CANADA SUPERIOR COURT

Province of Québec       Division

District:

Locality:

File No.:      

Plaintiff

v.

Defendant

and

**FIRST CASE PROTOCOL (in civil matters)**

**PRESENTATION PAGE**

**Superior Court of Québec, Montréal Division**

1. You are **required to complete** this page when filing the **first case protocol** in the record of the Court.

(**Do not complete this presentation page** if you are filing a proposed case protocol or an amended case protocol).

1. If applicable, place this page before the case protocol (before page 1) and staple them together.

For each question, you must check an answer, either YES or NO.

No answer will be deemed to be YES.

|  |  |
| --- | --- |
| **The parties are requesting a stay of the proceeding:**  (line 4 of the protocol) | YES  NO |
| **The parties are requesting an extension of the time limit:**  (line 6 of the protocol) | YES  NO |
| **The parties plan to file more than six expert opinions:**  (lines 40 to 43 of the protocol) | YES  NO |
| **A party (defendant, third person, person called) intends to file an application for authorization to file a written defence:**  (line 33 of the protocol) | YES  NO |
| **The parties plan to conduct more than six pre-trial examinations:**  (lines 47 and 48 of the protocol) | YES  NO |
| **The parties plan to conduct examinations the duration of which is incompatible with article 229 of the *Code of Civil Procedure* (C.C.P.):** | YES  NO |
| **The protocol was not signed by the parties or was not notified to them:** | YES  NO |

CANADA SUPERIOR COURT

Province of Québec Division

District:

Locality:

File No.:

Plaintiff

v.

Defendant

and

**Superior Court of Québec, Montréal Division**

**(article 148 of the Code of Civil Procedure)**

|  |  |  |
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|  | Nature of the dispute: | |
|  | Value of the subject matter of the dispute: | |
|  | Latest date on which the application was served on all the parties: |  |
|  | All the parties are requesting a stay of the proceeding in order to allow them to negotiate an out-of-court agreement (C.C.P., a. 156):  Duration:  (where applicable, indicate a maximum stay of 3 months)  If the application is allowed by the Court, the proceeding will therefore be stayed until: | YES  NO  1 month  2 months  3 months |
|  | Before filing judicial proceedings, did the parties consider private prevention and resolution processes (C.C.P. a. 1, 3rd para. and a. 148)?  If so, did the parties participate in a private prevention and resolution process before filing judicial proceedings?  A settlement conference:  will be requested  is probable  is possible  is out of the question | YES  NO  YES  NO |
|  | All the parties are requesting an extension of the time limit for trial readiness  (C.C.P., a. 173):  Duration:  (where applicable, indicate an additional time limit of 9 months maximum)  If the Court allows the application, the six-month time limit will be extended until: | YES  NO  3 months  6 months  9 months |

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| **PRELIMINARY EXCEPTIONS** | | |
|  | **Declinatory exceptions** | YES  NO |
|  | | Deadline for filing |
|  | Referral to competent court or dismissal (C.C.P., a. 167) |  |
|  | Other exception (with a reference to the C.C.P. article): |  |
|  | Submitted by (enter the name of the party): | |

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|  | **Exceptions to dismiss** | YES  NO |
|  | | Deadline for filin |
|  | Dismissal (C.C.P., a. 168): |  |
|  | Submitted by (enter the name of the party): | |

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|  | **Other preliminary exceptions** | YES  NO |
|  | | Deadline for filing |
|  | Clarifications regarding       (C.C.P., a. 169): |  |
|  | Disclosure of documents (C.C.P., a. 169): |  |
|  | Striking of immaterial allegations (C.C.P., a. 169): |  |
|  | Requirement to provide suretyship (C.C.P., a. 492): |  |
|  | Other exception (indicate its nature): |  |
|  | Submitted by (enter the name of the party): | |

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|  | **Application under article 51 C.C.P.** | YES  NO |
|  | | Deadline for filing |
|  | Application under article 51 C.C.P. |  |
|  | Submitted by (enter the name of the party): | |

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| **OTHER PROCEEDINGS** | | |
|  | **Safeguard measures** (C.C.P., a. 169 1st para.): | YES  NO |
|  | | Deadline for filing |
|  | Application for safeguard measures |  |
|  | Submitted by (enter the name of the party): | |

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|  | **Other incidental procedures** | YES  NO |
|  | | Deadline for filing |
|  | Amendment of a pleading |  |
|  | Determination of an issue of law |  |
|  | Declaration of disqualification |  |
|  | Other (indicate its nature): |  |
|  | Submitted by (enter the name of the party): | |

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| **DEFENCE** | | |
|  | **Under article 171 C.C.P., the case is subject to the rules of oral defence. Despite this, all the parties are applying for authorization from the Court for the case to be subject to the rules of written defence, on the following grounds** (C.C.P., aa. 148(5) and 171) (indicate the grounds):    **In the absence of an application for authorization for a written defence, the defendant must state the grounds by oral defence** (C.C.P., aa. 154 and 170 2nd para.) (indicate the grounds): | YES  NO |

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|  | **The defendant intends to file a cross-application.** | YES  NO |
|  | Deadline for filing the cross-application |  |
|  | Deadline for filing the defence to cross-application |  |

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|  | **Issues in dispute** (C.C.P., a. 148):  According to plaintiff:    According to defendant: |

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|  | **Third person intervention or impleading** (C.C.P., aa. 151 and 158(4)) | YES  NO |
|  | Deadline for the intervention or impleading of a third person |  |

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| **EXPERT OPINIONS** | | |
|  | **Joint expert opinion** (C.C.P. a. 232)  Nature of and need for joint expert opinion:    Reasons for refusing joint expert opinion (C.C.P., a. 148(4)): | YES  NO |
| Deadline for filing joint expert opinion: |  |
| 1. 5 | **Expert opinion** **for the plaintiff** (not more than one per area or matter of expertise) (C.C.P., a. 232):  (indicate number, nature and need for each expert opinion) | YES  NO |
| Deadline for filing an expert opinion for plaintiff: |  |
| 1. 5 | **Expert opinion for the defendant** (not more than one per area or matter of expertise) (C.C.P., a. 232):  (indicate number, nature and need for each expert opinion) | YES  NO |
| Deadline for filing an expert opinion for defendant: |  |
| 1. 5 | **Expert opinion for third person or impleaded person** (not more than one per area or matter of expertise) (C.C.P., a. 232):  (indicate number, nature and need for each expert opinion) | YES  NO |
| Deadline for filing an expert opinion for third person or impleaded person: |  |

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| **EXAMINATIONS** | | | | | |
|  | **Pre-trial examination(s) by either party**  (C.C.P., aa. 148(3), 158(3) and 221) | | | | YES  NO |
|  | Value of the subject matter of the dispute is less than $100 000 (C.C.P., a. 229): | | | | YES  NO |
|  | The parties intend to submit their anticipated objections before pre-trial examination (C.C.P., a. 228): | | | | YES  NO |
|  | **Number of examinations before defence** | | | |  |
|  | **Number of examinations after defence** | | | |  |
|  | Name of persons to be examined for the plaintiff: | | | | |
|  |  |  |  | |
| Given name, surname | Date | Time | Place | |
|  |  |  |  | |
| Given name, surname | Date | Time | Place | |
|  | Name of persons to be examined for the defendant: | | | | |
|  |  |  |  | |
| Given name, surname | Date | Time | Place | |
|  |  |  |  | |
| Given name, surname | Date | Time | Place | |
|  | **In order to avoid service of a subpoena, the parties agree that, in the 20 days preceding a pre-trial examination, the examining party will disclose in writing to the other parties a detailed list of all the documents that must be in the possession of the party to be examined at the pre-trial examination.** List the documents below if the parties are currently able to identify them (an appendix of all the documents may be enclosed with this protocol): | | | | |
|  |  | | | |
| Given name, surname | Documents | | | |
|  |  | | | |
| Given name, surname | Documents | | | |
|  | Deadline for filing transcripts for the plaintiff (C.C.P., a. 227) | | | |  |
|  | Deadline for filing transcripts for the defendant (C.C.P., a. 227) | | | |  |
|  | Deadline for filing transcripts for the impleaded person (C.C.P., a. 227) | | | |  |
|  | Deadline for presenting the objections set forth in the second paragraph of article 228 C.C.P., which were raised during the pre-trial examinations for the plaintiff | | | |  |
|  | Deadline for presenting the objections set forth in the second paragraph of article 228 C.C.P., which were raised during the pre-trial examinations for the defendant | | | |  |
|  | Deadline for disclosure of all the undertakings made during the pre-trial examinations for the plaintiff | | | |  |
|  | Deadline for disclosure of all the undertakings made during the pre-trial examinations for the defendant | | | |  |

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| **EXHIBITS** | | |
|  | **Exhibits and other evidence** (C.C.P., aa. 145 and 158) | Deadline |
|  | Filing of exhibits for the plaintiff |  |
|  | Filing of exhibits for the defendant |  |
|  | Filing of exhibits for the third person, impleaded person or intervening person |  |
|  | List of exhibits admitted by plaintiff: | |
|  | List of exhibits admitted by defendant: | |
|  | **Filing of affidavits in lieu of testimony** | Deadline |
|  | Filing of affidavits for plaintiff | |
|  | Filing of affidavits for defendant |  |

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| **OTHER** | | |
|  | **Legal costs** (C.C.P., aa. 148 1st para., and 339)   * Evaluation of legal costs for plaintiff (including expert opinions): * Evaluation of legal costs for defendant (including expert opinions): * Evaluation of legal costs for other parties (including expert opinions): | $  $  $ |

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|  | **Methods of notification the parties intend to use** (C.C.P., aa. 109 to 140 and 148(9)): |

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|  | **Appointment of a lawyer to a minor or a person of full age considered incapable**  If yes, name of proposed lawyer: | YES  NO |

**N.B. Non-compliance with this protocol may constitute a breach punished under articles 341 and 342 C.C.P.**

On       On

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| Mtre. |  | Mtre. |
| Counsel for |  | Counsel for |
| (Nom de l'étude)  (Adresse)  (Ville, province et code postal)  Telephone:  Fax:  Email: |  | (Nom de l'étude)  (Adresse)  (Ville, province et code postal)  Telephone:  Fax:  Email: |
|  |  |  |
| (given name, surname) |  | (given name, surname) |
| Plaintiff |  | Defendant |

On       On

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| --- | --- | --- |
| Mtre. |  | Mtre. |
| Counsel for |  | Counsel for |
| (Nom de l'étude)  (Adresse)  (Ville, province et code postal)  Telephone:  Fax:  Email: |  | (Nom de l'étude)  (Adresse)  (Ville, province et code postal)  Telephone:  Fax:  Email: |
|  |  |  |
| (given name, surname) |  | (given name, surname) |
|  |  |  |