

EXPLANATORY NOTES

APPLICATION FOR SETTING DOWN FOR TRIAL AND JUDGMENT (by joint declaration or by a party) (SJ-1100A)

The purpose of the “Application for Setting Down for Trial and Judgment (by joint declaration or by a party)” form is to have the clerk set a case down in the list of cases ready to be heard by the Court (trial).

TYPES OF FORMS

- Dynamic PDF:

After completing the form, you must print it on letter-sized paper, i.e. 8.5 inches by 11 inches (215.9 mm by 279.4 mm).

- Paper:

If you complete the form by hand, please write legibly in block letters.

PROCEDURE

The application for setting down for trial and judgment is made by means of a joint declaration by the parties. If the declaration cannot be made by the parties jointly, the plaintiff or another party files a declaration and must notify it to the other parties. In such a case, the declaration is deemed confirmed unless the other parties specify, within 15 days after it is notified, what should be added or deleted.

Once the form is completed, keep a copy for your files.

FILING AT THE COURT OFFICE

You must then send the application for setting down to the courthouse office. To do this, you may use the Digital Court Office of Québec (GNJQ), which is accessible via the website of the Ministère de la Justice at www.justice.gouv.qc.ca.

Court costs are payable for filing the application. For more information on court costs and the contact information for courthouses in the province of Québec, consult the website of the Ministère de la Justice.

CANADA
Province of Québec
District:
Locality:
File No.:

COURT OF QUÉBEC
(Civil Division)

Plaintiff

vs

Defendant

and

**APPLICATION FOR SETTING DOWN FOR TRIAL AND JUDGMENT
(art. 174 C.C.P.)**

PRELIMINARIES

This application for setting down for trial and judgment is made on the initiative:

- of all the parties to the case
 of _____ (identify the party)

If the application is not made jointly by the parties, explain why:

Art. 174 in fine C.C.P.: "If the declaration cannot be made by the parties jointly, the plaintiff or, if the plaintiff fails to do so, another party, files a declaration and notifies it to the other parties. The declaration is deemed confirmed unless the other parties specify, within 15 days after it is notified, what should, in their opinion, be added or deleted."

The filing of the application confirms that the case is ready for trial, in accordance with the information it contains.

1. CONTACT INFORMATION OF PARTIES AND LAWYERS

Plaintiff	Lawyer responsible
Name:	Name:
Address:	Firm:
Telephone:	Address:
Fax:	Telephone:
Email:	Fax:
	Email:

Defendant	Lawyer responsible
Name: Address: Telephone: Fax: Email:	Name: Firm: Address: Telephone: Fax: Email:
Party (specify):	Lawyer responsible
Name: Address: Telephone: Fax: Email:	Name: Firm: Address: Telephone: Fax: Email:

2. DISPUTE	
Principal application	
Nature: Value of the subject matter of the dispute:	
Cross-application	<input type="checkbox"/> Yes <input type="checkbox"/> No
Nature: Value of the subject matter of the dispute:	
Recourse(s) in warranty	<input type="checkbox"/> Yes <input type="checkbox"/> No
Intervention(s)	<input type="checkbox"/> Yes <input type="checkbox"/> No
Issues in dispute	
List of the facts that are admitted	

List of issues to be addressed through expertise

3. EXHIBITS AND EVIDENCE

THE PLAINTIFF (check the boxes below that apply to the documents relevant as evidence)

<input type="checkbox"/>	Declares that it has enclosed with this declaration a complete list of the exhibits sent by it (art. 248, para. 1 C.C.P.);		
<input type="checkbox"/>	Declares that it has filed in the record the affidavits in lieu of testimony of the following persons (art. 292 C.C.P.): <table border="0"><tr><td><ul style="list-style-type: none">• Affiant:• Date of affidavit:</td><td><ul style="list-style-type: none">• Affiant:• Date of affidavit:</td></tr></table>	<ul style="list-style-type: none">• Affiant:• Date of affidavit:	<ul style="list-style-type: none">• Affiant:• Date of affidavit:
<ul style="list-style-type: none">• Affiant:• Date of affidavit:	<ul style="list-style-type: none">• Affiant:• Date of affidavit:		
<input type="checkbox"/>	Declares that it has filed in the record the transcript of the examinations (oral or written) of the following persons in order to use them at trial (arts. 224 and 227 C.C.P.): <table border="0"><tr><td><ul style="list-style-type: none">• Witness:• Date of examination:</td><td><ul style="list-style-type: none">• Witness:• Date of examination:</td></tr></table>	<ul style="list-style-type: none">• Witness:• Date of examination:	<ul style="list-style-type: none">• Witness:• Date of examination:
<ul style="list-style-type: none">• Witness:• Date of examination:	<ul style="list-style-type: none">• Witness:• Date of examination:		
<input type="checkbox"/>	Declares that it has filed in the record the following expert reports in order to use them at trial (art. 239 C.C.P.): <table border="0"><tr><td><ul style="list-style-type: none">• Name:• Field of expertise:• Date:• No.:</td><td><ul style="list-style-type: none">• Name:• Field of expertise:• Date:• No.:</td></tr></table>	<ul style="list-style-type: none">• Name:• Field of expertise:• Date:• No.:	<ul style="list-style-type: none">• Name:• Field of expertise:• Date:• No.:
<ul style="list-style-type: none">• Name:• Field of expertise:• Date:• No.:	<ul style="list-style-type: none">• Name:• Field of expertise:• Date:• No.:		

THE DEFENDANT (check the boxes below that apply to the documents relevant as evidence)

<input type="checkbox"/>	Declares that it has enclosed with this declaration a full list of the exhibits sent by it (art. 248, para. 1 C.C.P.);		
<input type="checkbox"/>	Declares that it has filed in the record the affidavits in lieu of testimony of the following persons (art. 292 C.C.P.): <table border="0"><tr><td><ul style="list-style-type: none">• Affiant:• Date of affidavit:</td><td><ul style="list-style-type: none">• Affiant:• Date of affidavit:</td></tr></table>	<ul style="list-style-type: none">• Affiant:• Date of affidavit:	<ul style="list-style-type: none">• Affiant:• Date of affidavit:
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<input type="checkbox"/>	Declares that it has filed in the record the transcript of the examinations (oral or written) of the following persons in order to use them at trial (arts. 224 and 227 C.C.P.): <table border="0"><tr><td><ul style="list-style-type: none">• Witness:• Date of examination:</td><td><ul style="list-style-type: none">• Witness:• Date of examination:</td></tr></table>	<ul style="list-style-type: none">• Witness:• Date of examination:	<ul style="list-style-type: none">• Witness:• Date of examination:
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<ul style="list-style-type: none">• Name:• Field of expertise:• Date:• No.:	<ul style="list-style-type: none">• Name:• Field of expertise:• Date:• No.:		

(identify the party, then check the boxes below that apply to the documents relevant as evidence)

<input type="checkbox"/>	Declares that it has enclosed with this declaration a full list of the exhibits sent by it (art. 248, para. 1 C.C.P.);	
<input type="checkbox"/>	Declares that it has filed in the record the affidavits in lieu of testimony of the following persons (art. 292 C.C.P.):	
	<ul style="list-style-type: none"> • Affiant: • Date of affidavit: 	<ul style="list-style-type: none"> • Affiant: • Date of affidavit:
<input type="checkbox"/>	Declares that it has filed in the record the transcript of the examinations (oral or written) of the following persons in order to use them at trial (arts. 224 and 227 C.C.P.):	
	<ul style="list-style-type: none"> • Witness: • Date of examination: 	<ul style="list-style-type: none"> • Witness: • Date of examination:
<input type="checkbox"/>	Declares that it has filed in the record the following expert reports in order to use them at trial (art. 239 C.C.P.):	
	<ul style="list-style-type: none"> • Name: • Field of expertise: • Date: • No.: 	<ul style="list-style-type: none"> • Name: • Field of expertise: • Date: • No.:

3.1 POSITION OF THE PARTIES REGARDING EXHIBITS DISCLOSED

PLAINTIFF'S EXHIBITS

NO.	DESCRIPTION	ADMISSION	ADMISSION	NO ADMISSION
		Origin, integrity and content	Origin and integrity only (content denied)	Witness necessary for filing

DEFENDANT'S EXHIBITS

NO.	DESCRIPTION	ADMISSION	ADMISSION	NO ADMISSION
		Origin, integrity and content	Origin and integrity only (content denied)	Witness necessary for filing

'S EXHIBITS (identify the party)				
NO.	DESCRIPTION	ADMISSION	ADMISSION	NO ADMISSION
		Origin, integrity and content	Origin and integrity only (contet denied)	Witness necessary for filing

4 TRIAL				
4.1 LIST OF ORDINARY WITNESSES				
Please estimate as accurately as possible the duration of testimonies, including cross-examinations.				
PLAINTIFF'S WITNESSES				
NAME / OBJECT OF THE TESTIMONY	LANGUAGE	DURATION TESTIMONY	DURATION CROSS-EXAMINATION	TOTAL DURATION
	<input type="checkbox"/> F <input type="checkbox"/> E			
	<input type="checkbox"/> F <input type="checkbox"/> E			
	<input type="checkbox"/> F <input type="checkbox"/> E			
	<input type="checkbox"/> F <input type="checkbox"/> E			
Total duration of the plaintiff's evidence (1 day = 5 hours) days hours				
Where applicable, explain why the identity of certain witnesses must be concealed (the estimated duration of examinations and cross-examinations must still be indicated above):				
DEFENDANT'S WITNESSES				
NAME / OBJECT OF THE TESTIMONY	LANGUAGE	DURATION TESTIMONY	DURATION CROSS-EXAMINATION	TOTAL DURATION
	<input type="checkbox"/> F <input type="checkbox"/> E			
	<input type="checkbox"/> F <input type="checkbox"/> E			
	<input type="checkbox"/> F <input type="checkbox"/> E			
	<input type="checkbox"/> F <input type="checkbox"/> E			
Total duration of the plaintiff's evidence (1 day = 5 hours) days hours				
Where applicable, explain why the identity of certain witnesses must be concealed (the estimated duration of examinations and cross-examinations must still be indicated above):				

'S WITNESSES (identify the party)				
NAME / OBJECT OF THE TESTIMONY	LANGUAGE	DURATION TESTIMONY	DURATION CROSS-EXAMINATION	TOTAL DURATION
	<input type="checkbox"/> F <input type="checkbox"/> E			
	<input type="checkbox"/> F <input type="checkbox"/> E			
	<input type="checkbox"/> F <input type="checkbox"/> E			
	<input type="checkbox"/> F <input type="checkbox"/> E			
Total duration of _____'s evidence (1 day = 5 hours) _____ days _____ hours				
Where applicable, explain why the identity of certain witnesses must be concealed (the estimated duration of examinations and cross-examinations must still be indicated above):				

4.2 EXPERT EVIDENCE

Please estimate as accurately as possible the duration of testimonies, including cross-examinations.

JOINT EXPERT

NAME	FIELD	LANGUAGE
		<input type="checkbox"/> French <input type="checkbox"/> English

<input type="checkbox"/>	Although the expert report stands in lieu of the expert's testimony, the expert is expected to be examined in order to obtain clarifications on the following subject matters in the report (arts. 293, 294 C.C.P.). Explain:
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EXPECTED DURATION FOR THE JOINT EXPERT'S EVIDENCE	DURATION EXAMINATION BY THE PLAINTIFF	DURATION EXAMINATION BY THE DEFENDANT	DURATION EXAMINATION BY (identify the party)	TOTAL DURATION

PLAINTIFF'S EXPERT

NAME	FIELD	LANGUAGE
		<input type="checkbox"/> French <input type="checkbox"/> English

ADMISSION OF THE EXPERT'S QUALIFICATION

By the defendant	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
By _____ (identify the party)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
If the expert's qualification is contested, explain why:			

<input type="checkbox"/>	<p>Although the expert report stands in lieu of the expert's testimony, the expert is expected to be examined in order to obtain clarifications on the following points in the report (arts. 293, 294 C.C.P.).</p> <p>Explain:</p>								
<input type="checkbox"/>	<p>The expert is expected to be cross-examined (art. 294 C.C.P.):</p> <p><input type="checkbox"/> by the defendant <input type="checkbox"/> by _____ (identify the party)</p>								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">EXPECTED DURATION FOR THE PLAINTIFF'S EXPERT EVIDENCE</th> <th style="width: 15%;">DURATION EXAMINATION</th> <th style="width: 15%;">DURATION CROSS-EXAMINATION</th> <th style="width: 10%;">TOTAL DURATION</th> </tr> <tr> <td style="height: 20px;"></td> <td></td> <td></td> <td></td> </tr> </table>		EXPECTED DURATION FOR THE PLAINTIFF'S EXPERT EVIDENCE	DURATION EXAMINATION	DURATION CROSS-EXAMINATION	TOTAL DURATION				
EXPECTED DURATION FOR THE PLAINTIFF'S EXPERT EVIDENCE	DURATION EXAMINATION	DURATION CROSS-EXAMINATION	TOTAL DURATION						
DEFENDANT'S EXPERT									
NAME	FIELD	LANGUAGE							
		<input type="checkbox"/> French <input type="checkbox"/> English							
ADMISSION OF THE EXPERT'S QUALIFICATION									
<p>By the plaintiff _____ (identify the party)</p> <p>By _____ (identify the party)</p> <p>If the expert's qualification is contested, explain why:</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No								
<input type="checkbox"/>	<p>Although the expert report stands in lieu of the expert's testimony, the expert is expected to be examined in order to obtain clarifications on the following points in the report (arts. 293, 294 C.C.P.).</p> <p>Explain:</p>								
<input type="checkbox"/>	<p>The expert is expected to be cross-examined (art. 294 C.C.P.):</p> <p><input type="checkbox"/> by the plaintiff <input type="checkbox"/> by _____ (identify the party)</p>								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">EXPECTED DURATION FOR THE DEFENDANT'S EXPERT EVIDENCE</th> <th style="width: 15%;">DURATION EXAMINATION</th> <th style="width: 15%;">DURATION CROSS-EXAMINATION</th> <th style="width: 10%;">TOTAL DURATION</th> </tr> <tr> <td style="height: 20px;"></td> <td></td> <td></td> <td></td> </tr> </table>		EXPECTED DURATION FOR THE DEFENDANT'S EXPERT EVIDENCE	DURATION EXAMINATION	DURATION CROSS-EXAMINATION	TOTAL DURATION				
EXPECTED DURATION FOR THE DEFENDANT'S EXPERT EVIDENCE	DURATION EXAMINATION	DURATION CROSS-EXAMINATION	TOTAL DURATION						
'S EXPERT (identify the party)									
NAME	FIELD	LANGUAGE							
		<input type="checkbox"/> French <input type="checkbox"/> English							
ADMISSION OF THE EXPERT'S QUALIFICATION									
<p>By the plaintiff _____ (identify the party)</p> <p>By the defendant _____ (identify the party)</p> <p>If the expert's qualification is contested, explain why:</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No								

<input type="checkbox"/>	Although the expert report stands in lieu of the expert's testimony, the expert is expected to be examined in order to obtain clarifications on the following points in the report (arts. 293, 294 C.C.P.). Specify:			
<input type="checkbox"/>	The expert is expected to be cross-examined (art. 294 C.C.P.): <input type="checkbox"/> by the plaintiff <input type="checkbox"/> by the defendant			
EXPECTED DURATION FOR EXPERT EVIDENCE (identify the party)	'S	DURATION EXAMINATION	DURATION CROSS-EXAMINATION	TOTAL DURATION

4.3 SUMMARY OF THE TRIAL			
THE PLAINTIFF'S EVIDENCE			
Total duration ordinary witnesses		days	hours
Total duration expert evidence		days	hours
Duration arguments		days	hours
Total duration of the plaintiff's evidence		days	hours
THE DEFENDANT'S EVIDENCE			
Total duration ordinary witnesses		days	hours
Total duration expert evidence		days	hours
Duration arguments		days	hours
Total duration of the defendant's evidence		days	hours
'S EVIDENCE (identify the party)			
Total duration ordinary witnesses		days	hours
Total duration expert evidence		days	hours
Duration arguments		days	hours
Total duration of	's evidence (identify the party)	days	hours
TOTAL DURATION OF THE TRIAL		days	hours

4.4. SERVICES REQUIRED DURING THE TRIAL

The services of an interpreter are required for testimony by the following witness(es):

The party requiring the services of an interpreter is responsible for retaining the interpreter's services and paying the fees for those services.

The following technological means are required during the trial:

A party wishing to use technological means is responsible for obtaining the court's authorization (if required) and must also ensure the availability of those means and bear the costs thereof.

A party wishing to administer evidence by technological means, especially if an internet connection is required, responsible for coordinating the process.

On

On

Plaintiff
or
Mtre.
Plaintiff's lawyer(s)
(Firm name)
(Address)
(City, province and postal code)
Telephone:
Fax:
Email:

Defendant
or
Mtre.
Defendant's lawyer(s)
(Firm name)
(Address)
(City, province and postal code)
Telephone:
Fax:
Email:

On

On

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

(identify the party)
or
Mtre.
Lawyer(s)
(Firm name)
(Address)
(City, province and postal code)
Telephone:
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