

ONTARIO SUPERIOR COURT OF JUSTICE

Pre-Trial Judge or Master _____

COURT FILE NO.: _____

B E T W E E N:

_____ and _____

Plaintiff(s)

Defendant(s)

COMPANION FILE: *(Please include third party actions)*

RULE 50.08 PRE-TRIAL CONFERENCE REPORT

Date of Pre-Trial Conference: _____

Type of Trial (Jury/Non-Jury/Bilingual) _____

Type of Case (MVA/Employment/Contract/Construction Lien/etc.) _____

TRIAL DATE(S): _____

Anticipated length of trial: _____

Counsel for Plaintiff(s): _____

Counsel for Defendant(s): _____

Counsel for other parties: _____

CHECKLIST OF ITEMS TO BE CANVASSED PURSUANT TO RULE 50.06:

- Possibility of settlement
- Simplification of the issues
- Possibility of obtaining admissions
- Liability
- Amount of damages
- Estimated duration of trial
- Advisability of having a court appointed expert
- Number of lay witnesses to be called by Plaintiff
- Number of expert witnesses to be called by Plaintiff
- Number of lay witnesses to be called by Defendant
- Number of expert witnesses to be called by Defendant
- Advisability of fixing a date for trial
- Advisability of directing a reference
- Dates for service of any outstanding or supplementary expert reports

1. List of witnesses that may be called and estimated length of time

Attached: Yes No *If yes – attach “Appendix A - List of Witnesses”*

2. Have parties, counsel, witnesses and experts confirmed availability for trial?

Yes No

3. Are there any other issues that the trial judge or trial office should be aware of? (e.g. interpreter, large court room, audiovisual or technical issues, witnesses testifying by videoconference, etc.)

4. Steps to be completed before the action is ready for trial and time needed to complete those steps:

Date _____ **Signature of Judge/Master** _____

Certificate

I certify that I understand the contents of this report and I acknowledge the obligation to be ready to proceed on the date(s) fixed for the trial.

Date: _____

Date: _____

Date: _____

Undertaking to the Court

I undertake to advise my client(s) of:

- (a) the contents of the Pre-Trial Conference Report; and
- (b) the obligation to be ready to proceed on the date(s) fixed for the trial.

Date: _____

Date: _____

Date: _____

APPENDIX B:

Orders made at the Pre-Trial

- Each party shall complete the steps set out in Appendix B by the deadline set out therein.

- Leave is granted to **bring a motion** for _____ provided it is scheduled no later than _____.

- Each party is to serve a **request to admit** pursuant to Rule 51.02 setting out the facts and documents they propose be treated as undisputed by _____.

- All **outstanding undertakings** are to be answered by _____ and any further discovery arising from such an undertaking is to be completed no later than _____. Should any motion be necessary as a result of such follow up discovery, it is to be brought no later than _____.

- Each party is to serve on the other a signed **witness statement or a summary of the evidence** to be given in respect of each witness to be called at trial, except for experts who have provided reports and these statements are to be exchanged as follows:

Plaintiff: _____

Defendant: _____

- Subject to the discretion of the trial Judge, the following **affidavits or other evidence previously filed** in this proceeding may be used at trial in the same manner as discovery transcripts:

- Subject to the discretion of the trial Judge, the following time limits will apply to the **examination of the witnesses** to be given at trial or taken in advance of trial:

- The parties shall attend trial with draft jury questions and be prepared to make submissions on which questions need go to a jury and in what form/content.

- The **evidence of the following witnesses** is to be given by affidavit and the affidavits are to be served by the dates shown (examination in chief with right to cross-examination subject to the discretion of the trial Judge):

Witness: _____ Delivery Date: _____

Witness: _____ Delivery Date: _____

Witness: _____ Delivery Date: _____

Witness: _____ Delivery Date: _____

- The parties are directed to require the following **experts** to meet on a without prejudice basis in order to identify the issues on which the experts agree and the issues on which they do not agree, to attempt to clarify and resolve any issues that are the subject of disagreement and to prepare a joint statement setting out the areas of agreement and any areas of disagreement and the reasons for it. The joint statement is to be filed with the court at the opening of the trial. _____

- Each party is to deliver a concise **summary** of his or her **opening statement** to the other, including time estimates, by _____.

- Other:

Date _____ **Signature of Judge/Master** _____