SCHEDULE 5

REQUEST FOR SETTING DOWN FOR TRIAL AND JUDGMENT BY WAY OF A

JOINT DECLARATION – FAMILY MATTERS

CANADA

PROVINCE OF QUÉBEC SUPERIOR COURT

District:

File no.:

Plaintiff

v.

Defendant

and

**Request for setting down for trial  
and judgment by way of a joint declaration**

Québec Superior Court – Montréal Division – Family Matters

**(art. 173 and 174 C.C.P.)**

**This request for setting down for trial and judgment and the attached joint declaration are made on the initiative of:**

**all the parties to the case**

**the plaintiff alone**

|  |  |
| --- | --- |
| **I – PARTIES AND LAWYERS** | |
| **Plaintiff** | **Lawyer responsible** |
| Name: | Name: |
|  | Firm: |
| Address: | Address: |
| Phone: | Phone: |
| Fax: | Fax: |
| E-mail: | E-mail: |

|  |  |
| --- | --- |
| **Defendant** | **Lawyer responsible** |
| Name: | Name: |
|  | Firm: |
| Address: | Address: |
| Phone: | Phone: |
| Fax: | Fax: |
| E-mail: | E-mail: |

|  |  |
| --- | --- |
|  | **Lawyer responsible** |
| Name: | Name: |
|  | Firm: |
| Address: | Address: |
| Phone: | Phone: |
| Fax: | Fax: |
| E-mail: | E-mail: |

|  |  |  |
| --- | --- | --- |
| **II – DISPUTE** | | |
| **Nature of the dispute**: | | |
| Amount: | | |
| Cross-application: | yes | no |
| Nature: | | |
| Amount of the cross-application: | | |

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Matters in dispute** (the two parties must check each matter in dispute in the case):   |  |  |  | | --- | --- | --- | | Child custody | Access rights | Parental authority | | Child support | Spousal support | Arrears | | Income of the:    Plaintiff   Defendant | Children's income | Special expenses | | Hardship (undue hardship) | Partition of patrimony | Partition of matrimonial regime | | Total amount | Compensatory allowance | Provision for costs | | Contempt of court | International abduction | Other: | |

|  |
| --- |
| **List of facts admitted by the parties**: |
| 1- |
| 2- |
| 3- |

|  |
| --- |
| **List of points to be covered by expert opinion**: |
| 1- |
| 2- |
| 3- |

|  |  |  |
| --- | --- | --- |
| **III – EXHIBITS AND EVIDENCE** | | |
| **The plaintiff** (check only the boxes for documents that will be filed) | | |
|  | **confirms** that he/she has filed – with this joint declaration – a complete and up-to-date list of exhibits sent to the other party(ies) (art. 248 1st par. C.C.P.) | |
|  | **confirms** that he/she has filed in the record:    all the documents needed to determine child support    all the documents needed to determine spousal support    his/her *Statement of Family Patrimony*;   his/her *Statement of Partnership of Acquests* | |
|  | **confirms** that he/she has filed in the record the affidavits (in accordance with art. 292 C.C.P.) of the following persons: | |
|  | - affiant: | - date of affidavit: |
|  | - affiant: | - date of affidavit: |
|  | **confirms** that he/she has filed and intends to use at trial a transcript of the examination (oral or written) of the following persons (in accordance with art. 223 and 227 C.C.P.): | |
|  | - witness: | - date of examination: |
|  | - witness: | - date of examination: |
|  | **confirms** that he/she has filed and intends to use at trial the expert reports  (in accordance with art. 239 2nd par. and 293 C.C.P.) of the following persons: | |
|  | - name:  - field of expertise: | - date:  - plumitif number: |
|  | - name:  - field of expertise: | - date:  - plumitif number: |

|  |  |  |
| --- | --- | --- |
| **The defendant** (check only the boxes for documents that will be filed) | | |
|  | **confirms** that he/she has filed – with this joint declaration – a complete and up-to-date list of the exhibits sent to the other party(ies) (art. 248 1st par. C.C.P.) | |
|  | **confirms** that he/she has filed in the record:    all the documents needed to determine child support    all the documents needed to determine spousal support    his/her *Statement of Family Patrimony*;   his/her *Statement of Partnership of Acquests* | |
|  | **confirms** that he/she has filed in the record the affidavits (in accordance with art. 292 C.C.P.) of the following persons: | |
|  | - affiant: | - date of affidavit: |
|  | - affiant: | - date of affidavit: |
|  | **confirms** that he/she has filed and intends to use at trial a transcript of the examination (oral or written) of the following persons (in accordance with art. 223 and 227 C.C.P.): | |
|  | - witness: | - date of examination: |
|  | - witness: | - date of examination: |
|  | **confirms** that he/she has filed and intends to use at trial the expert reports (in accordance with art. 239 2nd par. and 293 C.C.P.) of the following persons: | |
|  | - name:  - field of expertise: | - date:  - plumitif number: |
|  | - name:  - field of expertise: | - date:  - plumitif number: |

|  |  |  |
| --- | --- | --- |
| **The** (check only the boxes for documents that will be filed) | | |
|  | **confirms** that he/she has filed – with this joint declaration – a complete and up-to-date list of the exhibits sent to the other party(ies) (art. 248 1st par. C.C.P.) | |
|  | **confirms** that he/she has filed in the record the affidavits (in accordance with art. 292 C.C.P.) of the following persons: | |
|  | - affiant: | - date of affidavit: |
|  | - affiant: | - date of affidavit: |
|  | **confirms** that he/she has filed and intends to use at trial a transcript of the examination (oral or written) of the following persons (in accordance with art. 223 and 227 C.C.P.): | |
|  | - witness: | - date of examination: |
|  | - witness: | - date of examination: |
|  | **confirms** that he/she has filed and intends to use at trial the expert reports (in accordance with art. 239 2nd par. and 293 C.C.P.) of the following persons: | |
|  | - name:  - field of expertise: | - date:  - plumitif number: |
|  | - name:  - field of expertise: | - date:  - plumitif number: |

|  |
| --- |
| **IV – TRIAL** |

**List of witnesses**

**(Estimate as accurately as possible the time needed for testimony, including cross-examination)**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Name of witness  **for the plaintiff** | Subject matter of the testimony | French  or English | Ordinary  or Expert | Time -  In chief | | Time -  Cross-exam. | Total time -  Witness |
|  |  | F  E | O  E | hrs | | hrs | hrs |
|  |  | F  E | O  E | hrs | | hrs | hrs |
|  |  | F  E | O  E | hrs | | hrs | hrs |
|  |  | F  E | O  E | hrs | | hrs | hrs |
| **Total time, evidence for the plaintiff** (1 day = 5 hours) | | | | | **days       hrs** | | |
| Name of witness  **for the defendant** | Subject matter of the testimony | French  or English | Ordinary  or Expert | Time -  In chief | | Time -  Cross-exam. | Total time -  Witness |
|  |  | F  E | O  E | hrs | | hrs | hrs |
|  |  | F  E | O  E | hrs | | hrs | hrs |
|  |  | F  E | O  E | hrs | | hrs | hrs |
|  |  | F  E | O  E | hrs | | hrs | hrs |
| **Total time, evidence for the defendant (**1 day = 5 hours) | | | | | **days       hrs** | | |
| Name of witness  **for the** | Subject matter of the testimony | French  or English | Ordinary  or Expert | Time -  In chief | | Time -  Cross-exam. | Total time -  Witness |
|  |  | F  E | O  E | hrs | | hrs | hrs |
|  |  | F  E | O  E | hrs | | hrs | hrs |
|  |  | F  E | O  E | hrs | | hrs | hrs |
|  |  | F  E | O  E | hrs | | hrs | hrs |
| **Total time, evidence for the**            (1 day = 5 hours) | | | | | **days       hrs** | | |

|  |  |  |
| --- | --- | --- |
| **Time needed for trial** | | |
| - Time needed - evidence for the plaintiff: | days | hrs |
| - Time needed - evidence for the defendant: | days | hrs |
| - Time needed - evidence for the           : | days | hrs |
| - Time needed - argument for the plaintiff: | days | hrs |
| - Time needed - argument for the defendant: | days | hrs |
| - Time needed - argument for the           : | days | hrs |
| **- Total time for trial** (1 day = 5 hours) | **days** | **hrs** |

|  |
| --- |
| **Services required** |
| The services of an interpreter are required for the testimony of |
| The following technological means are required for the trial: |
| **N.B.: "*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.*"** (174 *in fine* C.C.P.) |

Signed on

|  |  |  |
| --- | --- | --- |
| Plaintiff  or |  | Defendant  or |
| **Mtre.**  Counsel for the plaintiff |  | **Mtre.**  Counsel for the defendant |

|  |
| --- |
| or |
| **Mtre.**  Counsel for the |