**APPENDIX TO PRACTICE DIRECTION 18 OF 2018**

**SUPREME COURT OF QUEENSLAND**

REGISTRY:

NUMBER:

Plaintiff: *(NAME)*

AND

Defendant: *(NAME)*

**EXAMPLE DOCUMENT PLAN[[1]](#footnote-1)**

**Relief from disclosure[[2]](#footnote-2)**

1. The parties agree that an order be sought from the Supreme Court pursuant to rule 224 of the *Uniform Civil Procedure Rules 1999* (**UCPR**)that they be relieved of the duty of disclosure except to the extent set out in this Document Plan until further order of the Court. This will be a consent order prepared by the [insert party].

**Preservation of documents**

1. The parties agree to take reasonable steps to ensure that all documents which are potentially disclosable will be stored securely and preserved in their original format.

**Document management protocol**

1. The parties agree that the document management protocol will be in accordance with the alternative schedule in UCPR Form 19 using the [Document Management Spreadsheet](https://www.courts.qld.gov.au/__data/assets/excel_doc/0007/699478/example-index-alternative-schedule-to-form-19-ucpr.xlsx/_recache).
2. The Document IDs will be as follows:
   1. for the plaintiff’s documents - [insert]; and
   2. for the defendant’s documents - [insert]*.*
3. The parties agree that:
   1. disclosed documents will be delivered as electronic files, using their Document ID as the filename, together with a list prepared in accordance with the agreed document management protocol;
   2. disclosed electronic documents will be exchanged [insert – for example, in their original native format/ as full text searchable, multi-page PDF files];
   3. disclosed hard copy documents will be exchanged as full text searchable, multi-page PDF files;
   4. reasonable steps will be taken to identify and remove duplicate electronic documents before exchange, with duplication being considered at a document group level (ie host and attachments) rather than at an individual level, using [insert details of steps – such as a specified hash function to identify duplicates];
   5. court documents will be served as full text searchable, multi-page PDF files; and
   6. disclosed documents provided to the court in an eTrial will be named using their Document ID and provided as full text searchable, multi-page PDF files.

**Documents referred to in pleadings**

1. Each party agrees to deliver copies of the documents referred to in its pleading in accordance with the agreed document management protocol within [insert] business days of the date that pleading is served.

**Exchange of critical documents**

1. The parties agree that the critical documents in this matter will be exchanged within 14 days of delivery of the Reply. The critical documents are those documents in the possession or control of a party that have been located after a reasonable search and are likely to be tendered at trial and have a decisive effect on the resolution of the matter. They are to include documents that either support or are adverse to a party’s case. At this stage, the parties agree that a maximum of [50] documents will be produced as the critical documents.
2. The parties agree that at the same time as provision of the critical documents, they will provide a statement that sets out the searches that have been undertaken to locate the critical and other relevant documents. The statement is to be signed and will:
   1. set out the extent of the searches that were undertaken to locate critical and other relevant documents;
   2. draw attention to any particular limitations on the extent of the search that may have been adopted for proportionality reasons as set out in the Supervised Case List Guidelines and give reasons for such limitation;
   3. state that documents that have been located by the search and are considered to be adverse to a party’s case, have been included in the critical documents or any further disclosure.

**Scope of disclosure[[3]](#footnote-3)**

1. Subject to paragraph 10, the parties agree that disclosure will be limited to the following after conducting a reasonable search:
   1. [insert as agreed]
   2. the exchange of critical documents
   3. the exchange of documents limited to the following categories/directly relevant to the following issues:
      1. [insert]
2. The parties agree that disclosure is not required of the following:
   1. [insert – for example, categories or types of documents, or issues]

**Reasonable searches[[4]](#footnote-4)**

1. The parties agree that reasonable searches include:
   1. Searching hard copy documents in the following locations:
      1. [insert physical locations – consider references to individuals]
   2. Searching electronic documents in the following locations using the following date ranges and search terms:
      1. [insert electronic locations – consider references to individuals] using the following date ranges and search terms:
         1. [insert agreed date ranges];
         2. [insert agreed search terms];
      2. [insert other electronic locations] using the following date ranges and search terms:
         1. [insert agreed date ranges];
         2. [insert agreed search terms];
   3. [insert other search strategies]
2. The parties agree that they are not required to:
   1. [insert – for example, restore deleted emails from backup files or otherwise search back up files]
   2. search the following physical and/or electronic locations:
      1. [insert]

**Supplementary disclosure[[5]](#footnote-5)**

1. A party intending to request additional disclosure will submit to the other party, within an agreed timeframe or by a time directed by the Court, a request to produce documents.
2. A request to produce shall contain:
   1. A description;
      1. of each requested document sufficient to identify it; or
      2. in sufficient detail (including subject matter) of a narrow and specific requested category of documents that are reasonably believed to exist;
   2. A short statement as to how the documents requested are relevant to the case and material to its outcome; and
   3. Confirmation that the documents requested are not in the possession or control of the requesting party; and
   4. A short statement of the reasons why the requesting party assumes the documents requested are in the possession or control of the other party.
3. Within an agreed timeframe or by a time directed by the Court, the party to whom the request to produce is addressed shall produce the documents requested that are in its possession or control as to which it makes no objection.
4. If the party to whom the request to produce is addressed has an objection to producing some or all of the documents requested, it shall state the objection in writing to the other party within an agreed timeframe or a time directed by the Court. The reasons for such objection may be a failure to satisfy the requirements of paragraph 15 herein or any of the following reasons:
   1. Lack of sufficient relevance to the case or materiality to its outcome;
   2. The likely time, cost and inconvenience involved in locating, reviewing and disclosing the documents or classes of documents is disproportionate in the circumstances;
   3. The relative importance of the issue to which the documents or classes of documents relate;
   4. The probable effect on the outcome of the proceeding of disclosing or not disclosing the documents or classes of documents;
   5. The loss or destruction of the document, with such loss or destruction to have been shown with reasonable likelihood to have occurred;
   6. Privilege;
   7. The documents are not reasonably necessary to enable the Court to decide the issue to which the documents relate;
   8. There is another reasonably simple and inexpensive way of proving the matter to which the documents relate, including an admission by the party making the objection and the terms of the proposed admission; and
   9. Any other sufficient reason as to why the production of the documents is not required to facilitate the just and expeditious resolution of the real issues in the proceeding at a minimum of expense.
5. Upon the receipt of any such objection the parties shall consult with each other with a view to resolving the objection.

**Resolution of disputes**

1. The parties agree that if there is any dispute about the conduct of reasonable searches, the provision of documents or the need for additional documents, the party seeking action will send a letter to the other party specifying the matter in dispute within 14 days and the action that is requested, and the other party will respond within 7 days.
2. The parties agree that if there is still a dispute between the parties, the matter is to be referred to the Court for resolution at a case conference or hearing and that the issues for determination are to be limited to the matters identified in the correspondence.

1. An initial document plan might only comprise “Preservation of documents”, “Document

   management protocol” and “Documents referred to in pleadings”. [↑](#footnote-ref-1)
2. This may not be necessary for an initial document plan but should be considered as soon as

   reasonably possible after pleadings close. [↑](#footnote-ref-2)
3. This may not be necessary for an initial document plan but should be considered as soon as

   reasonably possible after pleadings close. This may need to be revised as the proceeding

   progresses. [↑](#footnote-ref-3)
4. This may not be necessary for an initial document plan but should be considered as soon as

   reasonably possible after pleadings close. This may need to be revised as the proceeding

   progresses. [↑](#footnote-ref-4)
5. This may not be necessary for an initial document plan but should be considered as soon as

   reasonably possible after pleadings close. [↑](#footnote-ref-5)