CAUSE OF ACTION

1) ⇒ CONTRACT
- CONDUCT
- PART PERFORMANCE
- REPUDIATION
- BREACH

⇒ ESTOPPEL
- REPRESENTATIONS — TRANSCRIPT
- RELIANCE
- PREJUDICE

INTERACTIVE

⇒ APPROACH BY WITNESS ???

⇒ FIDUCIARY DUTY
- AGREEMENT TO GIVE EVIDENCE
- SPECIAL RELATIONSHIP OF INFLUENCE, POWER, DOMINANCE } OVER PLAINTIFF
- BASED ON A CONCEPT OF WITNESS PROTECTION

2) NEGLIGENCE — MUST ESTABLISH DUTY OF CARE → DEFENCE ON THE PARTS
- REASONABLE FORESEEABLE DAMAGE AND LOSS
- REPRESENTATIONS — TRANSCRIPT
- FAILURE TO TAKE DUE CARE — POLICIES & SYSTEMS
- BREACH — REPRESENTATIONS WERE FALSE "NO WORK OFF ENVIRONMENT" = ASSESSMENT OF DAMAGES

SECONDARY SCHEME

PARTIES

CCP
SOV

DEFENCES

CONTRACT
→ UNENFORCEABLE
→ AGAINST PUBLIC POLICY

ISSUES

DAMAGES 250k
→ PREEXISTING INJURY - STROKE 2004
→ AGGRAVATION

ALLEGED CONDUCT
→ COMMENCED 5/3/08

NOT INCLUDED
⇒ HUMAN SOURCE REGISTERED
2005 → 2008

RISK
→ DISCOVERY
→ VERY PROFESSIONAL PROMISE
→ SAFETY

MITIGATION
→ DEFENCE REFERS ONLY TO PETRA AND PLEADING.

OTHER INVESTIGATIONS
→ WITNESS ROLE

OPTIONS
⇒ DEFENCE
→ DEFENCE TO INCLUDE 2005–2008 = SUPPRESSED
⇒ PUBLIC INTEREST IMMUNITY AND SUPPRESSION ISSUES.

WITNESS MANAGEMENT STANDARDS
OPI REVIEW
WITSEC
OTHER WITNESSES
HUMAN SOURCES

NEXT STEPS

⇒ LETTER SENT REQUESTING EXTENSION OF TIME FOR DEFENCE
DUE: 9/6/10
PROPOSED: 1/8/10

⇒ TRANSCRIPTION
→ 225 HOURS OF MEETINGS
= ASSESS REPRESENTATIONS MADE

⇒ DIRECTIONS HEARING
→ 18 JUNE 2010
→ SUBPOENAS FOR PRODUCTION BEFORE PROTHONOTARY
- HEALTH RECORDS
- FINANCIAL RECORDS
- TIMING OF DEFENCE
→ TIMETABLING

⇒ GOVERNANCE — INSTRUCTIONS DOUG FREER
— RETAINER = CONTINUANCE

(MANAGEMENT OF SUPPRESSION)