CANADA COURT OF QUÉBEC

Province of Québec (Civil Division)

District:

Locality:

File No.:

 Plaintiff

 v.

 Defendant

 and

       Party

**CASE PROTOCOL**

**SELECTION CRITERIA**

**(articles 148 and 150 of the *Code of Civil Procedure*)**

**Under articles 20 and 148 C.C.P., the parties are required to co-operate to establish a case protocol.**

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

(**Do not complete this 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.
2. You must answer each of the following questions by checking the appropriate box. A positive answer or no answer means that the protocol will be submitted to the Court to be examined.

|  |  |
| --- | --- |
| **The parties are requesting an extension of the time limit for trial readiness:**(line 3 of the protocol) | [ ]  YES [ ]  NO |
| **The parties are requesting a case management conference on filing of the first protocol:** (line 5 of the protocol) | [ ]  YES [ ]  NO |
| **The parties require a period of approximately more than two days for the proceeding:** (line 6 of the protocol) | [ ]  YES [ ]  NO |
| **The parties are requesting a settlement conference:**(line 7 of the protocol) | [ ]  YES [ ]  NO |
| **Each party plans to file more than one expert opinion:**(line 34 of the protocol) | [ ]  YES [ ]  NO |
| **Each party plans to conduct more than one examination:**(lines 35, 36 and 37 of the protocol) | [ ]  YES [ ]  NO |
| **The parties agree that the defence will be written:**(line 39 of the protocol) | [ ]  YES [ ]  NO |

|  |  |
| --- | --- |
| **The dispute was or is subject to case management prior to filing of the case protocol in accordance with article 157 C.C.P.:** (line 4 of the protocol)If yes, the attached protocol is not subject to examination by the Court in accordance with article 150 C.C.P., unless the Court decides otherwise. | [ ]  YES [ ]  NO |

CANADA COURT OF QUÉBEC

Province of Québec (Civil Division)

District:

Locality:

File No.:

 Plaintiff

 v.

 Defendant

 and

 Party

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

|  |  |
| --- | --- |
|  | Nature of the dispute:       |
| Value of the subject matter of the dispute:       |
|  | Latest date on which the application was served on all the parties: |       |
|  | The parties are requesting an extension of the time limit for trial readiness:(C.C.P., a. 173)[ ]  for the 1st protocol (extension of       months)[ ]  for a subsequent protocol (with notice of presentation, request for       months) | [ ]  YES [ ]  NO  |
|  | The dispute was or is subject to early case management: | [ ]  YES [ ]  NO  |
|  | The parties are requesting a case management conference on filing of the first protocol (for a subsequent protocol, the parties must apply to the designated judge or file a notice of case management): | [ ]  YES [ ]  NO  |
|  | For the proceeding, the parties are requesting a period of approximately:[ ]  2 days or less [ ]  more than 2 days |
|  | A settlement conference:[ ]   is requested [ ]   is premature [ ]   is out of the question  |
|  | **Issues in dispute:**       |
|  | **Agreements and undertakings** (other than those set out elsewhere in the protocol)**:**       |
|  | 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? | [ ]  YES [ ]  NO [ ]  YES [ ]  NO  |

|  |
| --- |
| **PRELIMINARY EXCEPTIONS AND INCIDENTAL APPLICATIONS**  |
|  | **Declinatory exceptions**  | [ ]  YES [ ]  NO |
|  | Submitted by | Deadline  |
|  | [ ]  Referral to competent court or dismissal for lack of jurisdiction (C.C.P., a. 167): |       |       |
|  | [ ]  Other declinatory exception (with a reference to the article of the C.C.P.):        |       |       |

|  |  |  |
| --- | --- | --- |
|  | **Exceptions to dismiss** | [ ]  YES [ ]  NO |
|  | Submitted by | Deadline  |
|  | [ ]  One of the parties is incapable or does not have the necessary capacity to act (C.C.P., a. 168): |       |       |
|  | [ ]  One of the parties has no interest (C.C.P., a. 168): |       |       |
|  | [ ]  Application unfounded in law (C.C.P., a. 168):  |       |       |
|  | [ ]  Other declinatory exception (with a reference to the article of the C.C.P.):       |       |       |

|  |  |  |
| --- | --- | --- |
|  | **Other exceptions** | [ ]  YES [ ]  NO |
|  | Submitted by | Deadline  |
|  | [ ]  Clarifications on (indicate proceeding and paragraphs concerned):       |       |       |
|  | [ ]  Striking of immaterial allegations (C.C.P., a. 169): |       |       |
|  | [ ]  Security for costs (C.C.P., a. 492): |       |       |
|  | [ ]  Other exception (with a reference to the article of the C.C.P.):       |       |       |

|  |  |  |
| --- | --- | --- |
|  | **Incidental applications** | [ ]  YES [ ]  NO |
|  | Submitted by | Deadline |
|  | [ ]  Intervention of a third person (C.C.P., a. 184) Nature:       |       |       |
|  | [ ]  Other incidental application (with a reference to the article of the C.C.P.):       |       |       |

|  |
| --- |
| **OTHER PROCEEDINGS**  |
|  | **Safeguard measures** (C.C.P., a. 169, 1st para.): | [ ]  YES [ ]  NO |
|  | Submitted by | Deadline |
| Specify:       |       |       |

|  |
| --- |
| **EXPERT OPINIONS** |
|  | **Joint expert opinion(s)** | [ ]  YES [ ]  NO |
| Grounds for refusal of joint expert opinion(s) (C.C.P., a. 148(4)):       |
| Nature:       |
| Filing deadline:  |       |
| Foreseeable costs: | $       |
| 1. 5
 | **Expert opinions for plaintiff**  | [ ]  YES [ ]  NO |
| Nature:       |
| Number of expert opinions: |       |
| Filing deadline: |       |
| Foreseeable costs: | $       |

|  |  |  |
| --- | --- | --- |
|  | **Expert opinions for defendant** | [ ]  YES [ ]  NO |
| Nature :       |
| Number of expert opinions: |       |
| Filing deadline: |       |
| Foreseeable costs: | $       |

|  |  |  |
| --- | --- | --- |
|  | **Expert opinions for another party** | [ ]  YES [ ]  NO |
| Nature:       |
| Number of expert opinions: |       |
| Filing deadline: |       |
| Foreseeable costs: | $       |

|  |  |  |
| --- | --- | --- |
|  | **Application for physical, mental or psychosocial assessment** | [ ]  YES [ ]  NO |
| Required by       party: |
| Filing deadline: |       |
| Foreseeable costs: | $       |

|  |  |  |
| --- | --- | --- |
|  | **Total cost of expert opinions** |  |
| Total number of expert opinions (including joint expert opinions), if there is more than one expert opinion per party |        |
| Foreseeable costs: | $       |

|  |
| --- |
| **EXAMINATIONS** |
|  | **Examination by the plaintiff, except for written examination**Indicate the following information for each person to be examined: |
|  | Name | Deadline | Duration | Place | Filing date of undertakings |
| 1 |       |       |       |       |       |
| 2 |       |       |       |       |       |
| 3 |       |       |       |       |       |
| 4 |       |       |       |       |       |
| 5 |       |       |       |       |       |
| Authorization required (C.C.P., a. 229): | [ ]  YES [ ]  NO |

|  |  |
| --- | --- |
|  | **Examination by the defendant, except for written examination**Indicate the following information for each person to be examined: |
|  | Name | Deadline | Duration | Place | Filing date of undertakings |
| 1 |       |       |       |       |       |
| 2 |       |       |       |       |       |
| 3 |       |       |       |       |       |
| 4 |       |       |       |       |       |
| 5 |       |       |       |       |       |
| Authorization required (C.C.P., a. 229): | [ ]  YES [ ]  NO |
|  | **Examination by the** , except for written examinationIndicate the following information for each person to be examined: |
|  | Name | Deadline | Duration | Place | Filing date of undertakings |
| 1 |       |       |       |       |       |
| 2 |       |       |       |       |       |
| 3 |       |       |       |       |       |
| 4 |       |       |       |       |       |
| 5 |       |       |       |       |       |
| Authorization required (C.C.P., a. 229): | [ ]  YES [ ]  NO |

|  |
| --- |
| **DEFENCE, CROSS-APPLICATION AND DEFENCE TO CROSS-APPLICATION** |
|  | **Oral defence** (C.C.P., aa. 154 and 170, 2nd. para.) The defendant is **required** to briefly state its grounds of defence (add an appendix, if needed):       | [ ]  YES [ ]  NO |
| **Deadline for filing the brief statement of grounds of defence, where applicable:** |       |
|  | **Written defence** (C.C.P., aa. 148(5) and 171)The defendant is **required** to briefly state its grounds of defence and the reasons for which a written defence is necessary:       | [ ]  YES [ ]  NO |
| Deadline for filing defence: |       |
|  | **Cross-application** (C.C.P., a. 172, 2nd para.) The       intends to file a cross-application. | [ ]  YES [ ]  NO |
| Deadline for filing cross-application: |       |
|  | **Oral defence to cross-application** (C.C.P., a. 172, 2nd para.)  | [ ]  YES [ ]  NO |
| The deadline for filing the brief statement of the grounds for contesting the cross-application is set at:       |       |
| The       is requesting to file a written defence to cross-application: | [ ]  YES [ ]  NO |
| Deadline for filing the written defence to cross-application: |       |

|  |
| --- |
| **DISCLOSURE OF EVIDENCE** |
|  | **Exhibits and other evidence** (C.C.P., aa. 145 and 159) | Deadline |
|  | Communication of exhibits for plaintiff: |       |
|  | Communication of other evidence for plaintiff: |       |
|  | Communication of exhibits for defendant: |       |
|  | Communication of other evidence for defendant: |       |
|  | Communication of exhibits and other evidence by the other parties: |       |
|  | List of exhibits admitted by plaintiff:       |
|  | List of exhibits admitted by defendant:       |
|  | List of exhibits and other evidence admitted by the other parties:       |
|  | Communication of affidavits in lieu of testimony for the plaintiff: |       |
|  | Communication of affidavits in lieu of testimony for the defendant: |       |
|  | Communication of affidavits in lieu of testimony by the other parties: |       |

|  |  |
| --- | --- |
| **COMPLEMENTARY CASE PROTOCOL** |  [ ]  YES [ ]  NO |
|  | List the points that cannot be determined at the case protocol stage or identify certain points on which the parties were unable to reach an agreement:       |

|  |
| --- |
| **APPLICATION FOR SETTING DOWN FOR TRIAL AND JUDGMENT** |
|  | **Application for setting down for trial and judgment** [ ]   It will be filed within the strict time limit determined in accordance with article 173, 1st para. C.C.P.)or[ ]   The parties are seeking an extension of the      -month time limit (C.C.P., aa. 148(8), 158(7) and 173). |

|  |
| --- |
| **LEGAL COSTS** |
|  | Evaluation of legal costs for plaintiff (including expert opinions): | $       |
| Evaluation of legal costs for defendant (including expert opinions): | $       |
| Evaluation of legal costs for the other parties (including expert opinions): | $       |

|  |
| --- |
| **DISCLOSURE, NOTIFICATION AND SERVICE** |
|  | Methods of notification that the parties intend to use (C.C.P., aa. 109 to 140 and 148(9)):       |

**Notice to parties and lawyers**

Non-compliance with this protocol may constitute a breach punished under articles 341 and 342 C.C.P. Under article 149 C.C.P., the case protocol agreed between the parties' lawyers must be notified to the parties unless they have signed it.

On       On

|  |  |  |
| --- | --- | --- |
|  |  |  |
| Plaintiffor |  | Defendantor |
| **Mtre.** Counsel for the plaintiff |  | **Mtre.** Counsel for the defendant |
| (Name of office)(Address)(City, province and postal code) |  | (Name of office)(Address)(City, province and postal code) |

Telephone:      Telephone:

Fax:       Fax:

Email:       Email:

On       On

|  |  |  |
| --- | --- | --- |
|  |  |  |
| Partyor |  | Partyor |
| **Mtre.**Counsel for the  party |  | **Mtre.**Counsel for the  party |

(Name of office) (Name of office)

(Address) (Address)

(City, province and postal code) (City, province and postal code)

Telephone:      Telephone:

Fax:       Fax:

Email:       Email: