CANADA SUPERIOR COURT

Province of Québec       Division

District:

Locality:

File No.:      

Plaintiff

v.

Defendant

and

      Party

**IN CIVIL 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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| **The parties plan to conduct one or more examinations the duration of which is incompatible with article 229 of the *Code of Civil Procedure* (C.C.P.)**?  (section 5 of the protocol) | YES  NO |
| **The examination of more than two representatives of the same party is planned**?  (section 5 of the protocol) | YES  NO |
| **At least one party intends to file a written defence**?  (section 7 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 9 of the protocol) | YES  NO |
| **The parties are applying for an extension of the time limit**?  (section 10 of the protocol) | YES  NO |

CANADA SUPERIOR COURT

Province of Québec Division

District:

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Plaintiff

v.

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and

Party

**IN CIVIL MATTERS**

**Superior Court of Québec, Québec Division**

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

|  |  |
| --- | --- |
| **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: | |
| Amount in dispute: $ | |
| Issues in dispute (joint, if possible): | |
| 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 |  |
| Exception to dismiss (C.C.P., a. 168) | - by the defendant |  |
| Suretyship as security for costs (C.C.P., a. 492) | - by the defendant |  |
| Clarifications (C.C.P., a. 169) | - by |  |
| Striking of allegations (C.C.P., a. 169) | - by |  |
| Other: | - by |  |

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| **3. Incidental procedures Deadline for**  **presentation** | | |
| Forced intervention (C.C.P., a. 188) | - by |  |
| Call in warranty (C.C.P., a. 189) | - by |  |
| Amendment of pleading (C.C.P., a. 206) | - by |  |
| Other: | - by |  |

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| **4. Safeguard measures** (C.C.P., a. 158(5)) **Deadline for**  **presentation** | |
| Requested by: |  |
| Nature: |  |
| Requested by: |  |
| Nature: |  |

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| **5. 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 |  |
| Witnesses for the       party | |  |
| 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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| **6. 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:  Nature: | |  |
| **Expert opinions for defendant** (only one per area) | | |
| Nature:  Nature: | |  |
| **Expert opinions for**       **party** | | |
| Nature:  Nature: | |  |

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| **7. Defence** (C.C.P., a. 171) **Deadline**  **for filing** | | |
| oral (by means of a brief statement)  written, by means of  If written, state the elements justifying a written defence: | |  |
| oral (by means of a brief statement)  written, by means of  If written, state the elements justifying a written defence: | |  |
| Cross-application by | YES  NO |  |
| Defence to cross-application | oral  written |  |

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| **8. Disclosure of evidence** (C.C.P., aa. 247, 248) **Deadline for**  **disclosure** | | |
| By plaintiff: | exhibits  affidavits  other: |  |
| By defendant: | exhibits  affidavits  other: |  |
| By       party: | exhibits  affidavits  other: |  |

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| **9. Legal costs** (C.C.P., a. 339) **Foreseeable costs** | | |
| Total cost of expert opinions | for plaintiff |  |
|  | for defendant |  |
|  | for third party |  |
| Total other legal costs | for plaintiff |  |
|  | for defendant |  |
|  | for third party |  |

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| **10. 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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| **11. The parties intend to use the following method of notification** (C.C.P., aa. 110*et seq*.) |
| bailiff  fax  email  other: |

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

On       On

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| --- | --- | --- |
|  |  |  |
| Plaintiff[[2]](#footnote-2)  or |  | Defendant  or |
| **Mtre.**  Counsel for the plaintiff  Telephone:  Fax:  Email: |  | **Mtre.**  Counsel for the defendant  Telephone:  Fax:  Email: |

On       On

|  |  |  |
| --- | --- | --- |
|  |  |  |
| party  or |  | Party  or |
| **Mtre.**  Counsel for the  party  Telephone:  Fax:  Email: |  | **Mtre.**  Counsel for the  party  Telephone:  Fax:  Email: |

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)