CANADA SUPERIOR COURT

Province of Québec (Family Division)

District:

Locality:

File No.:

 Plaintiff

 v.

 Defendant

 **IN FAMILY MATTERS**

**PRESENTATION PAGE**

**Superior Court of Québec, Québec Division**

1. **You are required to complete this page when filing a first case protocol or a proposed case protocol in the record of the Court**. Place this page before the case protocol or the proposed case protocol (before page 1) and staple them together.
2. **Do not complete or attach** this presentation page if you are filing an amended case protocol.

3. For each question, you must check an answer, either **yes** or **no** (no answer will be deemed to be **yes**).

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| **An application has been made for partition of the family or the partnership of acquests**? | [ ]  YES [ ]  NO |
| **An application has been made for a compensatory allowance or unjust enrichment**? | [ ]  YES [ ]  NO |
| **The parties must conduct one or more examinations the duration of which is incompatible with article 229 of the *Code of Civil Procedure* (C.C.P.)**?(section 6 of the protocol) | [ ]  YES [ ]  NO |
| **At least one party intends to file a written defence**?(section 8 of the protocol) | [ ]  YES [ ]  NO |
| **The total expert fees represent more than 12% of the value of the dispute or more than $12 000**?(section 10 of the protocol) | [ ]  YES [ ]  NO |
| **The parties are requesting an extension of the time limit**?(section 11 of the protocol) | [ ]  YES [ ]  NO |

 RÉSERVÉ AU GREFFIER : Cocher si protocole ou proposition de protocole trié pour saisie CHEM\*EXA

CANADA SUPERIOR COURT

Province of Québec (Family Division)

District:

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 Plaintiff

 v.

 Defendant

 **IN FAMILY MATTERS**

**Superior Court of Québec, Québec Division**

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

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| **1. General provisions** |
| Date on which the originating application was served |       |
| Expiry of the strict time limit for serving the originating application[[1]](#footnote-1) |       |
| Nature of the dispute:       |
| Issues in dispute (the two parties must check all the issues in dispute in the case): |
| [ ]  Child custody / parenting time | [ ]  Access rights / parenting time | [ ]  Parental authority |
| [ ]  Child support | [ ]  Spousal support | [ ]  Arrears |
| [ ]  Income of the other party | [ ]  Income of the children | [ ]  Special expenses |
| [ ]  Difficulties (or excessive demands)[ ]  Lump sum[ ]  Other:       | [ ]  Partition of the patrimony[ ]  Compensatory allowance | [ ]  Partition of the partnership of  acquests[ ]  Unjust enrichment[ ]  Provision for costs[ ]  Filiation |
| 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?  | [ ]  YES [ ]  NO [ ]  YES [ ]  NO  |
| **A settlement conference**:[ ]  will be requested [ ]  is probable [ ]  is possible [ ]  is out of the question |

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| **2. Preliminary exceptions Deadline for** **presentation** |
| [ ]  Declinatory exception (C.C.P., a. 167) | - by the defendant |       |
| [ ]  Disclosure of documents (C.C.P., a. 169) | - by the defendant |       |
| [ ]  Striking of allegations (C.C.P., a. 169) | - by       |       |
| [ ]  Other:       | - by       |       |

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| **3. Safeguard measures** (C.C.P., a. 158(5)) |
| [ ]  Already obtained by:       Nature and term:       | **Date obtained**      |
| [ ]  Already obtained by:       Nature and term:       | **Date obtained**      |
| [ ]  Soon to be applied for by:       Nature:       | **Deadline for presentation**      |
| [ ]  Soon to be applied for by:       Nature:       | **Deadline for presentation**      |

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| **4. Provisional measures** **Deadline for** **presentation** |
| One of the parties has applied for provisional measures. | [ ]  YES [ ]  NO |       |

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| **5. Application for a lawyer for a child Deadline for** **presentation** |
| One of the parties has applied for a lawyer to be appointed for the child      ;The proposed lawyer is Mtre.      . | [ ]  YES [ ]  NO |       |

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| **6. Necessary pre-trial examinations** (C.C.P., a. 221) **Deadline for** **conducting** |
| Witnesses for the plaintiff |
| Name:       | Duration:       hr. - [ ]  oral [ ]  written |       |
| Name:       | Duration:       hr. - [ ]  oral [ ]  written |       |
| Witnesses for the defendant |  |
| Name:       | Duration:       hr. - [ ]  oral [ ]  written |       |
| Name:       | Duration:       hr. - [ ]  oral [ ]  written |       |
| **NOTE: The examining party will require at least 14 days in advance all the documents to be discussed with the witness, who must communicate them at least 3 days before the examination. Undertakings that are still missing will be disclosed to all the parties no later than 14 days after the examination.** |

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| **7. Necessary expert opinions** (C.C.P., a. 232) **Deadline for filing** |
| **Joint expert opinion** | [ ]  YES [ ]  NO |       |
| If yes, describe the nature:      If no, state the grounds for refusal:       |
| **Expert opinions for plaintiff** (only one per area) |
| Nature:       |       |
| **Expert opinions for defendant** (only one per area) |
| Nature:       |       |
| **Application for a psychosocial assessment** | [ ]  YES [ ]  NO | **Deadline for presentation** |
| If yes, on what grounds:       |       |

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| **8. Defence** (C.C.P., a. 171) **Deadline for filing** |
| [ ]  oral (by means of a brief statement) [ ]  written (only for exceptions under C.C.P., a. 171, 1st para.)If written, state the elements justifying a written defence:       |       |
| Cross-application | [ ]  YES [ ]  NO |       |
| Defence to cross-application | [ ]  oral [ ]  written |       |

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| **9. Disclosure of evidence** (C.C.P., aa. 247, 248) **Deadline for filing** |
| **For child support** |  [ ]  YES [ ]  NO | Plaintiff | Defendant |
| Filing of all relevant documents (Appendix I, last 3 pay statements, last Revenu Québec notices of assessment and income tax return, mediator’s report) |       |       |
| **For spousal support** |  [ ]  YES [ ]  NO |       |       |
| Filing of all relevant documents (Form III, last 3 pay statements, last Revenu Québec notices of assessment and income tax return) |
| **For partition of the family patrimony** |  [ ]  YES [ ]  NO | Statement enclosed with protocol | Statement enclosed with protocol |
| Each party must enclose with the protocol “a statement listing all its property and indicating, for each item, whether it is included in the family patrimony” (C.C.P., a. 413, 1st para.): **for this purpose, please complete Appendix A.** |
| Each party must certify that it requested - before the date of this form - an evaluation of its own pension fund (if applicable): [ ]  YES [ ]  NOThe plaintiff must file the form used to calculate the state of the family patrimony within 180 days of service of the application. If the defendant contests this form, the defendant must file their own form within 30 days after the plaintiff communicated the original form (s. 27 RSCQFM). |       |       |
| **For partition of the partnership of acquests** |  [ ]  YES [ ]  NO | Statement enclosed with protocol | Statement enclosed with protocol |
| **By completing Appendix A**, each party indicates whether the property designated therein is personal property or an acquest: |
| The plaintiff must file the form used to calculate the state of the partnership of acquests within 180 days of service of the application. If the defendant contests the form, the defendant must file their own form within 30 days after the plaintiff communicated the original form (s. 29 RSCQFM). |       |       |
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| **For a compensatory allowance** [ ]  YES [ ]  NOEach party undertakes to file its exhibits no later than 3 months after the protocol is signed, namely before: |       |       |
| **For unjust enrichment** [ ]  YES [ ]  NOEach party undertakes to file its exhibits no later than 3 months after the protocol is signed, namely before: |       |       |
|  |
| **10. Legal costs** (C.C.P., a. 339) **Foreseeable costs** |
| Total cost of expert opinions: | for plaintiff |       |
|  | for defendant |       |
| Total cost of other legal costs: | for plaintiff |       |
|  | for defendant |       |

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| **11. Application for setting down for trial and judgment** (C.C.P., aa. 173 and 174) |
| [ ]  It will be filed within the strict time limit determined in accordance with article 173 C.C.P. (The time limit begins 20 days following the filing of the case protocol with the office of the Court, except for a case management conference or an extension ordered by the Court, or if the protocol is not filed within the time limit.) **OR**[ ]  The parties are seeking an extension of the      -**month time limit, in order to set that date at**       (C.C.P., aa. 148(8), 158(7) and 173). |

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| **12. THE PARTIES INTEND TO USE THE FOLLOWING METHOD OF NOTIFICATION** (C.C.P., a. 110*et seq*.) |
| [ ]  Bailiff [ ]  Fax [ ]  Email[ ]  Other:       |

On       On

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| Plaintiff[[2]](#footnote-2)or |  | Defendantor |
| **Mtre.** Counsel for the plaintiffTelephone:      Fax:      Email:       |  | **Mtre.** Counsel for the defendantTelephone:      Fax:      Email:       |

On       On

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|  |  |  |
|  partyor |  |  Partyor |
| **Mtre.**Counsel for the  partyTelephone:      Fax:      Email:       |  | **Mtre.**Counsel for the  partyTelephone:      Fax:      Email:       |

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| **APPENDIX A** |
| **Statement of family patrimony property and other property (C.C.P., a. 413, 1st para.)** |
|  Statement of:  | [ ]   Plaintiff |
|  Statement of:  | [ ]   Defendant |
| **Below is the property in my possession, and its status:** |
| **Patrimonial property** | **Personal property** | **Acquests** | **Other** |
|       |       |       |       |
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1. Note that the case protocol is deemed to be accepted within 20 days after it is filed with the office of the Court (C.C.P., aa. 149 and 150). The strict time limit is counted from that time, except for a case management conference or an extension ordered by the Court (C.C.P., a. 173, 1st para.), or if the protocol is not filed within the time limit (C.C.P., a. 173, 3rd para.). [↑](#footnote-ref-1)
2. This protocol must be notified to the parties unless they have signed it (C.C.P., a. 149): proof of notification must be enclosed with the protocol, if applicable. [↑](#footnote-ref-2)