SCHEDULE 6

JOINT DECLARATION TO FIX A HEARING OF MORE THAN TWO HOURS IN CIVIL MATTERS

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| **CANADA PROVINCE OF QUÉBEC**  **District of** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ NO: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | SUPERIOR COURTCIVIL DIVISION EXTRAORDINARY RECOURSE MOTION FOR DECLARATORY JUDGMENT Motion for interlocutory injunction Defense made orally Any other matter related to civilpracticedate : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| JOINT DECLARATION FOR THE PURPOSE OF SCHEDULING  A HEARING LASTING MORE THAN TWO HOURS | |

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| **Without evidentiary hearing : complete Part One only**  **With evidentiary hearing : complete Part One and the relevant sections of Part Two** |

1. IDENTIFICATION OF COUNSEL AND/OR of self-represented parties

APPLICANT LAWYER(S) IN CHARGE

|  |  |
| --- | --- |
| NAME [[1]](#footnote-1) | NAME |
|  | **LAW FIRM** |
|  | **ADDRESS** |
|  |  |
|  | **TELEPHONE** |
|  | **FAX** |
|  | **E-MAIL** |

RESPONDENT LAWYER(S) IN CHARGE

|  |  |
| --- | --- |
| NAME 1 | NAME |
|  | **LAW FIRM** |
|  | **ADDRESS** |
|  |  |
|  | **TELEPHONE** |
|  | **FAX** |
|  | **E-MAIL** |

OTHER PARTY(IES) LAWYER(S) IN CHARGE

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| --- | --- |
| NAME 1 | NAME |
|  | **LAW FIRM** |
|  | **ADDRESS** |
|  |  |
|  | **TELEPHONE** |
|  | **FAX** |
|  | **E-MAIL** |

PART ONE

1. TYPE OF MOTION

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Declinatory | | | Revocation (reception) | | | Interlocutory injunction | | Declaratory judgment | |
| Dismissal | | | Quashing of a seizure | | | Mandamus | | Refusal of care | |
| Homologation of an arbitrator's decision | | | Contempt of Court | | | Judicial review | | Abuse of proceeding | |
| Other(s): |  | | | | | | | | |
| **Nature of the action on the merits : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** | | | | | | | | | |
| **Amount in dispute** | | $ | |  | **Cross Demand** | | $ | |  |

1. ISSUES IN DISPUTE identified in the present joint declaration

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1. READING TIME REQUIRED FOR THE JUDGE

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| --- | --- |
| **duration** : |  |

1. TIME REQUIRED FOR TESTIMONY OF WITNESSES IN THE CASE OF AN EVIDENTIARY HEARING (for details, see section 10)

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| --- | --- |
| **duration** : |  |

1. PLEADINGS

|  |  |
| --- | --- |
|  | DURATION |
| APPLICANT |  |
| RESPONDENT |  |
| OTHER PARTY(IES) |  |
| TOTAL DURATION OF PLEADINGS |  |

TOTAL DURATION OF THE HEARING: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(*Calculate on the basis of 5 HRS a day)*

REPRESENTATIONS AND UNDERTAKINGS

**I hereby declare that I am ready to proceed in accordance with the representations made herein.**

**I have also informed my client :**

* + **of the content of the present declaration and of the policy of the Court to the effect that a postponement is to be granted only for serious reasons and that a postponement may result in an order to pay the costs of the opposing party caused thereby;**
  + **that, in lieu of the hearing requested herein, it is possible to attempt to negotiate a partial or complete settlement of the matter through either private mediation or a settlement conference presided by a judge of the Superior Court.**

**REMINDER: the costs (fees and disbursements) related to the preparation of and attendance at the hearing requested, in accordance with the criteria indicated herein, must be proportionate in terms of the nature and the complexity of the motions (article 18 C.C.P.).**

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**APPLICANT RESPONDENT**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**OTHER PARTY(IES)**

PART TWO: WITH EVIDENTIARY HEARING

1. Admissions

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1. EXHIBITS COMMUNICATED TO BE USED FOR THE MOTION

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| **EXHIBIT NUMBER[[2]](#footnote-2)** | DESCRIPTION (or indicate only the exhibit number and attach a list of exhibits) | CONTENT ADMITTED | **ADMISSION OF AUTHENTICITY WITHOUT ADMISSION OF CONTENT** | **ADMISSION OF RECEIPT WITHOUT ADMISSION  OF CONTENT** |
| APPLICANT | | | | |
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| RESPONDENT | | | | |
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| OTHER PARTY(IES) | | | | |
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1. EXPERT REPORTS SUBMITTED FOR THE HEARING OF THE MOTION

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| **The experts have reconciled their opinions in accordance with Art. 240 C.C.P. (check): YES  NO **  **If yes, please identify:** | | |
| **exhibit number** | **name of expert** | **area of expertise** |
| APPLICANT | | |
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| **The party has communicated the curriculum vitae, statements of account and expert’s current fee schedule[[3]](#footnote-3): YES (check)** | | |
| RESPONDENT | | |
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| **The party has communicated the curriculum vitae, statements of account and expert’s current fee schedule3: YES (check)** | | |
| OTHER PARTY(IES) | | |
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| **The party has communicated the curriculum vitae, statements of account and expert’s current fee schedule3: YES (check)** | | |

1. LIST OF WITNESSES

**Note** : Time estimates must be as serious and precise as possible in order to realistically assess the approximate time available for each party and the total duration of the hearing, although the duration of examinations and cross-examinations within the period of time available for each party may vary at the hearing.

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| **WITNESSES** | **Language**  **(f/e)** | **Inter-preter** | **SUBJECT OF TESTIMONY** | **Time needed for examination  in chief** | **TIME NEEDED FOR CROSS-EXAMINATIONS**  **(FOR EACH OF THE OTHER PARTIES)** | | | | **TOTAL DURATION FOR WITNESS** |
| APPLICANT | | | | | | | | | |
| ORDINARY WITNESSES | | | | | | | | | |
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| EXPERT WITNESSES | | | | | | | | | |
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| RESPONDENT | | | | | | | | | |
| ORDINARY WITNESSES | | | | | | | | | |
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| EXPERT WITNESSES | | | | | | | | | |
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| OTHER PARTY(IES) | | | | | | | | | |
| ORDINARY WITNESSES | | | | | | | | | |
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| EXPERT WITNESSES | | | | | | | | | |
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1. The APPLICANT confirm that she/he has produced in the Court file the following written statements as per section 292 C.P.C.:

|  |  |  |
| --- | --- | --- |
| - Name : | - date of the statement : | Presence required : |
| - Name : | - date of the statement : | Presence required : |
| - Name : | - date of the statement : | Presence required : |

1. The RESPONDANT confirm that she/he has produced in the Court file the following written statements as per section 292 C.P.C.:

|  |  |  |
| --- | --- | --- |
| - Name : | - date of the statement : | Presence required : |
| - Name : | - date of the statement : | Presence required : |
| - Name : | - date of the statement : | Presence required : |

Réservé au juge ou au greffier spécial

Sur la foi des représentations ci-dessus faites par les parties, l’audition de la ou des requêtes (cote(s) \_\_\_\_\_\_\_\_\_\_\_\_) est fixée pour une durée de \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ jours.

Date(s) de l'audience : Salle \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

du palais de justice de \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ , le \_\_\_\_\_\_\_\_\_\_\_\_ 201\_

Signature

Honorable (NOM)

ou Greffier spécial (NOM)

Réservé au juge

Modifications (à l’appel du rôle, indiquer ici les changements intervenus de nature à réduire les questions en litige et/ou le temps de l’instruction)

Date(s) de l'audience : Salle \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

du palais de justice de\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, le \_\_\_\_\_\_\_\_\_\_\_\_201\_

Signature

Honorable (NOM)

1. If the party is self-represented, provide mailing address and telephone number. [↑](#footnote-ref-1)
2. The parties should avoid duplicating exhibits; if an exhibit has been filed by a party, the other party should refer to said exhibit without filing it again. If more than one party has filed an exhibit, please indicate all of the numbers under which said exhibit has been filed. [↑](#footnote-ref-2)
3. Art. 17 of *Regulation of the Superior Court of Québec in civil matters*: “*A party that produces an expert report must also produce the author’s curriculum vitae and the invoice for the expert’s fees up to that date and for the expert’s fees to attend the trial.*” [↑](#footnote-ref-3)