ noon on the _____ day of _____, 20 ____ on behalf of the petitioner (or respondent, as the case may be) objecting to the following affidavit evidence:

[(a) The affidavit of _____, a copy of which is attached hereto with the material objected to identified;]

ON THE FOLLOWING GROUNDS:

[(a) As noted on the attached copy of the affidavit(s)]

DATED at the City of _____, in the Province of Saskatchewan, this _____ day of _____, 20 _____ .

TO:

This document was delivered (etc. as in Form 589)

RESPONSE TO NOTICE OF OBJECTION

THE PETITIONER (or Respondent as the case may be) ACKNOWLEDGES the following affidavit material is to be struck or disregarded, as the case may be:

[(a) Identify the affidavit and the specific provisions]

AND TAKES ISSUE with the remaining material objected to ON THE FOLLOWING GROUNDS:

[(a) Identify the affidavit, the passage in question and the reason.]

DATED at the City of _____, in the Province of Saskatchewan, this _____ day of _____, 20 _____ .

TO:

This document was delivered (etc. as in Form)