

Supreme Court of Nova Scotia

Between:

[name] as litigation guardian for [name] [title in proceeding]

and

[name] [title in proceeding]

**Affidavit of Litigation Guardian
(Settlement Under \$25,000)**

I [make oath/affirm] and give evidence as follows:

- 1 I am the litigation guardian for [name of child] .
- 2 I have personal knowledge of the evidence [sworn to/affirmed] in this affidavit except where otherwise stated to be based on information and belief.
- 3 I state, in this affidavit, the source of any information that is not based on my own personal knowledge, and I state my belief of the source.
- 4 [name of child] is [] years old and was born on [], as shown by the birth certificate attached to this affidavit and marked Exhibit "A".
- 5 [He/She] resides at [] in [], Nova Scotia.
- 6 I am informed by [name] , whom I believe, that [he/she/name of child] was injured as a result of a [car accident/slip and fall/assault/incident of malpractice/other] on the day of [], 20 [] at [] .

OR

- 6 I am informed by [name] , whom I believe, that [he/she/name of child] suffered loss of care, guidance, and companionship arising from the death of [] in a car accident on the [] day of [], 20 [] at [] .

7 I refer to the medical [report/reports] filed with the court and say that I relied on the facts and opinions stated in [it/them] when I considered settlement.

8 The [defendant/defendants] offered to settle the child's claims as follows:

9 Counsel for the child, [name] , advised me that the offer represents fair and reasonable compensation for the child's losses in light of all known circumstances, and I believe that acceptance is in the child's best interests.

10 I instructed counsel to accept the offer, subject to approval by this court.

11 Under a contingency fee agreement signed on the _____ day of _____, 20____, counsel or counsel's firm is entitled to charge _____ % of [the amount of the settlement/other] for fees, and I understand that this compares with counsel's hourly rate of \$ _____ usually charged for services without a contingency agreement.

12 I have read counsel's account, and I am satisfied that it is fair and reasonable and costs no more than is provided in the contingency agreement.

13 I approve the payment to counsel, or counsel's firm, of the amount of the account, plus HST, which total \$ _____ .

If other person is proposed trustee

[14 I agree that _____ is a proper person to act as trustee of the settlement fund.]

Sworn to/Affirmed before me)
on _____, 20____)
at _____,)
)
)
)
)
)

Name of litigation guardian