

**RULE 30.1**

**DEEMED UNDERTAKING**

**APPLICATION**

**30.1.01(1)** This rule applies to,

- (a) evidence obtained under,
    - (i) Rule 30 (documentary discovery)
    - (ii) Rule 31 (examination for discovery)
    - (iii) Rule 32 (inspection of property)
    - (iv) Rule 33 (medical examination)
    - (v) Rule 35 (examination for discovery by written questions) and
  - (b) information obtained from evidence referred to in clause (a)
- (2) This rule does not apply to evidence or information obtained otherwise than under the rules referred to in subrule (1).

**Deemed Undertaking**

- (3) All parties and their counsel are deemed to undertake not to use evidence or information to which this rule applies for any purposes other than those of the proceeding in which the evidence was obtained.

**Exceptions**

- (4) Subrule (3) does not prohibit a use to which the person who disclosed the evidence consents.
- (5) Subrule (3) does not prohibit the use, for any purpose, of
  - (a) evidence that is filed with the court;
  - (b) evidence that is given or referred to during a hearing;
  - (c) information obtained from evidence referred to in clause (a) or (b).

### **R. 30.1.03**

- (6) Subrule (3) does not prohibit the use of evidence obtained in one proceeding, or information obtained from such evidence, to impeach the testimony of a witness in another proceeding.
- (7) Subrule (3) does not prohibit the use of evidence or information in accordance with subrule 31.11(8) (subsequent action).

#### **Order That Undertaking Does Not Apply**

- (8) If satisfied that the interests of justice outweigh any prejudice that would result to a party who disclosed evidence, the court may order that subrule (3) does not apply to the evidence or to information obtained from it, and may impose such terms and give such directions as are just.