#  ONTARIO SUPERIOR COURT OF JUSTICE

**TRIAL MANAGEMENT PLAN**

**Under Rule 76 – Simplified Procedure**

|  |  |
| --- | --- |
| Court File Number:       |  |
| Short Title of Case:       |  |  |

I,      , [ ]  self-represented party [ ]  counsel for      :

confirm:

[ ]  I have discussed this Trial Management Plan with      , opposing counsel/self-represented party, and we agree to the contents

# or

[ ]  I have been unable to discuss this document with opposing counsel/self-represented party

because       and each party with provide a separate Trial Management Plan.

# THE FOLLOWING PARTS HAVE BEEN COMPLETED AND ARE ATTACHED:

[ ]  PART A – List the name of every witness, including expert witnesses

[ ]  PART B – Division of Trial Time Between the Parties

[ ]  PART C – Special Considerations

**PURSUANT TO RULE 76.10(4)**, this Trial Management Plan **must** be filed at least **five (5) days**

before the scheduled pre-trial conference, together with the following

[ ]  a copy of the party’s affidavit of documents;

[ ]  copies of the documents relied on for the party’s claim or defence (typically included with the party’s statement of issues);

[ ]  a copy of any expert affidavit, other than a supplementary expert

[ ]  affidavit; any other material necessary for the conference;

[ ]  a statement, not exceeding three pages, setting out the issues and the party’s position with respect to them; and

[ ]  a trial management checklist (Form 76D).

**NOTICE TO PARTIES**: Total trial duration cannot exceed five (5) days, including opening statements, presentation of evidence, cross-examination, re-examination, and oral argument **for all parties** (Rule 76.10(2)). Court is typically in session 5 hours per day, so the total number of hours for the trial should be 25 hours or less.

# PART A – List the name of every witness (i.e. person who swore/ affirmed an affidavit), including expert witnesses

**1. WITNESSES SUPPORTING THE PLAINTIFF(S) CASE**

|  |  |
| --- | --- |
|  | **Time Estimates (minutes)** |
| **Witness Name** | **Relationship to trial issues** | **Chief** | **Cross** | **Re-Exam** | **Total** |
|   |   | Affidavit |   |   |   |
|   |   | Affidavit |   |   |   |
|   |   | Affidavit |   |   |   |
|   |   | Affidavit |   |   |   |
| **Total time for plaintiff(s)** |   |

1. **WITNESSES SUPPORTING THE DEFENDANT’S CASE**

*(add additional page(s) if more than one defendant)*

|  |  |
| --- | --- |
|  | **Time Estimates (minutes)** |
| **Witness Name** | **Relationship to trial issues** | **Chief** | **Cross** | **Re-Exam** | **Total** |
|   |   | Affidavit |   |   |   |
|   |   | Affidavit |   |   |   |
|   |   | Affidavit |   |   |   |
|   |   | Affidavit |   |   |   |
| **Total time for defendant(s)** |   |

# WITNESSES SUPPORTING THIRD OR SUBSEQUENT PARTY’S CASE (if any)

*(add additional page(s) if more than one subsequent party)*

|  |  |
| --- | --- |
|  | **Time Estimates (minutes)** |
| **Witness Name** | **Relationship to trial issues** | **Chief** | **Cross** | **Re-Exam** | **Total** |
|   |   | Affidavit |   |   |   |
|   |   | Affidavit |   |   |   |
|   |   | Affidavit |   |   |   |
|   |   | Affidavit |   |   |   |
| **Total time for third or subsequent party** |   |

# PART B – Division of Trial Time Between the Parties

1. **TRIAL TIME FOR PLAINTIFF(S)**
	1. minutes for **opening statement**

*(i.e. overview of the case and what decision the party is asking the judge to make)*

* 1. minutes for **confirmation of affidavit evidence** and **reading in evidence** from an examination for discovery transcript (under rule 31.11)

c.       minutes for **cross-examining deponents**

*(i.e. questioning the persons that swore/affirmed affidavits supporting the opposing party’s case)*

1. minutes for **re-examining a party’s own deponents** who were cross- examined by the opposing party
2. minutes for **oral argument and closing statement**

*(i.e. summary of the law and how the evidence relates to it; addressing the opposing party’s arguments (or anticipated arguments); and restating the decision that the party is asking the judge to make)*

# TRIAL TIME FOR DEFENDANT

*(add additional page(s) if more than one defendant)*

* 1. minutes for **opening statement**

*(i.e. overview of the case and what decision the party is asking the judge to make)*

* 1. minutes for **confirmation of affidavit evidence** and **reading in evidence** from an examination for discovery transcript (under rule 31.11)

c.       minutes for **cross-examining deponents**

*(i.e. questioning the persons that swore/affirmed affidavits supporting the opposing party’s case)*

1. minutes for **re-examining a party’s own deponents** who were cross- examined by the opposing party
2. minutes **oral argument and closing statement**

*(i.e. summary of the law and how the evidence relates to it; addressing the opposing party’s arguments (or anticipated arguments); and restating the decision that the party is asking the judge to make)*

# TRIAL TIME FOR THIRD OR SUBSEQUENT PARTY (if any)

*(add additional page(s) if more than one subsequent party)*

* 1. minutes for **opening statement**

*(i.e. overview of the case and what decision the party is asking the judge to make)*

* 1. minutes **confirmation of affidavit evidence** and **reading in evidence** from an examination for discovery transcript (under rule 31.11)

c.       minutes for **cross-examining deponents**

*(i.e. questioning the persons that swore/affirmed affidavits supporting the opposing party’s case)*

1. minutes for **re-examining a party’s own deponents** who were cross- examined by the opposing party
2. minutes for **oral argument and closing statement**

*(i.e. summary of the law and how the evidence relates to it; addressing the opposing party’s arguments (or anticipated arguments); and restating the decision that the party is asking the judge to make)*

# TOTAL TRIAL TIME REQUIRED FOR ALL PARTIES:       hours/minutes

*(cannot exceed 25 hours)*

# PART C - SPECIAL CONSIDERATIONS:

*(Please check and complete all that apply)*

[ ]  Self-represented party/parties: [ ]  plaintiff [ ]  defendant

If so, identify the party:

[ ]  Companion action(s):       *(court file number and short title of case)*

[ ]  Bilingual proceeding in French and English

# Action Status:

[ ]  Mediation completed *(Toronto, Ottawa and Windsor cases only)*

[ ]  Examinations for discovery completed

[ ]  Undertakings arising from discoveries have been fulfilled

If not, for which parties do undertakings remain outstanding?

When will the undertakings be fulfilled?

[ ]  Motions remain outstanding *(indicate what each motion is for and whether they have been scheduled/ when they will be heard)*:

# Witnesses:

[ ]  Interpreter required in the following language(s)

     , with

arrangements to be made by:

[ ]  Witness named       requires accommodation for the following disability:

[ ]  Witness named       unavailable on following

dates:

[ ]  Out-of-town/country witnesses (list names):

[ ]  Court order allowing video-conference cross-examination of out-of-town/country witnesses will be requested for the following witnesses:

[ ]  Expert reports have been served by: [ ]  plaintiff [ ]  defendant

Expert reports are to be served **not less than 90 days** before the pre-trial conference, and responding expert reports are to be served **not less than 60 days** before the pre-trial conference (Rule 53.03)

[ ]  Expert affidavits (appending expert reports) have been delivered by: [ ]  plaintiff [ ]  defendant

(If not, all expert affidavits, other than supplementary expert affidavits, **must** be served and filed at least five (5) days before the scheduled pre-trial)

[ ]  Supplementary expert affidavits are expected from: [ ]  plaintiff [ ]  defendant

**3. Other Trial Considerations/Requirements:**

[ ]  Audio-visual equipment required at trial includes the following:

[ ]  Additional court security is requested

[ ]  Other information for the pre-trial judge or master:

|  |  |  |
| --- | --- | --- |
|  |  |  |
|  |  | Name of [ ]  Lawyer for moving party [ ]  Self represented party (*please type or print clearly*) |
| YYYY-MM-DD |  |  |
| Date |  | Telephone Number, Email Address, and Fax (if any) |