# TRIAL MANAGEMENT REPORT TO TRIAL JUDGE – RULE 50.08

**REGULAR ACTION (NOT RULE 76)**

**SUPERIOR COURT OF JUSTICE (ONTARIO)**

**Pre-Trial Judge**:       **Court File No**.:

**Date of Pre-Trial**:       **Date of Mediation**:

**B E T W E E N**:

       v.

 *Plaintiff(s) Defendant(s)*

**Other Parties**:

**Companion/Related Court Files**:
*(including third party actions)*

**Nature of Claim**:
*(e.g., MVA – liability and damages)*

**Counsel / Party Contact Information**:

***Plaintiff(s) Counsel***:       *tel*:       *fax*:

*(or party if self-represented)* *email*:

***Defendant’s Counsel***:       *tel*:       *fax*:

*(or party if self-represented)* *email*:

***Defendant’s Counsel***:       *tel*:       *fax*:

*(or party if self-represented)* *email*:

***Defendant’s Counsel***:       *tel*:       *fax*:

*(or party if self-represented)* *email*:

**Assigned Trial Date**:       **Trial Length**: *Booked*:

 *Calculated*:
 *(from Part 2)*

**Trial Type**:

# [ ]  *Jury* [ ]  *Non-Jury* [ ]  *Bilingual*

**Additional Comments/Notes**:

# CERTIFICATE OF COUNSEL / PARTIES

Total number of pages (including all appendices) in this report:

**By signing below, I certify that I understand and confirm the contents of this report. I further acknowledge the obligation to be ready to proceed on the date and for the number of days fixed for the trial and that adjournments of trial dates will only be granted in extraordinary circumstances.**

**For counsel**: I undertake to explain to my client(s) the contents of this report and the obligation to be ready for trial on the date and for the number of days fixed for trial.

**For any self-represented party**: I acknowledge that I have been provided with a copy of *Instructions to Self-Represented Litigants*.

Party:

 Signature of party or counsel

Party:

 Signature of party or counsel

Party:

 Signature of party or counsel

Party:

 Signature of party or counsel

**Date**:

 **Signature of Judge**

# PART 1 – ACTION STATUS / READINESS FOR TRIAL

**(Refer to Parts 3 & 4 for specific orders/directions)**

|  |
| --- |
| **Section 1 – Witnesses** |
| 1.1 **Witness list** (with time estimates) attached or outlined in Part 2? [ ]  Yes [ ]  No | **Describe any issue regarding witness availability**:*(out of town / out of country witnesses, etc.)*      |
| 1.2 Confirmed trial availability? [ ]  Yes [ ]  No |
| 1.3 Translator(s) required? [ ]  Yes [ ]  No |
| 1.4 Language(s):       |
| 1.5 Counsel/party has arranged? [ ]  Yes [ ]  No |
| 1.6 All expert reports delivered? [ ]  Yes [ ]  No | **Describe any issue(s) and/or dispute(s) regarding admissibility of expert opinion evidence**:*(see Part 4 for service deadlines for outstanding expert affidavits)*      |
| 1.7 Form 53 served for all experts? [ ]  Yes [ ]  No |
| 1.8 Expertise conceded? [ ]  Yes [ ]  No |
| 1.9 *Voir dire* required [ ]  Yes [ ]  No*For whom?*  |
| 1.10 More than 3 experts? [ ]  Yes [ ]  No |
| *If yes, is there consent?* [ ]  Yes [ ]  No |
| 1.11 Rule 20.05(2)(k) meeting(s)? [ ]  Yes [ ]  No |
| 1.12 Other witness issues? [ ]  Yes [ ]  No*(e.g. child witnesses, accommodation of any disability, security requirements)* | **Describe issue(s) and/or requirement(s)**:      |
| **Section 2 – Documents *(Refer to Parts 3 & 4 for specific orders/directions)*** |
| 2.1 Productions complete? [ ]  Yes [ ]  No | **Comments**:      |
| 2.2 *Evidence Act* notices served? [ ]  Yes [ ]  No |
| 2.3 Estimated # documents at trial:       |
| 2.4 Joint document book? [ ]  Yes [ ]  No*(mandatory unless exceptional circumstances)* |
| *If “no” provide explanation in “Comments”**If “yes”, # of (paginated) copies required:*       |
| 2.5 Agreement as to authenticity? [ ]  Yes [ ]  No |
| **Section 3 – Outstanding Matters Prior to Trial *(Refer to Parts 3 & 4 for specific orders/directions)*** |
| 3.1 Pleadings in order? [ ]  Yes [ ]  No | **Comments**:      |
| 3.2 Discoveries complete? [ ]  Yes [ ]  No |
| *If no, has leave to continue the discoveries been obtained under Rule 48.04(1)?* *[ ]  Yes [ ]  No* *If not, by what date will leave be sought?*     *If yes, leave has been obtained, by what date will discoveries be complete?*       |
| 3.3 Undertakings fulfilled? [ ]  Yes [ ]  No |
| 3.4 Expected Motions:a) Pre-trial motions? [ ]  Yes [ ]  No *If so, is leave to bring such motions required under Rule 48.04(1)?* *[ ]  Yes [ ]  No* *If so, has leave to bring such motion(s) been obtained?*  *[ ]  Yes [ ]  No* *If leave is required but not obtained, by what date will leave be sought?*  *By what date will such motion(s) be heard?* b) Motions at trial? [ ]  Yes [ ]  No |
| 3.6 Other issues? [ ]  Yes [ ]  No |
| **Section 4 – Additional Trial Considerations *(Refer to Parts 3 & 4 for specific orders/directions)*** |
| 4.1 Discovery transcripts available? [ ]  Yes [ ]  No |  |
| 4.2 Courtroom requirements? [ ]  Yes [ ]  No*(e.g., large courtroom, AV, video-conferencing, technical needs, real time reporting, etc.)* | **Specify / Comments**:      |
| 4.3 Electronic trial (whole or part)? [ ]  Yes [ ]  No*(e.g., documents, factums)* | **Specify / Comments**:      |
| 4.4 Other issues/considerations? [ ]  Yes [ ]  No | **Specify / Comments**:      |
| 4.5 **Tools** for the assistance of the trial judge:e.g. ⮚ chronology ⮚ cast of characters ⮚ glossary of terms ⮚ compendium ⮚ corporate chart, family tree ⮚ demonstrative evidence (e.g. diagrams, maps photos) ⮚ written argument and/or summary of applicable law | **Comments** (if any):      |
| **Section 5 – Narrowing Issues *(Refer to Parts 3 & 4 for specific orders/directions)*** |
| 5.1 Have any facts been agreed? [ ]  Yes [ ]  No | **Main Facts in Dispute**:      |
| 5.2 Are the parties willing to prepare an agreed statement of facts? [ ]  Yes [ ]  No |
| 5.3 Are the parties prepared or intending to exchange requests to admit? [ ]  Yes [ ]  No |
| 5.4 Can any evidence be presented (in chief or entirely) by way of affidavit? [ ]  Yes [ ]  No |
| 5.5 Any issues agreed upon? [ ]  Yes [ ]  No | **List of Issues Agreed Upon**:      |
| 5.6 Admission of liability? [ ]  Yes [ ]  No |
| 5.7 Agreement as to damages? [ ]  Yes [ ]  No |
| 5.8 What specific issues will the parties be asking the jury/trial judge to decide? | **List of Issues Remaining in Dispute**:      |

# PART 2 – WITNESSES & CALCULATION OF TRIAL LENGTH

**(for additional witnesses use Appendix A and/or lists attached)**

**Plaintiff(s) Witnesses**

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

**Defendant(s) Witnesses**

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

**Trial Duration Calculations**

|  |  |
| --- | --- |
| (A) Total time for plaintiff(s) *(from above)* |       |
| (B) Total time for all defendant(s) *(from above)* |       |
| (C) Time required for opening statements and closing arguments for all parties |       |
| (D) Time required for jury selection and charge |       |
| (E) Additional trial time required for other steps *(e.g., read-ins, voir dires, threshold or other motions or other issues)* |       |
| **TOTAL CALCULATED TRIAL LENGTH** (A+B+C+D+E) *(please transpose to page 1)* |       |

# PART 3 – ORDERS/DIRECTIONS APPLICABLE TO ALL TRIALS

The following orders are made regarding completion of steps required before trial:

1. The parties shall coordinate and, to the extent possible, prepare a joint document book, which shall endeavour to include all parties’ documents to be relied upon at trial and, at a minimum, the undisputed versions of documents for which multiple versions exist in the parties’ productions. The joint document book shall be indexed and tabbed, with each page paginated with a unique page number. The parties shall exchange and file the joint document book by      .

*(****Note****: Strike out and initial if parties are excused from tendering joint document book)*

1. If a party intends to rely on either case law or legislation in legal submissions at trial, then a bound and tabbed book of authorities shall be prepared and served on all other parties by      . Key paragraphs or portions of cases should be highlighted or marked in the margins.
2. All trial materials shall be filed with the court at least 10 days prior than the date set for trial in this report. Parties shall endeavour to consolidate materials into briefs for ease of reference at trial.
3. Each party is to serve on the other either (i) a signed witness statement or (ii) a summary of the evidence to be given by each non-party witness to be called at trial other than Rule 53.03 experts by: (a) plaintiff(s)      ; (b) defendant(s)      ; (c) third party(ies)      .

# PART 4 – OTHER ORDERS/DIRECTIONS

The following additional orders are made / directions given regarding steps required before trial:

*(Check or mark all orders made)*

[ ]  All expert reports that have not already been served shall be served by      .

[ ]  Supplementary expert reports shall be served in accordance with the following:

1. Plaintiff(s) supplementary expert reports shall be served by      .
2. Defendant(s) supplementary expert reports shall be served by      .

[ ]  The parties shall narrow the issues for trial and evidence required by each serving requests to admit regarding truth of facts and/or authenticity of documents (Rule 51.02) by      .

[ ]  The parties shall coordinate and, to the extent possible, complete and file an agreed statement of facts by      .

[ ]  Each party may prepare its own document book containing all documents on which that party intends to rely at trial, but which are not already included in any joint document book Document books shall be indexed and tabbed, with each page of the document book paginated with a unique page number. Any such document book shall be served by      .

[ ]  For a Jury Trial, the parties shall prepare and exchange draft jury questions in advance of trial. For a Non-Jury Trial, the parties shall prepare and exchange lists of issues to be determined at trial. Draft jury questions or issues lists shall be provided to the trial judge at the commencement of trial.

[ ]  Authenticity and admissibility of each document in a document book or appended as an exhibit to an affidavit shall be deemed admitted pursuant to Rules 51.01, 51.02 and 51.03, and shall be admissible at trial, unless:

1. authenticity or admissibility has already been challenged in a response to request to admit; or
2. a party objecting to authenticity or admissibility serves a written letter of objection by
      , which letter shall identify the specific documents to which objection is taken and the specific reason for objection in each case.

[ ]  Trial materials shall be filed in accordance with the following provisions:

[ ]  a) All trial materials filed in paper with the court shall be printed double-sided, and failure to do so may be considered in assessment of disbursement cost claims absent reasonable explanation for not doing so.

[ ]  b) In addition to paper copies, electronic copies of all trial materials shall be filed with the court on USB in either pdf or Word-compatible format.

[ ]  c) In addition to paper copies, electronic copies of the following materials shall be filed with the court on USB in either pdf or Word-compatible format:

[ ]  i) all witness statements and affidavits (if applicable) (filed in Word-compatible versions)

[ ]  ii) lists or indices of cases contained in the parties’ authorities brief (in Word-compatible version)

[ ]  iii)

[ ]  iv)

[ ]  v)

[ ]  vi)

[ ]  The parties shall exchange cost outlines prior to the commencement of trial. The parties may estimate the anticipated trial costs not yet incurred, using *per diem* estimates of legal expense for each day of trial. The parties shall not provide these cost outlines to the trial judge until the argument of the issue of costs at the conclusion of the trial.

[ ]

# APPENDIX A

**(additional instructions, witness lists or directions)**