

It's not unusual for defendants to bring forward such motions, O'Connor says.

"Sometimes there are partial successes on motions to strike pleadings," she says.

"The court may strike certain paragraphs in the statement of claim. Sometimes the court rules in this way if it's impossible to prove that allegation."

To respond to a claim, a defendant's counsel will typically go through the allegations and respond by saying that they either agree, have no knowledge of, or dispute the allegation, and then the defendant will give their side of the story, O'Connor explains.

She also points to how Weinstein is arguing the case shouldn't be based on Canadian law.

"That issue looks at what the proper jurisdiction is for the claim," O'Connor says.

"The plaintiff will argue she is in Canada, this is where all of the evidence is and that this is the correct jurisdiction. Weinstein may argue that the proper jurisdiction is in California."

Every jurisdiction has different time limits to be followed in litigation matters, O'Connor says.

The next step in the process, she adds, is for the plaintiff to reply to the statement of defence.

"It's an optional step," O'Connor says. "She can also address any new allegations that he brought up in the defence. The plaintiff doesn't have to do this. It's not taken as less of a case if the plaintiff doesn't reply."

After the reply, if there is one, the lawyers for the parties then begin exchanging the affidavits for documents, O'Connor says.

"That's where all the disclosure comes in," she says. "The plaintiff may provide any physician reports that exist, photos of injuries, proof she worked on the movie where the assault is alleged to have taken place, and any text messages that were exchanged between her and Weinstein."

It's also noteworthy that the plaintiff's lawyers will get to ask Weinstein questions, which is different from a criminal proceeding where the accused isn't required to make a defence or testify, O'Connor says.

"And in civil court, he has to answer under oath," she says.

If the matter goes to trial, the court will have to decide the case on balance of probabilities as opposed to a criminal

"The burden is on the plaintiff to prove her damages," she says.

However, O'Connor doubts the matter will ever go to trial.

"I believe there will be an out-of-court settlement with a confidentiality clause," she says.