**ONTARIO** **Court File No** _____

**Superior Court of Justice** **Date (yyyy-mm-dd)** _____

**Judge** _____

**RE:** _____ v. _____

**PART 2**

**TRIAL SCHEDULING ENDORSEMENT FORM**

## 1) PRELIMINARY MATTERS

☐ Disclosure Completed if not: _____

☐ Assessments Completed if not: _____

☐ Valuations Completed if not: _____

☐ Settlement Conference Held if not: _____

## 2) TOTAL TIME REQUIRED FOR TRIAL - INCLUDING OPENING AND CLOSING STATEMENTS *(based on the estimates provided by both parties):* _____

## 3) PLEADINGS

Amendment needed? ☐ No ☐ Yes If yes, which party? _____

Date to amend _____

Date for response _____

## 4) FINANCIAL STATEMENTS

Have updated financial statements been exchanged? ☐ No ☐ Yes

If no, time limits for: Applicant Applicants _____

Respondents _____

## 5) ADMISSIONS *(summarize or attach list of admitted facts)*

Have requests to admit been served? ☐ No ☐ Yes

If no, time limits for: Applicant Applicants _____

Response by _____

Applicants _____

Response by _____

Statement of agreed facts (SAF) to be served and filed by (party) _____

by (date) _____ **SAF must be put into or with trial record.**

## 6) EXHIBITS PROPOSED

All *documentary evidence* to be relied upon at trial will be served by the following dates:
Applicants _____ Respondents _____
Proposed exhibits **not** to be coil bound as there may be questions of admissibility by other party or court. Consider whether any/all exhibits should be provided in **electronic form** _____

_____

*Reports or business records* to be relied on? ☐ No ☐ Yes
If yes, may they be introduced without calling of record keeper? ☐ No ☐ Yes
*Medical reports* with notice of intent served? ☐ No ☐ Yes
If no, by what date? _____

## 7) PRESENTATION AT TRIAL

*Order of presentation* if multiple parties or Children's Lawyer _____

_____

Written opening statements ☐ or oral ☐
If written, to be served by: Applicant _____
Respondent _____

Will written opening statements be put into trial record? ☐ No ☐ Yes
If not, when will written opening statement be available for judge? _____

## 8) PROPOSED DRAFT ORDER to be provided by each party at beginning of trial.

## 9) SPECIAL ARRANGEMENTS RE WITNESSES

i. Amplification Devices _____
Interpreters (provided by court or party?) _____
ii. Wheel chair access _____
iii. Judges' order as incarcerated _____

Will any witnesses evidence be given in chief by affidavit ☐ No ☐ Yes

If so, affidavits for application will be served by _____

Affidavits for respondent will be served by _____

Respondent to vet affidavit for applicant by _____

Applicant to vet affidavit for respondent by _____

## 10) EXPERTS

### APPLICANT'S EXPERTS

| Name of Expert | Report Served On | Witness to be qualified to give an opinion on: | Qualifications |
|---|---|---|---|
| _____ | _____ | _____ | Qualifications admitted<br>☐ No ☐ Yes<br>Or to advise by:<br>_____ |
| _____ | _____ | _____ | Qualifications admitted<br>☐ No ☐ Yes<br>Or to advise by:<br>_____ |
| _____ | _____ | _____ | Qualifications admitted<br>☐ No ☐ Yes<br>Or to advise by:<br>_____ |

Add additional page if necessary

### RESPONDENT'S EXPERTS

| Name of Expert | Report Served On | Witness to be qualified to give an opinion on: | Qualifications |
|---|---|---|---|
| _____ | _____ | _____ | Qualifications admitted<br>☐ No ☐ Yes<br>Or to advise by:<br>_____ |
| _____ | _____ | _____ | Qualifications admitted<br>☐ No ☐ Yes<br>Or to advise by:<br>_____ |
| _____ | _____ | _____ | Qualifications admitted<br>☐ No ☐ Yes<br>Or to advise by:<br>_____ |

Add additional page if necessary

## 11) CHILDREN'S EVIDENCE

Is there any evidence being sought from a child? ☐ No ☐ Yes Age ____

How will the evidence be introduced?

a) ☐ Statement of agreed facts
b) ☐ Through Children's Lawyer
c) ☐ Khan *voir dire*
d) ☐ Other (specify) _____

## 12) OTHER ISSUES to flag for trial scheduling purposes. _____

_____

## 13) ANY SPECIAL EQUIPMENT NEEDS (audio visual, screens, real time reporting etc.)

_____ **If yes, court support notified** ☐ No ☐ Yes

## 14) POSSIBLE PROBLEMS TO FLAG FOR TRIAL JUDGE

Evidentiary issues _____
_____

Legal Issues _____
_____

Other _____
_____

## 15) TRIAL RECORD

Already served and filed? ☐ No ☐ Yes

If not: Applicant to serve and file by _____

Respondent to serve and file by _____

Pursuant to rule 23(1)(5), trial records must include any temporary order relating to a matter still in dispute and any order relating to the trial. If endorsements have not been turned into formal orders, consider whether a copy of the endorsements should go into the trial record.

## 16) FOLLOW UP TMC REQUIRED? ☐ No ☐ Yes

Purpose: _____

## 17) CASE BOOKS IN ELECTRONIC FORM to be filed by the following dates:

Applicant(s) _____ Respondent(s) _____

## 18) TRIAL INFORMATION

Trial management conference fixed for: _____
Trial fixed for: _____
Total trial time: _____
Urgency (if any) and why: _____
_____

### *PARTIES INFORMED*

☐ To file the completed trial scheduling endorsement form in advance of their Trial Management Conference, in addition to an outline of their Opening Statement and a proposed draft Order.

☐ To inform Trial Coordinator of any changes in address or phone # or any change in representation

☐ To call Trial Coordinator if they do not hear from the Trial Office at least one week before the trial date.

☐ If a party does not attend trial, an order may be made in the party's absence.

☐ Failure to comply with the terms of this endorsement could result in cost consequences.

## 19) TRIAL SCHEDULING ORDER:

## It is ordered that:

☐ For the TMC, no further briefs are required.

☐ For the TMC, offers to settle and draft opening statements are required by each party, and should be field with a copy of this endorsement form.

☐ Parties shall comply with directions and dates set out above. Consent changes may be requested by motion form (14B).

☐ There shall be no further motions without permission obtained from the case management judge.

☐ No exhibits may be relied on at trial other than those disclosed as above **without a court order** obtained from the case management or trial judge

☐ No witnesses shall be called other than the witnesses on the witness list as outlined above unless a court order is obtained from the case management judge or the trial judge.

☐ Any changes requested regarding scheduling of trial or expanded time required for trial – **must make appointment to attend before justice _____**.

☐ _____

☐ _____

**A copy of this endorsement, including the completed Part 1 of this form for both parties, must be put into the trial record, as it is an order relating to the trial (see rule 23(1)(6). Offers to settle shall not be attached to the endorsement when it is included in the trial record.**

_____ _____

Date Judge's Signature

## CONFIRMATION BY COUNSEL/PARTIES

We, the undersigned confirm that we have read and understand this trial scheduling endorsement and agree to be bound by the provisions and time estimates set out in it.

| | |
|---|---|
| _____ | _____ |
| Applicant | Respondent |
| _____ | _____ |
| Counsel for Applicant | Counsel for Respondent |
| _____ | |
| Counsel for Other Party | |

Dated