###### THE QUEEN'S BENCH

###### Winnipeg Centre

B E T W E E N:

­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
Name - The Plaintiff

Plaintiff,

- and -

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
Name – Individual Defendants and any Corporate Defendants
[include John Does 1-10 and Jane Does 1-10, if any]

Defendants

**ORDER**

**NAME OF LAW FIRM**Address of Law Firm

List names of Lawyers obtaining the Order

THE QUEEN'S BENCH
Winnipeg Centre

|  |  |  |
| --- | --- | --- |
| THE HONOURABLE        JUSTICE                                   | ))) |        day of                               , 202     . |

B E T W E E N:

­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
Name - The Plaintiff

Plaintiff,

- and -

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
Name – Individual Defendants and any Corporate Defendants
[include John Does 1-10 and Jane Does 1-10, if any]

Defendants

**ORDER**

 **THIS MOTION**, made by the Plaintiff, without notice to the Defendants, for an order pursuant to Queen’s Bench Rule 40 for an interim injunction, and Queen’s Bench Rule 45 for the interim preservation of property also known as an Anton Piller Order, was heard this day, at Winnipeg, Manitoba.

 **ON READING** the Statement of Claim (to be filed) in this action, the Notice of Motion, the Affidavits of [list evidence before the Court], and on hearing the submissions of counsel for the Plaintiff, and the Plaintiff, by its counsel, undertaking:

 (a) to commence these proceedings forthwith after the granting of the Order;

 (b) to forthwith serve a copy of the Statement of Claim, Notice of Motion and Affidavit material filed along with a copy of with this Order;

 (c) to abide by any Order this Court may make as to damages in case this Court is hereafter of the opinion that the Defendants have sustained damages by reason of this Order which the Plaintiff ought to pay[[1]](#footnote-1).

The Motion Will Be Heard *Ex Parte* and *In Camera*

1. **THIS COURT ORDERS** that the Motion be heard *ex parte* and *in camera[[2]](#footnote-2)*.

The Court File is to be Sealed Until Such time as the Searches Have Been Completed

1. **THIS COURT ORDERS** that the Court file in this matter be sealed and that no notice be placed in the public Court Registry until such time as counsel for the Plaintiff notifies the Court, in writing, that the execution of this Order at the Premises and any Other Premises (as those terms are defined in paragraph 5(a) below) has been completed (collectively, the "Searches").
2. **THIS COURT ORDERS** that counsel for the Plaintiff shall forthwith notify the Court, in writing, when the Searches are completed at which time the Court file shall be unsealed.

Injunction

1. **THIS COURT ORDERS**, on an interim basis, that the individual Defendants and [Name of Corporate Defendant(s)], their servants, agents, representatives, affiliated companies, related companies, subsidiaries (hereinafter "[Name of Corporate Defendant]'") or anyone on their behalf, or anyone having knowledge of the injunction or anyone on their behalf are enjoined and prohibited from:
2. [[3]](#footnote-3)
3. assisting or advising any other person to engage in the conduct that has been prohibited by this Order.

Anton Piller Order

1. **THIS COURT FURTHER ORDERS** that:
2. The solicitor in charge of execution of this Order (the "Supervising Solicitor") and the Authorized Persons (defined below) are hereby empowered and authorized to enter the premises and or other premises of the Defendants described in Schedule "B" hereto (the "Premises" and "Other Premises") to search and seize the Evidence described in Schedule "A" hereto;
3. The Supervising Solicitor shall act as an officer of the Court in respect of the observance and implementation of the terms of this Order;
4. The following persons shall be individually and collectively referred to as the Authorized Persons under this Order:
5. the solicitors charged with the execution of this Order being the Supervising Solicitor [Name the lawyer] or any other member of the [Name of the law firm] that has at least five (5) years' experience before the Bar[[4]](#footnote-4);
6. four (4) solicitors or students‑at‑law from the [Name the Supervising Solicitor law firm identified in (i) above];
7. three (3) solicitors or students-at-law from the law firm [Name law firm representing the Plaintiff];
8. five (5) authorized individuals from [Name firm retained to assist in securing seized materials], who have been designated by the Plaintiff to copy the computers, hard drives and smartphone devices, smart phones, digital or other storage media or a similar personal electronic device, such as cell phones and iPads of the Defendants (collectively, "PEDs") for the purposes of this Order, plus one (1) additional person on standby to be utilized in the event that entry to any Other Premises, as permitted by this Order, is required;
9. such additional persons as may be reasonably requested by the Plaintiff for the purposes of executing this Order, including a locksmith for the purposes of opening any locked potion of the Premises and Other Premises, computer technicians, photographers, clerical personnel to make copies or inventories, and bailiffs, all of whom shall be permitted to attend with any necessary equipment for the execution of this Order; and
10. video technicians.

(hereinafter the "Authorized Persons")[[5]](#footnote-5)

Explanation of Search and Seizure Authority

1. **THIS COURT FURTHER ORDERS** that:
2. In order to facilitate the execution of this Order, the Supervising Solicitor charged with the execution of this Order, being [Name the supervising solicitor] or any other member of the [Name of law firm] firm that has at least five years' experience before the Bar shall ensure that the nature and effect of this Order is explained fairly and in everyday language to the persons served with the Order and any other persons 18 years age or older occupying the Premises and Other Premises at the time the search is conducted ("Occupiers"), in particular that:
3. they are ordered to allow the Authorized Persons enforcing this Order to search for and seize all Evidence as defined in Schedule "A" attached hereto[[6]](#footnote-6);
4. they are ordered to provide the Authorized Persons enforcing this Order with their full and correct names, addresses, and telephone numbers and to co-operate with the Authorized Persons enforcing this Order in all matters related to its enforcement;
5. they are ordered not to touch or use their computers or PEDs or be within one meter of their computers or PEDs during the execution of this Order;
6. they are ordered to explain the operation of the computers and their PEDs and to provide all keys, identification codes, passwords, pass phrases or any other such information or knowledge to permit the downloading, copying and/or reviewing of computer hard drives and disks;
7. they are ordered not to take any actions or omit to take any actions that will result in loss or alteration of data stored in computers or PEDs or in documents or otherwise;
8. they are ordered to disclose the existence and location of any off site computers and PEDs that relate to the business of the Defendants and especially computer data back-up and/or storage locations;
9. they are informed that if they refuse to comply with the terms of this Order they may be found in contempt of Court which can result in fines or imprisonment;
10. they may consult a solicitor before complying with this Order (provided that such advice is sought and obtained immediately);
11. they have the right to claim solicitor and client privilege and that they have a privilege against self-incrimination;
12. they be at liberty to apply to this Court to set aside or vary this Order upon giving proper notice to the Plaintiff's solicitor of their intention to do so;
13. they may request an appearance before the Court at any time before the date set out in the notice of return of motion (see date and time set out in paragraph 42 of this Order), upon proper notice to the Plaintiff's solicitor, to contest the issuance, service or execution of this Order;
14. they shall co-operate fully with the execution of this Order.
15. In order to facilitate the execution of the previous paragraphs, the Supervising Solicitor shall direct all persons present at the premises set out in Schedule "B", to attend at a central location on the Premises, and permit the Supervising Solicitor or his/her agent to explain the within Order.

Timing and Service of the Order

1. THIS COURT FURTHER ORDERS that this Order may only be served and that the initial entry to the Premises and Other Premises must be made between 8:00 a.m. and 6:00 p.m. on a weekday.
2. THIS COURT FURTHER ORDERS that the entries into the Premises and any Other Premises pursuant to this Order must be executed within seven (7) days of the granting of this Order, after which time this Order shall lapse, unless extended by the Court.
3. THIS COURT FURTHER ORDERS that all persons responsible for service and execution of this Order be entitled to take all necessary reasonable measures to enforce it and to reasonably prevent or remove any impediment to its execution.
4. THIS COURT FURTHER ORDERS that immediately upon the service of this Order upon him or her, each Individual Defendant and/or Occupier of the Premises and or Other Premises, shall disclose to the Authorized Persons their full and proper name and the address at which registered mail sent to them will be received.

Authorized Persons Must Be Granted Access to the Premises and/or Other Premises; Recording by Audio, Video or Photographs is Expressly Permitted

1. THIS COURT FURTHER ORDERS that following the service of the Order on any Occupiers of the Premises and Other Premises, no persons shall be permitted to enter the Premises and Other Premises until the execution of this Order has been completed except for the Authorized Persons and any solicitors retained by the Defendants.
2. THIS COURT FURTHER ORDERS that the Individual Defendants and [Name of Corporate Defendant], and any Occupiers of the Premises and Other Premises, shall allow the Authorized Persons to remain on the Premises and Other Premises until further Order of this Court, to exercise their rights and discharge their duties as set out in this Order.
3. THIS COURT FURTHER ORDERS that the Individual Defendants and [Name of Corporate Defendant], and any Occupier(s) of the Premises and Other Premise , shall allow the Authorized Persons to record by audio, video or photograph the Evidence, the Premises, and other Premises and all acts, conversations and discussions occurring in the course of the Authorized Persons' search of the Premises and Other Premises and that relate to this Order between the time this Order is served and the completion of the Search(es), with the exception of communications between the Individual Defendants, [Name of Corporate Defendant] and their respective solicitors, if applicable. As set out in paragraph 6 of this Order, the Supervising Solicitor shall also explain to the Individual Defendants and [Name of Corporate Defendant], and any Occupier(s) of the Premises and Other Premises, that they may be recorded by audio, video or photograph during the Searches[[7]](#footnote-7).
4. THIS COURT FURTHER ORDERS that once the Supervising Solicitor has explained the nature and effect of this Order to the Defendants and Occupiers served with the Order at the Premises and Other Premises each individual defendant and/or Occupier of the Premises and Other Premises:
5. shall grant to the Authorized Persons full and complete access to all Evidence and that they must immediately:
6. advise the Authorized Persons where all Evidence is located on the Premises and Other Premises, if applicable; and
7. provide to the Authorized Persons all keys, identification codes, passwords, pass phrases or any other such information or knowledge and cooperation necessary to permit them to gain access and/or copy any Evidence.
8. the Individual Defendants and/or Occupiers of the Premises and/or Other Premises shall, and shall direct their employees, agents and/or any other person acting under their instructions or on their behalf, to immediately turn over to the Authorized Persons all Evidence in the possession or control of the Individual Defendants and/or Occupiers, and [Name of Corporate Defendant];
9. the Individual Defendants and [Name of Corporate Defendant], and any Occupier(s) of the Premises or Other Premises, may be recorded by audio, video or photograph during the Searches, save and expressly except for any communications that they may have with their solicitors, if applicable;
10. the Individual Defendants and/or Occupiers of the Premises and/or Other Premises and/or [Name of Corporate Defendant] be restrained from in any way altering, defacing, destroying, hiding or re-locating any Evidence;
11. until such time as they are advised by the Authorized Persons that the Searches of the Premises and any Other Premises is complete, none of the individual Defendants, Occupiers or other persons who are aware of the terms of this Order shall communicate the existence or contents of this Order or the Statement of Claim to any other Individual Defendant or to any person located at an Other Premises who may not have been served with a copy of this Order;
12. the Individual Defendants and/or Occupiers, and each of them and [Name of Corporate Defendant] shall do all acts and things as may be necessary to cooperate in the execution and enforcement of this Order;
13. if the Individual Defendants and/or Occupiers, and each of them, and [Name of Corporate Defendant] refuse to comply with the terms of this Order they may be found in contempt of Court which can result in imprisonment and/or fines;
14. the defendant, [Name of Corporate Defendant], and any of the Individual Defendants that are present at the time that [Name of Corporate Defendant] is served with this Order, may consult a lawyer, provided that:
15. the legal consultation takes place immediately after being served with the Order;
16. the Authorized Persons shall be entitled to remain on the Premises and to proceed to advise Occupiers on the Premises of this Order; and
17. the Individual Defendants present at the service of this Order upon [Name of Corporate Defendant] remain on the Premises while exercising their right to obtain legal advice; and
18. If a period of one (1) hour has passed for the Defendant, [Name Corporate Defendant] and those Individual Defendants present when [Name of Corporate Defendant] is served with the Order, to obtain legal advice, then the Authorized Persons shall be entitled to proceed with the actions authorized by this Order and the terms of any agreement negotiated with the solicitors for the Defendants
19. [Name of Corporate Defendant] and/or the Individual Defendants have the right to claim solicitor- client privilege over Evidence that is being seized ("Privileged Documents"), as that term is defined in paragraph 17 below and that they have a right against self-incrimination;
20. [Name of Corporate Defendant] and/or the Individual Defendants may request an appearance before this Court upon proper notice to the Plaintiff's solicitors to set aside, vary, and/or to contest the issuance, service or execution of this Order.
21. THIS COURT FURTHER ORDERS that if it is deemed impracticable by the Supervising Solicitor, after consulting with [Name firm retained to assist in securing seized materials], in his or her absolute discretion, to search for, identify, inspect or reproduce Evidence located on any of [Name of Corporate Defendant]'s or the Individual Defendants' computers, PEDs, smart phones, digital or other storage media at the Premises and Other Premises, the Supervising Solicitor shall be entitled to direct [Name firm retained to assist in securing seized materials] to remove such electronic evidence into their possession for these purposes for a period of seventy-two (72) hours, or such further period as may be agreed to by the parties or ordered by the Court[[8]](#footnote-8).

Privileged Documents & the Rights of [name of Corporate Defendant], the Individual Defendants and Persons Served With the Order

1. THIS COURT FURTHER ORDERS that at the time of initial entry into the Premises and Other Premises, the Individual Defendants and any Occupiers of the Premises and Other Premises shall be served with this Order and the Statement of Claim filed herein, with only one (1) solicitor of the Plaintiff and the Supervising Solicitor being present at the time of initial entry into the Premises.
2. THIS COURT FURTHER ORDERS that upon service of this Order, the person(s) served shall forthwith be advised in plain language by the Supervising Solicitor of the nature of the Order and their legal rights, including the right to seek legal advice and to segregate documents over which legal privilege is claimed (the "Privileged Documents"), provided that they do so immediately, and while seeking legal advice and segregating Privileged Documents may refuse entry to the Premises and Other Premises for a period not to exceed one (1) hour to all of the Authorized Persons except for the Supervising Solicitor and such other persons as he or she may require, who shall be and hereby are authorized to enter the Premises and Other Premises and take such steps as they deem necessary to secure and preserve the Evidence therein and ensure that no steps are taken to alter, deface, discard, conceal or destroy any of the Evidence while [Name of Corporate Defendant], the Individual Defendants and/or person(s) served are seeking legal advice.
3. THIS COURT FURTHER ORDERS that [Name of Corporate Defendant] and its solicitors shall be entitled, although not obligated, to be present during the Searches.
4. THIS COURT FURTHER ORDERS that any Privileged Documents identified as provided for in paragraph 17 shall be provided directly to the Supervising Solicitor and sealed pending further order of the Court.
5. THIS COURT FURTHER ORDERS that the Plaintiff's solicitor shall ensure that an inventory is created listing all of the Evidence that is seized or delivered up pursuant to this Order and shall serve a copy of that list (the "Inventory") on [Name of Corporate Defendant], the Individual Defendants and/or their respective solicitors.

Obligations of [name of Corporate Defendant], the Individual Defendants and Persons Served

1. THIS COURT FURTHER ORDERS that upon service of the Order, [Name of Corporate Defendant], the Individual Defendants and any person(s) upon whom the Order is served, shall forthwith disclose to the Authorized Persons and grant access and deliver up to the Authorized Persons any and all of the Evidence, wherever situate, including but not limited to the whereabouts of all of the Evidence, whether stored by way of cloud computing, under the possession, custody or control of [Name of Corporate Defendant], the Individual Defendants or any third party.
2. THIS COURT FURTHER ORDERS that upon service of this Order, [Name of Corporate Defendant], the Individual Defendants and any person(s) upon whom the Order is served, shall immediately render any necessary assistance to the Authorized Persons to locate, decode, access, and decrypt the Evidence and any and all information or electronic data (including, but not limited to, Evidence stored by way of cloud computing) to which the Authorized Persons may not have ready and immediate access, including the provision of all keys, identification codes, passwords, passphrases, or any other such information or knowledge necessary to achieve access thereto.
3. THIS COURT FURTHER ORDERS that upon service of this Order, [Name of Corporate Defendant], the Individual Defendants and any person(s) upon whom the Order is served, shall immediately render any necessary assistance to the Supervising Solicitor and the persons assisting him/her to enable them to effectively carry out their responsibilities under this Order.

Custody of, Access to, and Use of Evidence Seized or Delivered Up

1. THIS COURT FURTHER ORDERS that all Evidence seized pursuant to this Order, including the Privileged Documents, shall be held in the custody of the Supervising Solicitor and/or [Name firm retained to assist in securing seized materials] pending further order of the Court.
2. THIS COURT FURTHER ORDERS that the Evidence seized shall be subject to the implied undertaking rule and used by the Plaintiff only for the purposes of this action, unless the Court orders otherwise.
3. THIS COURT FURTHER ORDERS that the Supervising Solicitor shall serve an Inventory of the Evidence seized at any Premises searched under this Order upon the parties as soon as reasonably possible after the date this Order is executed.
4. THIS COURT FURTHER ORDERS that once the defendants and/or their counsel have been provided with the Inventory, the defendants or their counsel shall be permitted to inspect the Evidence under the supervision of the Supervising Solicitor or [Name firm retained to assist in securing seized materials], as the case may be, on any Business Day between the hours of 10:00 am and 4:00 pm on one (1) Business Days' notice, subject to any reasonable rules or restrictions imposed by the Supervising Solicitor or [Name firm retained to assist in securing seized materials] to ensure that there is no tampering with or removal of the Evidence. In the event an Inventory of the Evidence has not been provided by the Supervising Solicitor within four (4) days of the execution of this Order, the Defendant, [Name of Corporate Defendant] and/or its solicitors shall be provided with reasonable access to all Evidence in the custody of the Supervising Solicitor and/or [Name firm retained to assist in securing seized materials] for the purpose of examining and making copies of the said Evidence in the presence of a representative of the Supervising Solicitor.
5. THIS COURT FURTHER ORDERS that, within five (5) days of service of the Inventory upon the defendants, the defendants shall serve upon the Plaintiff and the Supervising Solicitor and/or [Name firm retained to assist in securing seized materials], as the case may be, a list of the Evidence which they object to producing to the Plaintiff (the "Contested Materials"), indicating the reason for such objection(s).
6. THIS COURT FURTHER ORDERS that the Supervising Solicitor and/or [Name firm retained to assist in securing seized materials], as the case may be, shall permit the Plaintiff to copy the Evidence other than the Contested Materials, and the Plaintiff shall be entitled to retain such copies for the purposes of this litigation.
7. THIS COURT FURTHER ORDERS that the Supervising Solicitor and/or [Name firm retained to assist in securing seized materials], as the case may be, shall retain the Contested Materials and dispose of them only as directed by the Court.

Prohibited Acts

1. THIS COURT FURTHER ORDERS that the prohibitions outlined below shall become effective as soon as the Defendants or any one of them and any occupiers of the Premises and/or Other Premises are served or have knowledge of this Order and that unless otherwise ordered by this Court, the Individual Defendants and [Name of Corporate Defendant] or occupiers of the Premises or Other Premises shall not directly or indirectly, by any means whatsoever:
2. remove any Evidence from the Premises and Other Premises, erase or delete from any means of electronic storage, or transmit any of the Evidence from the Premises and Other Premises or alter, deface, discard, conceal or destroy in any manner any of the Evidence; and/or
3. touch, activate, or operate any computer equipment either locally or remotely from any location, or access or alter any text, graphics, electronic data, information, or other content of any web site or its databases or any electronic mail, newsgroup or Internet relay chat communications, or other information, instructions or data stored in any location remote from the Premises and Other Premises that may contain or constitute the Evidence.
4. THIS COURT FURTHER ORDERS that, in order to give effect to the Order, any person who is ordered not to do something shall not do it personally, through others acting on his or her behalf, or on his or her instructions, or with his or her encouragement or acquiescence, or in any other way.
5. THIS COURT FURTHER ORDERS that the defendants shall not contact employees of the Plaintiff, either directly or indirectly, via telephone, in person, email and/or any other form of electronic communication, including those employees who have sworn Affidavits filed in this proceeding, unless such contact is in the presence of the solicitors for the Defendants.

Variation/Discharge or Confirmation of Order

1. THIS COURT FURTHER ORDERS that [Name of Corporate Defendant], the Individual Defendants or any person with notice of this Order may request an appearance before this Court at any time to vary or discharge this Order or so much of it as affects such person, but anyone wishing to do so shall provide the Plaintiff's solicitors with at least forty-eight (48) hours' notice of their intention.
2. THIS COURT FURTHER ORDERS that, if a defendant or any other person with an interest in the Evidence or a portion thereof in the custody of the Supervising Solicitor and/or [Name firm retained to assist in securing seized materials] wishes to request that this Order be set aside or varied prior to the inspection of the Evidence by the Plaintiff, the Defendant or person shall request an appearance before this Court to determine the procedure to be followed. Any request for an appearance is to be made within four (4) business days from the date the Defendants were provided with the Inventory of seized Evidence and notice is to be given to the Plaintiff, Supervising Solicitor and [Name firm retained to assist in securing seized materials] (the "Four Day Period").
3. THIS COURT FURTHER ORDERS that while the Inventory is being prepared and until the expiry of the Four Day Period the Plaintiff shall not be permitted to inspect the Evidence that is in the custody of the Supervising Solicitor and/or [Name firm retained to assist in securing seized materials].
4. THIS COURT FURTHER ORDERS that if a request for an appearance is made by the Defendants or one of them, within the Four Day Period as specified in paragraph 36, above, no party shall be permitted to inspect the Evidence except as permitted by further order of this Court.
5. THIS COURT FURTHER ORDERS that, if no request for an appearance is made by the Defendants within the Four Day Period in accordance with paragraph 36, the Supervising Solicitor and/or [Name firm retained to assist in securing seized materials], as the case may be, shall permit two (2) representatives of the Plaintiff and counsel for the Plaintiff to inspect the Evidence under the supervision of the Supervising Solicitor and [Name firm retained to assist in securing seized materials] and the Plaintiff shall identify to the Supervising Solicitor and [Name firm retained to assist in securing seized materials] which of the Evidence the Plaintiff alleges is relevant to this action (the "Designated Materials").

Report to the Court

1. THIS COURT FURTHER ORDERS that the Supervising Solicitor shall within ten (10) Business Days of the execution of this Order, provide a report to the Court which describes the execution of this Order, who was present at the execution, and what materials were reproduced and/or removed into the custody of the Supervising Solicitor or [Name firm retained to assist in securing seized materials], as the case may be, and deliver a copy of the report to the parties, or their solicitors of record, and that the costs of the preparation of such a report shall be in the discretion of the Court as to quantum and the party who should bear them.
2. THIS COURT FURTHER ORDERS that the Supervising Solicitor and/or [Name firm retained to assist in securing seized materials], as the case may be, shall return all Evidence other than the Designated Materials to [Name of Corporate Defendant], or to such other person or persons as the Court orders, and [Name of Corporate Defendant] shall provide a written acknowledgement of the Evidence other than the Designated Materials that has been returned to it.

Non-Disclosure of Order

1. THIS COURT FURTHER ORDERS that:
2. Every person on whom this Order is served or who has knowledge of this Order or who has notice of the service of this Order is prohibited for a period of seven (7) days after such service from:
3. disclosing to or discussing with any other person the existence of these proceedings or the Orders herein;
4. otherwise informing or warning any other person that the Plaintiff might execute this Order against him or her.
5. Notwithstanding the previous paragraph, any person on whom this Order is served and any person having notice of it may at any time consult a solicitor for the purpose of obtaining legal advice with respect to these proceedings.
6. THIS COURT FURTHER ORDERS that this Motion be returned before this Court in Winnipeg on                                                                 [[9]](#footnote-9) for confirmation.
7. THIS COURT FURTHER ORDERS that in the event the identity of a John Doe or Jane Doe Defendant has become known, the Plaintiff shall file a Notice of Motion adding that person as a named Defendant. When a person is added as a named Defendant, it shall not be necessary to amend the style of cause but merely to add the name of the person to Appendix "A" of the Statement of Claim, each such addition being listed and numbered in sequence, in the order in which they are added, with the date of the addition also being noted. All subsequent documentation respecting that Defendant, filed with the Court, shall include that numerical designation[[10]](#footnote-10).
8. THIS COURT FURTHER ORDERS that the costs of this Motion may be spoken to after execution of this Order.

[Date]
[Name of Judge]

**SCHEDULE "A"**

**THE EVIDENCE**

The Anton Piller Order granted by this Honourable Court shall permit Authorized Persons to search for, identify, inspect, preserve, reproduce, and remove into the custody of the Supervising Solicitor (as defined in paragraph 5 herein) and/or [Name firm retained to assist in securing seized materials], any and all documents, items, devices, PEDs, equipment, and any component thereof, including information that may be stored by way of cloud based computing, which are listed in this Schedule "A" (collectively, the "Evidence") or which the Plaintiffs' solicitors believe to be the Evidence including, but not limited to:

[Detailed list of all types of documents, emails, customer lists, specifications, drawings in paper or electronic form that the Plaintiff believes are relevant to the matters at issue in the proceedings]

Each Individual Defendant and/or Occupier of the Premises and Other Premises over the age of eighteen (18) years old, shall disclose to the Authorized Persons the location (whether on or off the Premises) of any and all Evidence used by the Defendants, including but not limited to [list the nature of the alleged breach of the Plaintiff's rights].

**SCHEDULE "B"**

**BUSINESSES OPERATED BY THE DEFENDANTS**

Businesses operated by the Defendants, including those located at                                                                    , in or around:

 [list Premises to be searched including business locations, home locations and any specific vehicles belonging to the defendants]

**APPENDIX "A"**

[This is to be used when Jane Doe or John Doe Defendants become known to the Plaintiff.]

1. See Queen's Bench Rule 40.03 – This undertaking can also be given as a separate document filed with the Motion materials. [↑](#footnote-ref-1)
2. The hearing of the Motion without Notice takes place in Court where the public is excluded from attending. The proceeding takes place on the record. [↑](#footnote-ref-2)
3. In this Section, the Plaintiff sets out the particular facts of the case by describing in detail the conduct that violates the Plaintiff's rights and what conduct is sought to be enjoined. [↑](#footnote-ref-3)
4. The Court expects that the person who will be acting as the Supervising Solicitor has the necessary experience to supervise the execution of this type of Order and the complexities associated with preserving the evidence and respecting the rights of those persons affected by the Order. [↑](#footnote-ref-4)
5. The number of Authorized Persons in each category can be varied depending on the needs of the particular case. [↑](#footnote-ref-5)
6. The Supervising Solicitor is to explain to the persons on the premises what is described in Schedule "A". [↑](#footnote-ref-6)
7. It is recommended that the execution of the Searches be recorded on video. [↑](#footnote-ref-7)
8. Typically, this task should be completed within 48 to 72 hours depending on the numbers of devices that need to be copied. [↑](#footnote-ref-8)
9. Select date prior to the expiry of ten (10) day Interim Injunction granted in paragraph 4. [↑](#footnote-ref-9)
10. This paragraph is optional in the event there are John Does and Jane Does listed in the style of cause. [↑](#footnote-ref-10)