

CODE NUMBER: _____

**FACULTY OF LAW
FINAL EXAMINATION
MONDAY, DECEMBER 15TH, 2008
9:00 a.m. – ROOM 113
LAW 452, SECTION A2
INSTRUCTOR: W.S. SCHLOSSER**

TIME ALLOTTED: ONE AND ONE-HALF (1 1/2) HOURS

CODE NUMBER: DO NOT ENTER YOUR NAME ON ANY ANSWER SHEETS OR BOOKLETS. A list will be circulated and your name is to be entered opposite a number on that sheet. That number will be your code number **FOR THIS EXAMINATION ONLY** and should be entered on this examination booklet in the space provided for surname. This will provide for anonymity during marking. All answers are to be entered on this examination booklet.

- SPECIAL INSTRUCTIONS:**
1. This examination question paper contains 23 questions on 11 pages for a total of 50 marks. Check to ensure it is complete before starting.
 2. **NB Answers are to be put in the space provided in this examination booklet.**
 3. Answer **ALL** questions.
 4. This is an **OPEN BOOK** examination.
 5. **Rules, Statutes or case names must be cited where applicable. Questions refer to existing Rules unless noted.**
 6. You must adhere to the time limitation imposed on this examination strictly. Failure to stop writing at the end of the examination may lead to a deduction of grades or a failure to accept the examination paper.
 7. Cell phones, pagers, beepers and related equipment are strictly forbidden. These items must be turned off and stowed. Except by permission of the instructor, which will not routinely be given, lap top computers are not allowed in examinations.
 8. To avoid disturbing your classmates, it is requested that no individual leave the examination room during the last 15 minutes of the examination period.
 9. Good luck!

VALUE QUESTION

2 1(a). What notice does one side need to give the other when there is an intention to call Expert evidence at trial?

1 1(b). Is this altered by the New Rules?

1 2. Are there special rules that apply to pleading: *quantum meruit*, *quantum valebat* or the defence of change of position?

1 3. How long is a Statement of Claim in force?

VALUE QUESTION

3 4. Under what circumstances can a Statement of Claim be renewed?

1 5. Can a Next Friend be examined for discovery?

2 6. What role does a Litigation Representative play under the New Rules?

VALUE QUESTION

1 7. How do you Appeal a decision of a Master?

2 8. Do the New Rules affect Appeals from a Master to a Judge?

2 9. What is the difference between a Noting in Default and a Default Judgment?

2 10. Under what circumstances can a Default Judgment be set aside?

VALUE QUESTION

2 11(a). What is required to serve a party outside of Alberta?

1 11(b). Will this be altered by the New Rules?

2 12. Under what circumstances can evidence be taken out of the jurisdiction?

VALUE QUESTION

2 14(a). Under what circumstances does a party have to produce or disclose documents not in their physical possession?

1 14(b). Will this be altered by the New Rules?

1 15(a). What is the time limit for an action on a motor vehicle accident involving physical injuries?

1 15(b). Would it make a difference in this situation if the Plaintiff were an infant?

VALUE QUESTION

1 16(a). What is the time limit for issuing a Third Party Notice?

1 16(b). Is a Defendant wishing to issue a Third Party Notice subject to the *Limitations Act*?

1 17(a). How does a lawyer withdraw from a file?

1 17(b). Are there any limitations on when this can be done?

VALUE QUESTION

1 18 How do you secure the attendance of a witness at trial?

1 19. How do you secure the attendance of a witness at Examinations for Discovery?

1 23(a). How is a matter set for trial?

VALUE QUESTION

1 23(b). Are there any conditions precedent to this occurring?
