

Intimate Images Application

20

No.

Supreme Court of Nova Scotia

Between:

Applicant

and

Respondent
or

Respondents
[delete one]

Notice of Application in Chambers

To: _____ [name of respondent or names of respondents]

Automatic publication ban

The name of a minor involved in this proceeding, and other information likely to identify the minor, must not be published or broadcast. See, *Intimate Images and Cyber-protection Act*, s. 8.

The court must identify a minor involved in this proceeding by a pseudonym. See, s. 8.

Requests for other publication ban

[optional requests for applicant who is not a minor; delete if not applicable]

The applicant requests that

- no person publish or broadcast the applicant’s name or any information likely to identify the applicant. See, *Intimate Images and Cyber-protection Act* s. 9(1).
- the court identify the applicant by a pseudonym. See, s. 9(2).

Applicant requests an order against you

The applicant is applying to a judge in chambers for a cyber-protection order

[select all that apply]

1. declaring that an image is an intimate image;
2. prohibiting you from distributing the intimate image;

3. prohibiting you from contact with the applicant or _____ [name of other person];
4. requiring you to take down or disable access to the intimate image;
5. requiring you to pay damages to the person depicted in the intimate image and account for profits;
6. referring the matter to dispute-resolution services provided by CyberSCAN or otherwise;
7. requiring you to pay costs of the proceeding;
8. _____
[give specifics of other order that is just and reasonable]

The applicant started this application by filing this notice on the date certified by the prothonotary.

Grounds for order

The applicant is applying for the order on the following grounds:

[select all that apply]

- 1a. the applicant is an individual whose intimate image was distributed without consent,
or
- 1b. the applicant is a parent or guardian of an individual under the age of nineteen years whose intimate image was distributed without consent;
2. the distribution of the intimate image is not in the public interest;
3. the respondent _____ [name] distributed the intimate image without consent;
4. the respondent _____ [name] is a parent or guardian of an individual under the age of nineteen years who distributed the intimate image without consent;
5. the respondent _____ [name] is the owner of the electronic device, a person who has been assigned or has control over the use of the Internet Protocol address or the user or person responsible for the website, user name or account, electronic-mail address or other unique identifier, used to distribute the intimate image without consent;
6. the respondent _____ [name] is a parent or guardian of an individual under the age of nineteen who is the owner the electronic device, a person who has

been assigned or has control over the use of the Internet Protocol address or the user or person responsible for the website, user name or account, electronic-mail address or other unique identifier, used to distribute the intimate image without consent.

The applicant brings this application under the *Intimate Images and Cyber-protection Act*, s. 5.

Evidence supporting application

The applicant offers the following affidavits in support of the application:

- affidavit of _____ [name] _____ [sworn/affirmed]
on _____ [date] and filed with this notice
- affidavit of _____ [name] _____ [sworn/affirmed]
on _____ [date] and filed with this notice

A copy of each affidavit is to be delivered to you with this notice, and further affidavits may be delivered before the deadlines provided in Civil Procedure Rule 5 - Application.

You may participate

You may file with the court a notice of contest, and any affidavits that you will rely on, no more than five days after this notice is delivered to you or you are otherwise notified of the application. Filing the notice of contest entitles you to notice of further steps in the application, including notice of further affidavits.

Time, date, and place

The application is to be heard by the judge in chambers at 9:30 a.m. on _____ [month/day], 20____ in the _____ [Courthouse/Law Courts], _____ [street address], _____ [city, town, or municipality], Nova Scotia. You have the right to be present, and to be represented by counsel, or to act on your own. If you are not present, the judge may proceed without you.

Possible order against you

The judge may grant a final order on the application without further notice to you if you fail to deliver your notice of contest on time, or if you or your counsel fail to appear in chambers at the above time, date, and place.

Filing and delivering documents

Any documents you file with the court must be filed at the office of the prothonotary, at the _____ [Courthouse/Law Courts] at _____ [street address], Nova Scotia (telephone 902-____ - _____).

When you file a document you must immediately deliver a copy of it to the applicant and each other party entitled to notice, unless the document is part of an *ex parte* motion, the parties agree delivery is not required, or a judge orders it is not required.

Contact information

The applicant designates the following address:

Documents delivered to this address are considered received by the applicant. Further contact information is available from the prothonotary.

Signature

Signed _____ [month/day], 20____

Signature of applicant
Print name: _____

OR

Signature of counsel

[name]
as counsel for _____
[name of applicant]

Prothonotary's certificate

I certify that this notice of application was filed with the Court on _____,
20____.

Prothonotary