CANADA

PROVINCE OF QUÉBEC SUPERIOR COURT

District <Select a district>

File No.: <Enter file number>

Plaintiff

v.

Defendant

and

Select an option Party

|  |
| --- |
| **FIRST CASE PROTOCOL IN CIVIL MATTERS**  **PRESENTATION PAGE**  Superior Court of Québec |

1. **You are required** to complete this presentation page when filing a **first case protocol** (but not when filing a modified protocol).
2. Place this page **before** the case protocol (before page 1) and staple them together.

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| The parties do not agree on the duration, location, or format of the examinations.  (lines 20-22 of the protocol) | **YES**  **NO** |
| The parties do not agree on the number of representatives to be examined within the same party.  (lines 20-22) | **YES  NO** |
| The parties do not agree on the number or content of expert opinions to be produced.  (lines 23-26) | **YES  NO** |
| At least one party intends to seek authorization to file a written defence.  (line 28) | **YES  NO** |
| The parties request a stay of the proceeding.  (line 5) | **YES  NO** |
| The parties request an extension on the time limit.  (lines 6 and 37) | **YES  NO** |

RESERVED FOR CLERK: Check if protocol or proposed protocol was sorted for CHEM\*EXA input

CANADA

PROVINCE OF QUÉBEC SUPERIOR COURT

District <Select a district>

File No.: <Enter file number>

Plaintiff

v.

Defendant

and

Select an option Party

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| Select an option **IN CIVIL MATTERS**  Superior Court of Québec  (art. 148 C.C.P.) |

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| **General provisions** | | | | | | |
| 1. | Date originating application was served | | | | | Enter the date |
| 2. | Nature of dispute: | | | | | |
| 3. | Amount in dispute: $ | | | | | |
| 4. | Issues in dispute (must be joint): | | | | | |
| 5. | All parties request a stay of proceedings  **yes**  **no** | | | | | |
| 1 month | 3 months | | 6 months | | |
| 6. | All parties request an extension on the time limit for setting down  **yes**  **no** | | | | | |
| 3 months | 6 months | | 9 months | | |
| **(see line 37)** | | | | | |
| 7. | A settlement conference: | | | | | |
| is requested by all parties | is probable | is possible | | is out of the question | |

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| **Preliminary exceptions** | | **Filing Deadline** |
| 8. | Declinatory exception (art. 167 C.C.P.) by Party concerned | Enter the date |
| 9. | Exception to dismiss / abuse of procedure (arts 168. / 51 C.C.P.)  by Party concerned | Enter the date |
| 10. | Document clarification / disclosure (art. 169 C.C.P.) by Party concerned | Enter the date |
| 11. | Striking of allegations (art. 169 C.C.P.) by Party concerned | Enter the date |
| 12. | Suretyship as security for fees (art. 492 C.C.P.) by Party concerned | Enter the date |
| 13. | Other:       by Party concerned | Enter the date |

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| **Incidental procedures** | | **Filing Deadline** |
| 14. | Forced intervention (art. 188 C.C.P.) by Party concerned | Enter the date |
| 15. | Call in warranty (art. 189 C.C.P.) by Party concerned | Enter the date |
| 16. | Disqualification to act (art. 193 C.C.P.) by Party concerned | Enter the date |
| 17. | Amendment of pleading (art. 206 C.C.P.) by Party concerned | Enter the date |
| 18. | Other:       by Party concerned | Enter the date |

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| **Safeguard measures** (arts. 158 para. 5 and 169 para. 1 C.C.P.) | | **Filing Deadline** |
| 19. | Requested by Party concerned  Nature: | Enter the date |

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| **Necessary pre-trial examinations** (art. 221 C.C.P.) | | | | **Date agreed upon** |
| 20. | **Witnesses for the Plaintiff** | | | | |
| Name: | Duration:      hrs. | **oral  written** | Enter the date |
| Name: | Duration:      hrs. | **oral  written** | Enter the date |
| 21. | **Witnesses for the Defendant** | | | | |
| Name: | Duration:      hrs. | **oral  written** | Enter the date |
| Name: | Duration:      hrs. | **oral  written** | Enter the date |
| 22. | **Witnesses for the** **[Other party]** | | | | |
| Name: | Duration:      hrs. | **oral  written** | Enter the date |
| Name: | Duration:      hrs. | **oral  written** | Enter the date |
|  | **NOTE: The examining party will request all documents to be discussed with the witness at least 14 days before the examination. The witness must provide those documents at least 3 days before the examination. Undertakings that are still missing will be disclosed to all parties no later than 14 days after the examination. Counsel is strongly encouraged not to wait on stenographer’s notes to disclose.** | | | | |

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| **Necessary expert opinions** (art. 232 C.C.P.) | | | **Filing Deadline** |
| 23. | **Joint expert opinion(s)** | **yes**  **no** | Enter the date |
| If yes, describe the nature:  If no, state grounds for refusal: | |
| 24. | **Expert opinions for the Plaintiff**  (only one per area) | **yes**  **no** | Enter the date |
| Nature:  Nature: | |
| 25. | **Expert opinions for the Defendant**  (only one per area) | **yes**  **no** | Enter the date |
| Nature:  Nature: | |
| 26. | **Expert opinions for** **[Other party]**  (only one per area) | **yes**  **no** | Enter the date |
| Nature:  Nature: | |

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| **Defence** (art. 171 C.C.P.) | | | **Filing Deadline** |
| 27. | The defence will be produced by means of a **brief statement** | | Enter the date |
| 28. | Authorization requested to file a written defence | | Enter the date |
| State the basis for a written defence: | |
| 29. | Cross-application by Party concerned | **yes**  **no** | Enter the date |
| 30. | Defence to cross-application  **oral  written** | | Enter the date |

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| **Disclosure of evidence** (art. 248 C.C.P.) | | **Filing Deadline** |
| 31. | **By Plaintiff** | |
| Exhibits and affidavits (in lieu of testimony) | Enter the date |
| 32. | **By Defendant** | |
| Exhibits and affidavits (in lieu of testimony) | Enter the date |
| 33. | **By** **[Other party]** | |
| Exhibits and affidavits (in lieu of testimony) | Enter the date |

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| **Legal costs** (art. 339 C.C.P.) | | **Foreseeable costs** |
| 34. | Assessment of Plaintiff legal costs (including expert opinions) | $[Amount] |
| 35. | Assessment of Defendant legal costs (including expert opinions) | $[Amount] |
| 36. | Assessment of legal costs of **[Other party]** (including expert opinions): | $[Amount] |

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| **Request for setting down for trial and judgment** (arts. 173, 174 C.C.P.) | |
| 37. | It will be filed within the strict time limit determined in accordance with article 173 C.C.P.  or  An extension is granted until **Enter the date.** |

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| **The parties intend to use the following notification method** (arts. 110 *et seq.* C.C.P.):**[[1]](#footnote-1)** | | | |
| 38. | bailiff | email (address below) | other: |

**NOTE: Non-compliance with this protocol may constitute a breach within the meaning of articles 341 and 342 C.C.P.**

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| Signed on Enter the date |  | Signed on Enter the date |
|  |  |  |
| Plaintiff |  | Defendant |
| or |  | or |
| **Mtre** |  | **Mtre** |
| Counsel for the Plaintiff |  | Counsel for the Defendant |
| Telephone: |  | Telephone: |
| Email: |  | Email: |

|  |  |  |
| --- | --- | --- |
| Signed on Enter the date |  | Signed on Enter the date |
|  |  |  |
| Party |  | Party |
| or |  | or |
| **Mtre** |  | **Mtre** |
| Counsel for |  | Counsel for |
| Telephone: |  | Telephone: |
| Email: |  | Email: |

1. **This protocol must be notified to the parties, unless they have signed it (art. 149 C.C.P.). Proof of notification must be enclosed with the protocol.** [↑](#footnote-ref-1)