

ONTARIO



Superior Court of Justice
Southwest Region

ACKNOWLEDGEMENT AND CERTIFICATE

**RE: Special Southwest Region Civil Non-Jury Trial Sitting
Commencing November 14, 2023 and Ending December 8, 2023**

Short Title of Proceeding: **
Commenced at: **
Court File Number: ** (the "Action")

WARNING:

This is a crucial document that the court will rely upon. It should be signed and delivered only if its contents – including all of the *Rules of Civil Procedure* to which it refers – are carefully reviewed and the terms that follow are agreed to.

Lawyers are reminded to carefully oversee all aspects of the completion and submission of this document.

The Action has been identified as POTENTIALLY being one that meets the criteria for being placed on the running list for the Virtual Trial Sittings for Civil, Non-Jury Cases in the Southwest Region for the period commencing November 14, 2023 and ending December 8, 2023.

However, the Action will NOT be considered for placement on that list unless and until this Acknowledgement and Certificate is fully completed, signed by the lawyer for EACH party, and by EACH self-represented party (excepting any party against whom the Action has been discontinued or dismissed), AND is returned by email to: scjsouthwestsrsoffice@ontario.ca.

The completed Acknowledgement and Certificate must be returned no later than 4:30 p.m. on [insert date], 2023.

By signing this Acknowledgement and Certificate, each signatory:

1. CERTIFIES that the names of all remaining parties, the name and contact information for their lawyer(s), if any, and of any self-represented party is set forth in the execution page below.
2. CERTIFIES that the Action is to be tried without a jury.
3. CERTIFIES that the parties or, if represented, their counsel have had specific discussions concerning the TOTAL time needed for trial and that the estimated length of the trial from beginning to the end of closing submission/final argument will NOT exceed four (4) weeks (i.e., twenty (20) court days).
4. CERTIFIES that in fact, the estimated time required for the trial of the Action is ____ week(s) or, if not a multiple of 5, ____ days and ACKNOWLEDGES that the Court will rely upon that estimate being accurate.
5. ACKNOWLEDGES that the Action will be tried virtually, in its ENTIRETY, using CaseLines.
6. CERTIFIES that the schedule required by rule 53.03(2.2) of the *Rules of Civil Procedure* for the delivery of expert reports:
 - a. has been prepared in writing or electronically,
 - b. has been agreed to by all of the parties,
 - c. is and will be in full force and effect, and
 - d. requires the service of expert reports by a date that is no later than the time required in rule 53.03(1) (initial reports), 53.03(2) (responding reports) and 53.03(3) (supplementary and supplementary responding reports).

A true copy of the schedule – as signed – MUST be attached to this Acknowledgement and Certificate.

7. CERTIFIES that all forms of discovery – whether oral or written – are complete.
8. CERTIFIES that no interlocutory motion is contemplated, except only to the extent permitted by rule 48.04(3). Any motion permitted by rule 48.04(3) shall be brought and dealt with expeditiously by the parties. If any such motion is outstanding, that shall NOT be a ground for an adjournment of the trial.
9. CERTIFIES that steps have been taken to confirm that:

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- a. the parties, their counsel, and all witnesses each party intends to call (including participating and rule 53.03 experts) are available to participate to the extent required at trial, or
 - b. in the case of any non-party, non-rule 53.03 expert witness, steps have been or will be taken to serve a summons to that witness in a timely fashion.
10. ACKNOWLEDGES that the parties and their counsel will be required to participate in a one-half day virtual pretrial conference on a date and time to be confirmed by the Court, during the period from October 10, 2023, to November 3, 2023, even if the matter has been pre-tried before.
11. CERTIFIES that the parties and their counsel will be ready to proceed with their trial promptly if and when their trial is called during the sitting.
12. UNDERTAKES to advise the court immediately of any change in counsel or their contact information.
13. UNDERTAKES to advise the court immediately if the Action is settled, by e-mail sent to scisouthwestrsjoffice@ontario.ca.
14. ACKNOWLEDGES that any request for an adjournment:
- a. must be made by motion, returnable before the Local Administrative Judge of the court centre where the court file is located, or their designate, on a date to be arranged through the Trial Coordinator, and
 - b. will be granted in exceptional circumstances only, even if on consent.

The parties and their counsel are asked to sign and submit one copy of this Acknowledgement and Certificate. Please do NOT execute it in counterparts.

NOTE: Before submitting the fully completed and signed Acknowledgement and Certificate, you MUST ensure that the required rule 53.03(2.2) schedule is appended.

EXECUTION PAGE

Please insert the full name of each remaining party as it appears in the title of proceedings, starting with the plaintiff(s), then the defendant(s), then third party(ies) and, finally, any other previously unnamed party (e.g., a defendant by counterclaim or fourth party).

FULL NAME OF PARTY	AUTHORIZED SIGNATURE	NAME AND EMAIL ADDRESS OF COUNSEL