# TRIAL HEARING REQUIREMENTS CHECKLIST

**ONTARIO SUPERIOR COURT OF JUSTICE   
(COMMERCIAL LIST)**

When counsel and parties attend their appointment to set a trial date under Part VIII of the **Commercial List Practice Direction**, paragraph 23, they shall come prepared to address the following topics:

1. The names and order of anticipated fact witnesses, the length of their testimony (chief/cross/re-exam) – witness lists with time estimates should be exchanged in advance and the parties must have copies of these available for the Court. Trial dates are fixed based on these estimates, and parties should assume that they will be held to them.
2. The anticipated number of experts, areas of expertise, timetable for exchange of expert reports, any possible areas of agreement (qualification, filing of reports), length of testimony (to be included on the witness lists).
3. Any special requirements for out-of-town witnesses or witnesses who require a translator or other accommodation.
4. Pre-trial steps to be completed:
   1. Pleading amendments
   2. Documentary discovery
   3. Oral discovery
   4. Out of court examinations, transcripts and any agreement re: read-ins
   5. Motions
   6. Filing of trial record
   7. *Evidence Act* notices
   8. Requests to Admit
   9. Witness Lists
5. Expected number of exhibits and any issues as to authenticity or proof: *Girao v. Cunningham* 2020 ONCA 260 issues.
6. Admitted or agreed facts, chronologies, corporate charts, other tools.
7. Courtroom requirements.

The trial date and length will be set based on the information that is provided. A timetable may be ordered for the exchange of expert reports and other pre-trial steps identified.