CANADA

PROVINCE OF QUEBEC SUPERIOR COURT

District:

File no.:

Plaintiff

 v.

Defendant

 and

      party

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

Quebec Superior Court – Quebec Division – Family Matters

**(section 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:**

**[ ]   the**       **alone;**

**[ ]   all the parties to the case.**

**The execution of this document confirms that the case is ready for hearing, as follows:**

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

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

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

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

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| **Matters in dispute** (the two parties must check each matter in dispute in the case):

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| --- | --- | --- |
| [ ]   Child custody / Parental time | [ ]   Access rights / Parental time | [ ]   Parental authority |
| [ ]   Child support | [ ]   Spousal support | [ ]   Arrears |
| [ ]   Income of the other party | [ ]   Children's income | [ ]   Special expenses |
| [ ]   Hardship (or undue hardship) | [ ]   Partition of family patrimony | [ ]   Partition of matrimonial regime |
| [ ]   Lump sum | [ ]   Compensatory allowance | [ ]   Provision for costs |
| [ ]   Contempt of court | [ ]   International abduction | [ ]   Other:       |

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

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

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| **III – EXHIBITS AND EVIDENCE** |
| **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) (section 248 para. 1 *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 (section 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 (section 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 (section 239 para. 2 and 293 *C.C.P.*) of the following persons: |
|  | - name:      - field of expertise:       | - date:      - court record number:       |
|  | - name:      - field of expertise:       | - date:      - court record number:       |

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| **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) (section 248 para. 1 *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 (section 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 (section 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 (section 239 para. 2 and 293 *C.C.P.*) of the following persons: |
|  | - name:      - field of expertise:       | - date:      - court record number:       |
|  | - name:      - field of expertise:       | - date:      - court record number:       |

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| **The** **party** (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) (section 248 para. 1 *C.C.P.*) |
| [ ]  | **confirms** that he/she has filed in the record the affidavits (section 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 (section 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 (section 239 para. 2 and 293 *C.C.P.*) of the following persons: |
|  | - name:      - field of expertise:       | - date:      - court record number:       |
|  | - name:      - field of expertise:       | - date:      - court record number:       |

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| **IV – TRIAL** |
| **List of witnesses****(Estimate as accurately as possible the time needed for testimony, including cross-examination)** |
| Name of witness **for Plaintiff** | Frenchor English | Ordinaryor 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 Plaintiff** (1 day = 5 hours)  | **days       hrs** |
| Name of witness**for Defendant** | Frenchor English | Ordinaryor 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 Defendant (**1 day = 5 hours) | **days       hrs** |
| Name of witness**for the** **party** | Frenchor English | Ordinaryor 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** |

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

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| **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

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| Plaintiffor |  | Defendantor |
| **Mtre.** Counsel for Plaintiff |  | **Mtre.**Counsel for Defendant |

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