

ENDORSEMENT

IN THE MATTER OF WHITFIELD v. WHITFIELD: Peterborough Civil Pre Trial.

Dr. Whitfield, self represented

Mr. J. Lanctot, counsel for Mr. Whitfield

CIVIL PRETRIAL: April 04, 2011

This matter was before the court via a civil pre-trial on April 04, 2011. I heard from Dr. Whitfield at the pre-trial, as well as Mr. Lanctot for Mr. Whitfield.

I am crafting this endorsement as I did not note on any of the court file material that the trial date, originally scheduled for the May sittings, has been vacated. The matter is now set to proceed to trial in November 2011 during the sittings.

At the pre-trial Dr. Whitfield noted that she did not wish to be seen by Dr. Hoffman. Dr. Hoffman was a person who she originally agreed to be assessed by, however she changed her mind. She insists on seeing a female doctor. Mr. Lanctot very helpfully advised that he would continue to help find a female doctor to assess Dr. Whitfield. The assessment is at the request of the defendant.

Mr. Lanctot also agreed to try to obtain the OPP criminal investigation file, which lead to no charges being laid against Mr. Whitfield. I advised that I would be happy to execute any order that is required to speed the matter up. Dr. Whitfield noted her full consent to production of that material.

Dr. Whitfield indicated that there are some undertakings still outstanding. I suggested that Dr. Whitfield write to Mr. Lanctot a very particularized letter setting out what those were. Suffice it to say that Mr. Lanctot was very fair and responsive to this suggestion.

Finally Mr. Lanctot has put Dr. Whitfield on full notice about his objection to her attempt to proffer certain expert evidence.

Procedural Issues

Dr. Whitfield wanted a trial conducted in French, as she indicated that some of the witnesses that she has speak french. The proceedings are otherwise in English. A french trial is therefore not required. The trial will be in English. If Dr. Whitfield has witnesses who speak French and prefer to testify in French,

she must arrange an interpreter for those witnesses. That is an issue for Dr. Whitfield to arrange. It is not an issue for the court.

Dr. Whitfield expressed concern that the trial should be heard by an out of town Justice. Dr. Whitfield went to some length to say that her mother was well known in the Peterborough area. Mr. Lanctot did not oppose the request. I note that the trial should be heard by an out of town Justice.

Finally it would appear that this case could take up to 10 days of trial time.

Justice H.K. O'Connell