

CANADA
Province of Québec
District:
Locality:
File No.:

SUPERIOR COURT

Plaintiff
v.
Defendant
and

**FIRST CASE PROTOCOL (in civil matters)
PRESENTATION PAGE
Superior Court of Québec, Montréal Division**

1. You are **required to complete** this page when filing the **first case protocol** in the record of the Court.
(**Do not complete this presentation page** if you are filing a proposed case protocol or an amended case protocol).
 2. If applicable, place this page before the case protocol (before page 1) and staple them together.
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For each question, you must check an answer, either **Yes** or **No**.
No answer will be deemed to be **Yes**.

The parties are requesting a stay of the proceeding: (line 4 of the protocol)	<input type="checkbox"/> Yes <input type="checkbox"/> No
The parties are requesting an extension of the time limit: (line 6 of the protocol)	<input type="checkbox"/> Yes <input type="checkbox"/> No
The parties plan to file more than six expert opinions: (lines 40 to 43 of the protocol)	<input type="checkbox"/> Yes <input type="checkbox"/> No
A party (defendant, third person, person called) intends to file an application for authorization to file a written defence: (line 33 of the protocol)	<input type="checkbox"/> Yes <input type="checkbox"/> No
The parties plan to conduct more than six pre-trial examinations: (lines 47 and 48 of the protocol)	<input type="checkbox"/> Yes <input type="checkbox"/> No
The parties plan to conduct examinations the duration of which is incompatible with article 229 of the Code of Civil Procedure (C.C.P.):	<input type="checkbox"/> Yes <input type="checkbox"/> No
The protocol was not signed by the parties or was not notified to them:	<input type="checkbox"/> Yes <input type="checkbox"/> No

CANADA
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SUPERIOR COURT

Plaintiff

v.

Defendant

and

**Superior Court of Québec, Montréal Division
(article 148 of the Code of Civil Procedure)**

1.	Nature of the dispute:	
2.	Value of the subject matter of the dispute:	
3.	Latest date on which the application was served on all the parties:	
4.	All the parties are requesting a stay of the proceeding in order to allow them to negotiate an out-of-court agreement (C.C.P., a. 156): Duration: (where applicable, indicate a maximum stay of 3 months) If the application is allowed by the Court, the proceeding will therefore be stayed until:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> 1 month <input type="checkbox"/> 2 months <input type="checkbox"/> 3 months
5.	All the parties undertake to hold a settlement conference. (C.C.P., aa. 148(2) and 161 to 165):	<input type="checkbox"/> Yes <input type="checkbox"/> No
6.	All the parties are requesting an extension of the time limit for trial readiness (C.C.P., a. 173): Duration: (where applicable, indicate an additional time limit of 9 months maximum) If the Court allows the application, the six-month time limit will be extended until:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> 3 months <input type="checkbox"/> 6 months <input type="checkbox"/> 9 months

PRELIMINARY EXCEPTIONS		
7.	Declinatory exceptions	<input type="checkbox"/> Yes <input type="checkbox"/> No
		Deadline for filing
8.	<input type="checkbox"/> Referral to competent court or dismissal (C.C.P., a. 167)	
9.	<input type="checkbox"/> Other exception (with a reference to the C.C.P. article):	
10.	Submitted by (enter the name of the party):	

11.	Exceptions to dismiss	<input type="checkbox"/> Yes <input type="checkbox"/> No
		Deadline for filing
12.	<input type="checkbox"/> Dismissal (C.C.P., a. 168):	
13.	Submitted by (enter the name of the party):	

14.	Other preliminary exceptions	<input type="checkbox"/> Yes <input type="checkbox"/> No
		Deadline for filing
15.	<input type="checkbox"/> Clarifications regarding (C.C.P., a. 169):	
16.	<input type="checkbox"/> Disclosure of documents (C.C.P., a. 169):	
17.	<input type="checkbox"/> Striking of immaterial allegations (C.C.P., a. 169):	
18.	<input type="checkbox"/> Requirement to provide suretyship (C.C.P., a. 492):	
19.	<input type="checkbox"/> Other exception (indicate its nature):	
20.	Submitted by (enter the name of the party):	

21.	Application under article 51 C.C.P.	<input type="checkbox"/> Yes <input type="checkbox"/> No
		Deadline for filing
22.	<input type="checkbox"/> Application under article 51 C.C.P.	
23.	Submitted by (enter the name of the party):	

OTHER PROCEEDINGS		
24.	Safeguard measures (C.C.P., a. 169, 1st para.):	<input type="checkbox"/> Yes <input type="checkbox"/> No
		Deadline for filing
25.	<input type="checkbox"/> Application for safeguard measures	
26.	Submitted by (enter the name of the party):	

27.	Other incidental procedures	<input type="checkbox"/> Yes <input type="checkbox"/> No
		Deadline for filing
28.	<input type="checkbox"/> Amendment of a pleading	
29.	<input type="checkbox"/> Determination of an issue of law	
30.	<input type="checkbox"/> Declaration of disqualification	
31.	<input type="checkbox"/> Other (indicate its nature):	
32.	Submitted by (enter the name of the party):	

DEFENCE	
33.	<p>Under article 171 C.C.P., the case is subject to the rules of oral defence. Despite this, all the parties are applying for authorization from the Court for the case to be subject to the rules of written defence, on the following grounds (C.C.P., aa. 148(5) and 171) (indicate the grounds):</p> <p>In the absence of an application for authorization for a written defence, the defendant must state the grounds by oral defence (C.C.P., aa. 154 and 170, 2nd para.) (indicate the grounds):</p>

34.	The defendant intends to file a cross-application.	<input type="checkbox"/> Yes <input type="checkbox"/> No
35.	Deadline for filing the cross-application	
36.	Deadline for filing the defence to cross-application	

37.	<p>Issues in dispute (C.C.P., a. 148):</p> <p>According to plaintiff:</p> <p>According to defendant:</p>
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38.	Third person intervention or impleading (C.C.P., aa. 151 and 158(4))	<input type="checkbox"/> Yes <input type="checkbox"/> No
39.	Deadline for the intervention or impleading of a third person	

EXPERT OPINIONS	
40.	<p>Joint expert opinion (C.C.P. a. 232)</p> <p>Nature of and need for joint expert opinion:</p> <p>Reasons for refusing joint expert opinion (C.C.P., a. 148(4)):</p>
	Deadline for filing joint expert opinion:
41.	<p>Expert opinion for the plaintiff (not more than one per area or matter of expertise) (C.C.P., a. 232) (indicate number, nature and need for each expert opinion):</p>
	Deadline for filing an expert opinion for plaintiff:
42.	<p>Expert opinion for the defendant (not more than one per area or matter of expertise) (C.C.P., a. 232) (indicate number, nature and need for each expert opinion):</p>
	Deadline for filing an expert opinion for defendant:

43.	Expert opinion for third person or impleaded person (not more than one per area or matter of expertise) (C.C.P., a. 232): (indicate number, nature and need for each expert opinion)	<input type="checkbox"/> Yes <input type="checkbox"/> No
Deadline for filing an expert opinion for third person or impleaded person:		

EXAMINATIONS			
44.	Pre-trial examination(s) by either party (C.C.P., aa. 148(3), 158(3) and 221)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
45.	Value of the subject matter of the dispute is less than \$100 000 (C.C.P., a. 229):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
46.	The parties intend to submit their anticipated objections before pre-trial examination (C.C.P., a. 228):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
47.	Number of examinations before defence		
48.	Number of examinations after defence		
49.	Name of persons to be examined for the plaintiff:		
	_____	_____	_____
	Given name, surname	Date	Time
	_____	_____	_____
	Given name, surname	Date	Time
	_____	_____	_____
	Given name, surname	Date	Time
	_____	_____	_____
	Given name, surname	Date	Time
50.	Name of persons to be examined for the defendant:		
	_____	_____	_____
	Given name, surname	Date	Time
	_____	_____	_____
	Given name, surname	Date	Time
	_____	_____	_____
	Given name, surname	Date	Time
	_____	_____	_____
	Given name, surname	Date	Time
51.	In order to avoid service of a subpoena, the parties agree that, in the 20 days preceding a pre-trial examination, the examining party will disclose in writing to the other parties a detailed list of all the documents that must be in the possession of the party to be examined at the pre-trial examination. List the documents below if the parties are currently able to identify them (an appendix of all the documents may be enclosed with this protocol):		
	_____	_____	
	Given name, surname	Documents	
	_____	_____	
	Given name, surname	Documents	
52.	Deadline for filing transcripts for the plaintiff (C.C.P., a. 227)		
53.	Deadline for filing transcripts for the defendant (C.C.P., a. 227)		
54.	Deadline for filing transcripts for the impleaded person (C.C.P., a. 227)		
55.	Deadline for presenting the objections set forth in the second paragraph of article 228 C.C.P., which were raised during the pre-trial examinations for the plaintiff		
56.	Deadline for presenting the objections set forth in the second paragraph of article 228 C.C.P., which were raised during the pre-trial examinations for the defendant		
57.	Deadline for disclosure of all the undertakings made during the pre-trial examinations for the plaintiff		
58.	Deadline for disclosure of all the undertakings made during the pre-trial examinations for the defendant		

EXHIBITS		
Exhibits and other evidence (C.C.P., aa. 145 and 158)		Deadline
59.	Filing of exhibits for the plaintiff	
60.	Filing of exhibits for the defendant	
61.	Filing of exhibits for the third person, impleaded person or intervening person	
62.	List of exhibits admitted by plaintiff:	
63.	List of exhibits admitted by defendant:	
Filing of affidavits in lieu of testimony		Deadline
64.	Filing of affidavits for plaintiff	
65.	Filing of affidavits for defendant	

OTHER		
66.	Legal costs (C.C.P., aa. 148.1, 1st para., and 339) <ul style="list-style-type: none"> Evaluation of legal costs for plaintiff (including expert opinions): \$ Evaluation of legal costs for defendant (including expert opinions): \$ Evaluation of legal costs for other parties (including expert opinions): \$ 	

67.	Methods of notification the parties intend to use (C.C.P., aa. 109 to 140 and 148(9)):
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68.	Appointment of a lawyer to a minor or a person of full age considered incapable <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of proposed lawyer:
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N.B. Non-compliance with this protocol may constitute a breach punished under articles 341 and 342 C.C.P.

On _____
Mtre.
Counsel for _____

(given name, surname)
Plaintiff

On _____
Mtre.
Counsel for _____

(given name, surname)
Defendant

On _____
Mtre.
Counsel for _____

(given name, surname)
Plaintiff

On _____
Mtre.
Counsel for _____

(given name, surname)
Defendant