

OPINION ON THE MERITS

I. OVERVIEW

Provide a brief summary of the nature of this litigation

II. THEORY OF THE PLAINTIFF'S CASE

a) The Facts

Set out the key facts the plaintiff must and can establish to succeed

Attach extracts from relevant documents

Indicate what facts are uncontroverted, and what facts are in dispute

b) Statutory Framework

Give brief overview of statutory framework or context

Provide text of relevant statutes and regulations

c) Case Law

Set out leading cases plaintiff is relying upon

Provide relevant extracts from cases

III. THEORY OF THE DEFENDANT'S CASE

a) Facts

Set out the key facts the defendant will be relying upon

Attach extracts from relevant documents

b) Case Law

Set out leading cases the defendant will be relying upon

Provide relevant extracts from cases

c) Statutory Defences

Set out statutory defences available to defendant

What will defendants say is the relevant limitation period?

IV. MULTIPLE DEFENDANTS

If there are multiple defendants, is the case against each defendant identical?

If not, how do the cases against each defendant differ?

V. OPINION

Based on counsel's objective assessment of the facts and the law, and all anticipated defences, what is the prospect for success at trial against EACH defendant?