CANADA COURT OF QUÉBEC

Province of Québec (Civil Division)

District:

Locality:

File No.:

 Plaintiff

 vs

 Defendant

 and

**SELECTION CRITERIA**

**(arts. 148 and 150 C.C.P.)**

1. **You must complete this page when filing “Part 2 – Conduct of the Trial” of the trial management form for a 1st trial protocol or a trial protocol proposal**. It must be placed before the first page of the trial protocol or trial protocol proposal and stapled to it.
2. **Do not complete or include** this page when filing “Part 1 – Stay of Proceeding” of the trial management form.
3. **Do not complete or include** this page when filing an amended trial protocol.
4. Check the boxes that apply to the proceeding. If you answer yes (or fail to give an answer), the trial protocol or trial protocol proposal will be presented for examination by the court.

|  |  |  |
| --- | --- | --- |
| **Extension of the time limit for trial readiness requested**Part 2 of the case protocol | [ ]  Yes | [ ]  No |
| **Management conference requested**Part 2 of the case protocol  | [ ]  Yes | [ ]  No |
| **Expert evidence to be sought**Part 2 of the case protocol – lines 15 and 16 | [ ]  Yes | [ ]  No |
| **Presence of a party not represented by a lawyer** | [ ]  Yes | [ ]  No |

|  |  |  |
| --- | --- | --- |
| **Case submitted for management before the filing of the case protocol** If you answer yes, the case protocol enclosed herewith is exempted from examination, unless the court decides otherwise. | [ ]  Yes | [ ]  No |

RÉSERVÉ AU GREFFIER : Cocher si protocole ou proposition de protocole trié pour saisie CHEM\*EXA

CANADA COURT OF QUÉBEC

Province of Québec (Civil Division)

District:

Locality:

File No.:

 Plaintiff

 vs

 Defendant

 and

**PART 2 – CONDUCT OF PROCEEDING**

**(arts. 148 ff. C.C.P.)**

The page “Selection Criteria” must be included with “Part 2 – Conduct of Proceeding” when you file a 1st case protocol or a case protocol proposal. It must be placed before the first page of the trial protocol or trial protocol proposal and stapled to it.

“Part 2 – Conduct of Proceeding” exempts the parties from completing and including “Part 1 – Stay of Proceeding” of the case management form.

|  |
| --- |
| **ORIGINATING APPLICATION** |
| Nature of the dispute  |       |
| Value of the subject matter of the dispute  |       |
| Date of notification  |       |

|  |
| --- |
| **SPECIAL REQUESTS BY THE PARTIES** |
| [ ]  | **Extension of the time limit for trial readiness requested** (arts. 148(8) and 173 C.C.P.) |
|  | For the 1st case protocol:       month(s), i.e. until (date) |
|  | Explain the reasons:      |
| [ ]  | **Management conference requested** (arts. 153 ff. C.C.P.) |
|  | A request for a management conference does not exempt the parties from collaborating to determine the steps on which they agree as to the conduct of the proceeding. |
|  | In preparation for the management conference, the parties must identify the subjects to be discussed:       |

|  |  |  |
| --- | --- | --- |
| **FIRST PHASES IN THE CONDUCT OF THE PROCEEDING****AND INCIDENTAL APPLICATIONS** | **N/A** | **TIME LIMIT**(on or before) |
|  | Disclosure of exhibits in support of the application (arts. 145 and 248 C.C.P.) | **[ ]**  |  |
|  | Presentation of safeguard measures (art. 169 C.C.P.)Explain:      | **[ ]**  |  |
|  | Presentation of preliminary exceptions to the application(arts. 166 ff. C.C.P.) Explain:      | **[ ]**  |  |
|  | Brief statement of grounds of oral defence (mandatory) (arts. 154 and 170, para. 2 C.C.P.)      |
|  | Notification and filing of a complementary statement of the oral defence, if necessary, and communication of exhibits in support of the oral defence (arts. 170 and 171 C.C.P.) | **[ ]**  |  |
|  | Notification and filing of the written defence and communication of exhibits in support thereof (arts. 148, para. 5 and 170 C.C.P.)Explain the reasons justifying the written defence:[ ]  Tax Administration Act (mandatory written defence)[ ]        | **[ ]**  |  |
|  | Notification and filing of the cross-application and communication of exhibits in support thereof (art. 172, para. 2 C.C.P.) | **[ ]**  |  |
|  | Presentation of preliminary exceptions to the defence and cross-application (arts. 166 ff. C.C.P.)Explain:      | **[ ]**  |  |
|  | Notification and filing of the defence to the cross-application and communication of exhibits in support thereof (art. 172, para. 2 C.C.P.) | **[ ]**  |  |
|  | Other incidental applications for the proceeding, procedure, agreements and undertakings (arts. 148, para. 1 and 169, para. 1 C.C.P.)Explain:      | **[ ]**  |  |

|  |  |  |
| --- | --- | --- |
| **PRE-TRIAL EXAMINATIONS** (arts. 221 to 229 C.C.P.) | **N/A** | **TIME LIMIT**(on or before) |
|  | **Oral examinations**[ ]  of the plaintiff  [ ]  of the defendant  [ ]  of another party (specify):       [ ]  of a third party (specify):         | **[ ]**  |  |
|  |
|  | **Communication of undertakings given**Indicate a time limit based on the date of the pre-trial examination, not the receipt of stenographic notes.[ ]  by the plaintiff  [ ]  by the defendant  [ ]  by another party (specify):       [ ]  by a third party (specify):         | **[ ]**  |  |
|  | **Written examinations** [ ]  of the plaintiff  [ ]  of the defendant  [ ]  of another party (specify):       [ ]  of a third party (specify):        | **[ ]**  |  |
|  | **Communication of the written responses**[ ]  of the plaintiff  [ ]  of the defendant  [ ]  of another party (specify):       [ ]  of a third party (specify):        | **[ ]**  |  |

|  |  |
| --- | --- |
| **EXPERT EVIDENCE** (arts. 231 ff. C.C.P.) | **TIME LIMIT**(on or before) |
|  | **Joint expert opinion** | [ ]  Yes | [ ]  No |  |
| Including the expert’s declaration, curriculum vitae and up-to-date invoice for professional fees (art. 235 C.C.P. and s. 14 Regulation of the Court of Québec) |  |
| Field: |
| Where applicable, explain the reasons justifying refusal to seek the assistance of a joint expert:      |
|  | **Contradictory expert opinion(s)** |  [ ]  Yes | [ ]  No  |  |
| Field:       |
| **Communication and filing of report(s)** Including the expert’s declaration, curriculum vitae and up-to-date invoice forprofessional fees (art. 235 C.C.P. and s. 14 Regulation of the Court of Québec)[ ]  of the plaintiff  [ ]  of the defendant  [ ]  of another party (specify):        |

|  |  |
| --- | --- |
| **TRIAL READINESS AND SETTING DOWN FOR TRIAL AND JUDGMENT** (arts. 173 and 174 C.C.P.) | **TIME LIMIT**(on or before) |
|  | **Notification and filing of application for setting down for trial and judgment** [ ]  the date corresponds to the strict time limit (art. 173 C.C.P.)  [ ]  the date corresponds to the requested extension  Any other date must be authorized by the court. |       |
| **COMMUNICATION AND NOTIFICATION** (arts. 109 to 140 and 148, para. 9 C.C.P.) |
|  | **Communications and notifications in the course of the proceeding will be by:** [ ]  email [ ]  fax [ ]  bailiff [ ]  other (specify):      Refer to the contact information indicated under the signatures of the lawyers or any parties not represented by a lawyer. |
|  |
|  |

**DECLARATIONS OF THE PARTIES**

**The parties, or their lawyers, declare that:**

1. they have considered the use of private dispute prevention and resolution processes;
2. they have come to an agreement on the procedure, agreements and undertakings relating to the steps to be taken to ensure the orderly conduct of the proceeding and have assessed the time required to complete these steps and the foreseeable legal costs;
3. they have assessed the need for written or oral pre-trial examinations and have agreed to the procedure for and duration of those examinations;
4. they have considered the advisability of seeking a joint expert’s report;
5. have discussed the issues in dispute that must be defined in the application for setting down for trial and judgment;
6. they undertake to respect the time limits fixed in the case protocol and acknowledge that failure to respect the case protocol constitutes a breach that may be punished by the court;
7. the case protocol, if such exists, has been notified to the parties.

On       On

|  |  |  |
| --- | --- | --- |
|  |  |  |
| Plaintiffor |  | Defendantor |
| **Mtre.** Plaintiff’s lawyer(s) |  | **Mtre.** Defendant’s lawyer(s) |
| (Firm name)(Address)(City, province and postal code)Telephone:      Fax:      Email:      Email for notification:       |  | (Firm name)(Address)(City, province and postal code)Telephone:      Fax:      Email:      Email for notification:       |

On       On

|  |  |  |
| --- | --- | --- |
|  |  |  |
|       (identify the party)or |  |       (identify the party)or |
| **Mtre.**Lawyer(s) |  | **Mtre.**Lawyer(s) |
| (Firm name)(Address)(City, province and postal code)Telephone:      Fax:      Email:      Email for notification:       |  | (Firm name)(Address)(City, province and postal code)Telephone:      Fax:      Email:      Email for notification:       |