**Status Report - Practice Direction 18/2018**

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Proceeding Name and Court File Number:

Plaintiff:

Plaintiff’s Legal Representative (name, firm, email and counsel, if briefed):

Defendant:

Defendant’s Legal Representative (name, firm, email and counsel, if briefed):

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**Document Plan:**

(delete alternatives that don’t apply)

The parties have not made any changes to the Document Plan submitted to the Resolution Registrar on (insert date).

The Document Plan has been updated since it was submitted to the Resolution Registrar on (insert date). A copy of the most recent version of the Plan is attached to this report.

The parties do not anticipate that the Document Plan will require any further revision.

The parties anticipate being in a position to confer and consider further necessary revision of the Document Plan (insert as appropriate by reference to time and outstanding steps, for example by July 2019 once disclosure of documents referred to in paragraph x of the Plan has been completed).

**Issues Conference:**

(delete alternatives that don’t apply)

The parties participated in an Issues Conference in accordance with paragraph 18 of the Practice Direction on (insert date). A copy of the preliminary List of Issues agreed at that conference is attached to this report.

The parties are to participate in an Issues Conference on (insert date) and will email a copy of the preliminary List of Issues agreed at that conference to the Resolution Registrar within seven days of the conference.

The parties are unable to schedule an Issues Conference at this time because (insert as appropriate). They anticipate being in a position to confer (insert as appropriate by reference to time and outstanding steps, for example by August 2019 when the expert engineering evidence will be available). They will notify the Resolution Registrar once a date for the conference has been agreed and will email a copy of the preliminary List of Issues to the Resolution Registrar within seven days of the conference.

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**Trial Plan Conference**

(delete alternatives that don’t apply)

The parties participated in a Trial Plan Conference in accordance with paragraph 31 of the Practice Direction on (insert date). A copy of the preliminary Trial Plan agreed at that conference is attached to this report.

The parties are to participate in a Trial Plan Conference on (insert date) and will email a copy of the preliminary Trial Plan agreed at that conference to the Resolution Registrar within seven days of the conference.

The parties are unable to schedule a Trial Plan Conference at this time because (insert as appropriate). They anticipate being in a position to confer (insert as appropriate by reference to time and outstanding steps, for example by September 2019 once the parties have participated in a mediation). They will notify the Resolution Registrar once a date for the conference has been agreed and will email a copy of the preliminary Trial Plan to the Resolution Registrar within seven days of the conference.

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**Proposed Directions**

(delete alternatives that don’t apply – see below for example directions)

There is presently an order in place for directions necessary for the proceeding to be set down for trial and for the efficient conduct of trial preparation and the trial. A copy of the order is attached to this report.

The parties attach to this report a signed consent and draft order for directions and request that the court makes the order by consent on the papers.

The parties are unable to agree on directions for the conduct of the proceeding to trial because (insert as appropriate).

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**Example Directions**

**Pleadings and issues**

1. By 4.00pm on (insert date) the Plaintiff file and serve an Amended Statement of Claim.
2. By 4.00pm on (insert date) the Defendant file and serve an Amended Defence.
3. By 4.00pm on (insert date) the Plaintiff file and serve an Amended Reply.
4. By 4.00pm on (insert date) the Plaintiff and/or Defendant make any request for further and better particulars.
5. By 4.00pm on (insert date) the Plaintiff and/or Defendant respond to any request for further and better particulars.
6. By 4.00pm on (insert date) the parties confer for the purpose of resolving or narrowing the issues in dispute, identifying the real issues that remain in dispute and agreeing steps for the just and expeditious resolution of those issues at a minimum of expense.
7. By 4.00pm on (insert date) the parties prepare a draft List of Issues and submit the draft List to the Resolution Registrar by email.

**Documents and disclosure**

1. By 4.00pm on (insert date) the parties confer and agree directions in relation to documents, including, if appropriate, directions that will:
   1. provide for the early identification and exchange of critical documents, being a limited number of documents that are likely to be tendered at any trial and are likely to have a decisive effect on the resolution of the matter;
   2. require each party to inform the other parties in a concise written statement of the extent of the searches for documents that they propose to undertake, or have undertaken.
   3. defer disclosure until the real issues in dispute are identified;
   4. limit disclosure to specified documents or classes of documents;
   5. reflect a practical, cost-effective and proportionate Document Plan;
   6. facilitate any trial being conducted in accordance with the Supreme Court’s e-trial program.
2. By 4.00pm on (insert date) the parties submit proposed directions in relation to documents to the Resolution Registrar by email.

**Expert Evidence (if any)**

1. By 4.00pm on (insert date) the parties agree on the appointment of a joint expert witness or, failing such agreement, the plaintiff file an application for the appointment of a joint expert.
2. By 4.00pm on (insert date) the experts in the same field of expertise meet to identify the matters on which they agree, the matters on which they disagree and the reasons why, attempt to resolve any disagreement and prepare a joint report.
3. By 4.00pm on (insert date) the Plaintiff file the joint expert report(s).
4. By 4.00pm on (insert date) the parties formulate directions for the mediation of the matters in dispute in the proceeding and file a consent order for mediation, with such mediation to be completed by (insert time and date).
5. By 4.00pm on (insert date) the parties advise the Resolution Registrar by email of the success or otherwise of the mediation.

**Trial Plan**

1. By 4.00pm on (insert date), and in the event the mediation referred to in paragraph xx of this order is unsuccessful, the parties confer and prepare a draft plan for the trial of the proceeding, which plan contains the estimated duration of openings; the estimated duration of each witness’ evidence; the sequence in which witnesses will be called; the calling of expert witnesses (if any); the calling of witnesses by telephone or video-link; the estimated duration of submissions and the estimated duration of the trial.
2. By 4.00pm on (insert date) the parties submit the draft Trial Plan to the Resolution Registrar by email.
3. By 4.00pm on (insert date), and in the event the mediation referred to in paragraph xx of this order is unsuccessful, the parties sign and file a Request for Trial Date.