

SUPREME COURT OF YUKON

Between

Plaintiff

and

Defendant

NOTICE TO DEFENDANT BY COUNTERCLAIM

To [*name and address of defendant by counterclaim*]:

This action has been brought by the plaintiff against the defendant. The plaintiff's claim against the defendant is set out in the Statement of Claim, a copy of which is attached. The defendant's defence is set out in his or her Statement of Defence, a copy of which is also attached.

TAKE NOTICE that the defendant [*state name*] _____ has filed a Counterclaim, a copy of which is attached. In that Counterclaim, a claim is made against you.

IF YOU INTEND TO DEFEND this action, or if you have a counterclaim, YOU MUST

- (a) GIVE NOTICE of your intention by filing an APPEARANCE in Form 9 in the registry of this court, at the address shown below, within the time for appearance provided for below and YOU MUST ALSO DELIVER a copy of the Appearance to the defendant's address for delivery, which is set out in this Notice, and
- (b) FILE A STATEMENT OF DEFENCE in Form 10 in the registry of this court within the time for defence provided for below and DELIVER a copy of the Statement of Defence to the defendant's address for delivery.

YOU OR YOUR LAWYER may file the Appearance and the Statement of Defence. You may obtain an APPEARANCE form and a STATEMENT OF DEFENCE form at the registry.

JUDGMENT MAY BE TAKEN AGAINST YOU IF

- (a) YOU FAIL to file the Appearance within the time for appearance provided for below, or
- (b) YOU FAIL to file the Statement of Defence within the time for defence provided for below.

TIME FOR APPEARANCE

If this Notice and Counterclaim are served on a person in Yukon, the time for appearance by that person is 7 days from the service (not including the day of service).

If this Notice and Counterclaim are served on a person outside Yukon, the time for appearance by that person after service is 21 days in the case of a person residing anywhere within Canada, 28 days in the case of a person residing in the United States of America, and 42 days in the case of a person residing elsewhere.

[or, if the time for appearance has been set by order of the court, within that time.]

TIME FOR DEFENCE

A Statement of Defence to Counterclaim must be filed and delivered to the defendant _____ within 14 days from the end of the time for appearance provided for above.

[or, if the time for defence has been set by order of the court, within that time.]

<p>(1) The address of the registry is: The Law Courts 2134 Second Avenue Whitehorse, Yukon. Y1A 5H6 Telephone: (867) 667-5937 Fax: (867) 393-6212</p>
<p>(2) The defendant's ADDRESS FOR DELIVERY (Required: Residential address or business address AND postal address in Yukon) is:</p> <p><u>Optional</u>: Fax number for delivery: Email address: Telephone:</p>

(3) The name and office address of the defendant's lawyer is:

Dated _____

Defendant [*or defendant's lawyer*]