

THE QUEEN'S BENCH
Winnipeg Centre

BETWEEN:

MARTIN GREEN,

plaintiff,

- and -

**HIEP TRAM, ARLENE SKULL, DEB WOLOSHYN, WALLY STEWART, JOHN
ANCHAN, AND THE UNIVERSITY OF WINNIPEG.**

defendants.

**NOTICE OF MOTION
MASTER'S UNCONTESTED LIST
HEARING DATE: Wednesday, March 27th 2013 at 9:30 a.m.**

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NOTICE OF MOTION

THE PLAINTIFF will make a motion before the presiding judge on Wednesday March 27th 2012 or as soon after that time as the motion can be heard, at The Queen's Bench, Winnipeg Center.

THE MOTION IS FOR:

1. An order striking out the Paragraph 24 of the Statement of Defence of the defendants The University of Winnipeg, Deb Woloshyn, Wally Stewart and John Anchan as amended on Jan. 14th 2013.
2. An order restoring the original paragraph 24 of said Statement of Defence.
3. Costs.
4. Such further and other relief as this Honorable Court may deem just.

THE GROUNDS FOR THE MOTION ARE:

1. Rule 26, Manitoba QB Rules.
2. Amendments are permitted on requisition to correct clerical errors only.
3. The said amendment was one of substance.

4. The Defendants did not obtain leave of the court for said amendment.
5. The Defendants did not obtain written permission of the Plaintiff for said amendment.
6. The Defendants did not serve the amended pleading on the Plaintiff until February 23rd 2013, contrary to their duty under Rule 26.05 to serve all parties forthwith.
7. Accordingly the said amendment should be disallowed.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

1. The pleadings herein.
2. An Affidavit of Martin Green, to be filed.
3. Such further and other material as counsel may advise and this Honorable Court permit.

Date

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