SCHEDULE 2

CASE PROTOCOLE IN FAMILY MATTERS

CANADA SUPERIOR COURT

Province of Québec (Family Division)

District:

Locality:

File No.:

Plaintiff

v.

Defendant

**FIRST CASE PROTOCOL (in family matters)**

**PRESENTATION PAGE**

**Superior Court of Québec, Montréal Division**

1. You are **required to complete** this page when filing the **first case protocol** in the record of the Court.

(**Do not complete this presentation page** if you are filing a proposed case protocol or an amended case protocol).

1. If applicable, place this page before the case protocol (before page 1) and staple them together.

For each question, you must check an answer, either YES or NO.

No answer will be deemed to be YES.

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| **The parties are requesting an extension of the time limit:**  (line 4 of the protocol) | YES  NO |
| **The parties plan to file more than six expert opinions:**  (lines 16 to 19 of the protocol) | YES  NO |
| **A party (defendant, third person, person called) intends to file an application for authorization to file a written defence:**  (line 11 of the protocol) | YES  NO |
| **The parties plan to conduct more than six pre-trial examinations:**  (lines 20 to 24 of the protocol) | YES  NO |
| **The parties plan to conduct examinations the duration of which is incompatible with article 229 of the *Code of Civil Procedure* (C.C.P.):** | YES  NO |
| **The protocol was not signed by the parties or was not notified to them:** | YES  NO |

CANADA SUPERIOR COURT

Province of Québec (Family Division)

District:

Locality:

File No.:

Plaintiff

v.

Defendant

**IN FAMILY MATTERS**

**Superior Court of Québec, Montréal Division**

**(article 148 of the *Code of Civil Procedure*)**

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|  | Nature of the dispute: Demand for separation from bed and board | |
|  | Date on which the application was served on the defendant: |  |
|  | Before filing judicial proceedings, did the parties consider private prevention and resolution processes (C.C.P. a. 1, 3rd para. and a. 148)?  If so, did the parties participate in a private prevention and resolution process before filing judicial proceedings?  A settlement conference:  will be requested  is probable  is possible  is out of the question | YES  NO  YES  NO |
|  | All the parties are requesting an extension of the time limit for trial readiness  (C.C.P., a. 173):  Duration:  (where applicable, indicate an additional time limit of 6 months maximum)  If the Court allows the application, the one-year time limit will be extended until: | YES  NO  3 months  6 months |
|  | At the time of completing this protocol, a safeguard order has already been rendered:  If yes, indicate the date on which the last safeguard order was rendered:  If applicable, indicate the date of expiry of the last safeguard order:    No safeguard order has been rendered, but one of the parties intends to file an application with the Court. | YES  NO  YES  NO |

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| **PRELIMINARY APPLICATIONS** | | |
|  | **One of the parties intends to file a preliminary application.** | YES  NO |
|  | **If yes, indicate:**  **the plaintiff or**  **the defendant intends to file an application for:**  Referral to the competent court or dismissal (C.C.P., aa. 45, 167, 491; *Divorce Act*, s. 3)  Disclosure of documents (C.C.P., a. 169)  Case management measures (C.C.P., a. 169 1st para.)  Other preliminary exception:  Other application in the course of the proceeding:  Provision for costs (C.C.P., a. 416) |  |
|  | Deadline for filing the application (C.C.P., a. 166) |  |

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| **PROVISIONAL MEASURES** | | |
|  | **One of the parties intends to file an application for provisional measures.** | YES  NO |
|  | Deadline for filing the application |  |

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| **DEFENCE** | | |
|  | **Under article 171 2nd para. C.C.P., the defence is to be oral in all instances where the purpose of the proceeding is to obtain support or a right relating to the custody of a child.**  **In other proceedings in family matters, the defence is also oral except that the defendant may file an application with the Court for authorization to file a written defence if the case presents a high level of complexity or if special circumstances warrant otherwise** (C.C.P., a. 171 1st para.)**. If these conditions are present, does the defendant intend to file such an application with the Court?** (indicate the grounds)    **If yes, indicate the deadline for filing an application for authorization to file a written defence:**  **In the absence of an application for authorization for a written defence, the defendant must state the grounds by oral defence** (C.C.P., aa. 154 and 170 2nd para.) (indicate the grounds): | YES  NO |

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|  | **The defendant intends to file a cross-application.** | YES  NO |
|  | Deadline for filing the cross-application |  |
|  | Deadline for filing the defence to cross-application |  |

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| **ISSUES IN DISPUTE** (C.C.P., a. 148) | |
| 1. U | **According to plaintiff** (list the issues in dispute by checking the appropriate boxes):  Custody  Parental authority  Right of access  Child support  Income of other party  Special expenses  Arrears  Income (children)  Undue hardship  Spousal support  Lump sum  Provision for costs  Matrimonial regime  Partition of the matrimonial regime  Partition of the family patrimony  Compensatory allowance  Compensatory payment  International child abduction  Contempt of court  Other:  **According to defendant** (list the issues in dispute by checking the appropriate boxes):  Custody  Parental authority  Right of access  Child support  Income of other party  Special expenses  Arrears  Income (children)  Undue hardship  Spousal support  Lump sum  Provision for costs  Matrimonial regime  Partition of the matrimonial regime  Partition of the family patrimony  Compensatory allowance  Compensatory payment  International child abduction  Contempt of court  Other: |

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| **EXPERT OPINIONS** | | |
|  | **Joint expert opinion** (C.C.P., a. 232)  Nature of and need for joint expert opinion:    Reasons for refusing joint expert opinion (C.C.P., a. 148(4)): | YES  NO |
| Deadline for filing joint expert opinion: |  |
|  | **Joint application for a psychosocial assessment** (C.C.P., a. 425) (indicate the grounds): | YES  NO |
| 1. 5 | **Expert opinion for plaintiff** (C.C.P., aa. 231 to 245) (indicate nature and need)  Evaluation of the cottage, if need be | YES  NO |
| Deadline for filing an expert opinion for plaintiff: |  |
| 1. 5 | **Expert opinion for defendant** (C.C.P., aa. 231 to 245) (indicate nature and need) | YES  NO |
| Deadline for filing an expert opinion for defendant: |  |

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| **EXAMINATIONS** | | | |
|  | **The plaintiff wishes to examine the defendant outside the presence of the Court.**  (C.C.P., aa. 148(3) and 221)  Date: to be determined Time       Place | | YES  NO |
|  | **The defendant wishes to examine the plaintiff outside the presence of the Court.**  (C.C.P., aa. 148(3) and 221)  Date:       Time       Place | | YES  NO |
|  | **In order to avoid service of a subpoena, the parties agree that, in the 20 days preceding the examination outside the presence of the Court, the examining party will disclose in writing to the other party a detailed list of all the documents that must be in the possession of the party to be examined at the examination outside the presence of the Court.**  List the documents below if the parties are currently able to identify them (an appendix of all the documents may be enclosed with this protocol): | | |
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| Given name, surname | Documents | |
|  |  | |
| Given name, surname | Documents | |
|  | Deadline for the disclosure of the undertakings made by the plaintiff during the examination outside the presence of the Court | |  |
|  | Deadline for the disclosure of the undertakings made by the defendant during the examination outside the presence of the Court | |  |

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| **EXHIBITS** | | |
|  | **Deadline for filing all the exhibits and forms**, including in particular, if applicable: marriage certificate, birth certificate, marriage contract, statement of income and expenses, child support determination form, family patrimony calculation form, partnership of acquests calculation form, a certificate under article 417 or 419 C.C.P. and a statement under article 444 C.C.P., as well as the other documents prescribed by regulation.  Deadline for filing exhibits and forms for plaintiff:  Deadline for filing exhibits and forms for defendant: |  |

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| **OTHER** | | |
|  | **Legal costs** (C.C.P., aa. 148(1) and 339)   * Evaluation of legal costs for plaintiff (including expert opinions): * Evaluation of legal costs for defendant (including expert opinions): |  |

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|  | **Application for designating a lawyer to represent the child**  If yes, name of proposed lawyer: | YES  NO |

**N.B. Non-compliance with this protocol may constitute a breach punished under articles 341 and 342 C.C.P.**

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| Counsel for Plaintiff |  | Counsel for Defendant |
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| Plaintiff |  | Defendant |
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