

CIVIL LITIGATION BASICS FOR LEGAL SUPPORT STAFF 2019

PAPER 6.1

Trial Preparation for Support Staff

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I. Keys to Success

- ☐ Communicate with your lawyers. Find the balance between having a file that is easy to work with during the litigation and which will serve the lawyer's needs at trial with minimal reorganization.
- ☐ Have a reliable BF system. THIS IS CRITICAL. The system has to be easy for you to keep on top of and be in a format which helps the lawyer(s) you work with. Some people like outlook tasks, other prefer paper BFs, others prefer e-mails. Whatever the system is, find one that works and stick with it. Make sure the lawyers and anyone who covers your desk during your absence knows and has access to the BF system. See example of a list of BFs for trial in Appendix A.
- ☐ Do your best to stay organized. There is a lot of paper in our lives! Try to stay on top of it. Ask for help when you need it. This will help avoid taking unnecessary steps (for example, demanding an opposing party produce documents you have already received). It will also mean that in the lead-up to trial, there is less to do to get ready.
- ☐ File / serve early. If you can, file and serve documents before the deadline. That way you can be sure you won't miss it!
- ☐ Think one step ahead. When you finish a task, take a moment to think what comes next and make sure that the deadline or timeline for the next step is noted in your BFs.

II. File Management

A. Organize the File

Think about how you organize your files. What steps can you take when you set up a file to minimize or eliminate the need to re-organize documents as the trial approaches?

Develop a system to organize your files.

Some tips:

- ☐ Find a system that works for you and your lawyer(s).
- ☐ Standardize your labels. Decide how you are going to organize your files and ensure the important information is front and centre on the labels. I prefer to file alphabetically by plaintiff's name so that is prominent on our labels.
- ☐ Colour code your folders.
- ☐ Create a pleadings binder with an index. It is more likely than not that you will end up needing one (as opposed to a folder). Save yourself time and start the binder right away. This will be useful when you go to prepare your Trial Record or Trial Binder.
- ☐ Set up all the BFs you can right away.
- ☐ As a new witness or expert is identified, create a new folder whether it be paper or e-folder for him or her. Keep all material related to each witness and/or each expert together in the appropriate folder. It is also useful to add the name and contact information of each witness and expert to your contact sheet for easy reference.

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- ❑ Avoid loose material in the file at all costs.
 - ✓ Create an “[Opposing Party]’s Unlisted Documents” folder. During the life of the file, you will receive production of documents without an updated list of documents. Keep them together in this folder until they are listed.
 - ✓ Create a “Documents to Add to List” folder. During the life of the file, you may produce documents without an updated list of documents. All documents will need to be listed before Examinations for Discovery and before trial. If you keep a separate folder of all unlisted records together, this will make it easier when you prepare the updated list of documents.
 - ✓ Create an “Unreviewed Documents” folder. Documents cannot necessarily be reviewed as they come in. Have a place to put them.
- ❑ Keep a File Index which lists all folders and binders, such as the sample provided in Appendix B. When you’re looking for a document, the first stop is the index to identify which folder(s) the document will be in.

B. Keep on Top of Outstanding Requests from Examinations for Discovery

Typically, a party will request further documents or further information from an opposing party during an Examination for Discovery (“EFD”). Requests are usually answered by letter and that letter and any additional documents become evidence for use at trial. If you do not follow up soon after the EFD, requests can be forgotten until you are in the middle of preparations for trial.

The lawyers you work with will have their own practice. However, assuming the lawyers have taken notes of the requests made or they order the transcript from the EFD, we recommend that you immediately draft a letter requesting the documents and/or information and BF follow ups to ensure you receive responses. A separate folder should be kept for the list of outstanding requests and responses provided for each party’s EFD.

C. Keep in Contact with Witnesses and Experts

Lay witnesses may be nervous about being involved in litigation. Keep in touch with them to establish rapport and ensure you have up to date contact information for them. BF reminders to advise your witnesses of the trial date, issue subpoenas, remind them of the trial date one month in advance, schedule preparatory meetings with them, and advise each witness when his or her testimony has been scheduled.

Subpoenas (Form 25) do not typically pinpoint the date the witness will be required. Include all trial dates and advise the witness, in the cover letter, that you will advise of the specific date closer to the time.

Subpoenas must be served with conduct money. See Supreme Court Civil Rules Appendix C, Schedule 3, Fees Payable to Witnesses for amounts and categories. Conduct money includes a daily witness fee (\$20), travel costs (flights, mileage, hotel costs), allowances for meals and a reasonable sum to prepare the witness to give evidence. Conduct money is calculated for the

time you expect to require the witness to be at trial, either giving evidence or waiting to give evidence. See Appendix C for a sample Subpoena.

Expert witnesses are typically used to appearing in Court, but they may have to clear their calendars to appear at trial and so communication with them is also important. Include the trial dates in your Letter of Instruction. If an opposing party requests an expert's attendance at trial for cross-examination, advise the expert immediately. Obtain each expert's availability and schedule their evidence as soon as possible. If the trial is adjourned, advise your experts immediately to avoid cancellation fees.

III. Setting (and Keeping) the Trial Date

A. Reserving and Setting the Date

1. Reserving the Trial Date

The procedure, timing and criteria for reserving a trial date varies by Registry.

Typically, the parties agree on a trial date and at least one alternate and one party (usually the plaintiff) agrees to call and reserve the trial date and file the Notice of Trial.

However, not all trials can be booked immediately. For example, the general rule in Vancouver, New Westminster and Victoria is that trials can be booked up to 18 months in advance. In other Registries, trials can generally be booked 12 months in advance. Check the Supreme Court Scheduling page for the appropriate Registry to confirm its practice.

The Supreme Court Scheduling page for the Vancouver Registry include links to documents setting out details for booking trials depending on whether it is a MVA or non-MVA case and the length of trial. The following booking rules apply:

- ☐ Booking commences at 8:30 a.m. for the Vancouver Registry and only two bookings will be permitted per call;
- ☐ For 1 - 5 day MVA trials, booking opens on the second business day of the month;
- ☐ For MVA trials longer than 6 days, booking opens on the third business day of the month;
- ☐ For non MVA civil and family trials between 1 - 20+ days, booking opens on the first business day of the month;
- ☐ 1 - 5 day trials must complete within the week they are booked;
- ☐ 6 days or more trials must commence on a Monday (or the Tuesday following a statutory holiday); and
- ☐ 10 or 15 day trials will not be booked into "short weeks".

Check the booking rules for the appropriate Registry in advance to avoid disappointment!

If you would like to reserve a date within 18 months in Vancouver, New Westminster, or Victoria, or within 12 months in other BC Registries, check the Registry website for availability.

2. Setting the Trial Date

Once the date has been reserved, you **must** file a Notice of Trial (Rule 12-1(2), Form 40) to set the date. Practice Direction 25 requires that the Notice of Trial be filed within 30 days of reserving the date. The Notice of Trial must be filed at the Registry where the file is held. See Appendix D for a sample Notice of Trial.

The filed Notice of Trial must be served on all parties.

To adjourn a trial, call the Registry where the trial is set to proceed and advise them the trial has been adjourned. Depending on the Registry, you will also be required to file a Requisition adjourning the trial.

If the trial is adjourned, a new Notice of Trial must be served for the new date (PD-25).

B. Jury Trials

If your client wants the option to require a trial by jury, you must serve a Notice Requiring Trial by Jury (Rule 12-6(3), Form 47) within 21 days of service of the Notice of Trial. The Notice Requiring Trial by Jury must be filed at the Registry where the trial is being conducted.

If your client wishes to oppose the jury notice, an application to the court for an order that the trial be heard without a jury should be made within 7 days after service of the jury notice.

Only a party that has filed and served a jury notice has the option to require a trial by jury. Additionally, in order to proceed with a jury, jury fees must be paid to the sheriff at least 45 days before trial.

C. Keeping the Trial Date

The Registry may remove the matter from the trial list if:

- ☐ The parties do not schedule a Trial Management Conference at least 28 days before trial (Rule 12-2).
- ☐ None of the parties file a Trial Brief by the deadline (see below).
- ☐ None of the parties file a Trial Certificate by the deadline (see below).
- ☐ The party that filed the Notice of Trial does not file a Trial Record between 14 and 28 days before trial.
- ☐ The parties attend the Trial Management Conference and do not appear ready for trial.
- ☐ The parties attend the Trial Management Conference and require more time for trial than is set and no additional time is available.

IV. Pre-Trial Preparations

A. Lists of Documents

Your client has an ongoing obligation to produce relevant documents (Rule 7-1, Form 22) and unlisted documents cannot be used at trial.

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Approximately one month before trial, ensure all relevant documents, including those in your “Documents to Add to List” are listed. If you provided privileged documents to your expert, privilege over those documents is waived. These documents need to be re-listed in Part 1 and struck from Part 4 of your List. Consult with the lawyer on the file about whether any other Part 4 documents should be moved to Part 1 or Part 2 for use at trial.

Provide other parties with an opportunity to review demonstrative evidence. Any demonstrative evidence which will be relied on at trial must be made available for inspection by other parties not less than 7 days before trial, per Rule 12-5(10) which says:

Unless the court otherwise orders or the parties of record otherwise agree, no plan, photograph or object may be received in evidence at the trial of an action unless, at least 7 days before the start of the trial, the parties of record have been given an opportunity to inspect it.

B. Translators

Arrange a translator for clients or witnesses who require this service. Communicate with opposing parties with respect to scheduling.

C. Agreed Statement of Facts

In many cases it is possible for all parties to agree to certain facts. This avoids the need to prove these facts at trial. The earlier this is done, the better. It helps narrow the issues for trial and may allow you to avoid calling some witnesses or experts. See Appendix E for a sample Agreed Statement of Facts.

D. Notices to Admit

Rule 7-7(1) allows a party to request that any other party admit the truth of a fact and/or the authenticity of a document. A Notice to Admit may be served at any time during the litigation.

The party seeking admissions serves a Notice to Admit in Form 26 on the party from whom the admissions are sought. Rule 7-7(2) requires that the served party respond in writing within 14 days. If the served party fails to respond, he/she/it is deemed to have made the admissions sought. See Appendix F for a sample Notice to Admit.

If you receive a Notice to Admit, BF the deadline for providing a response to ensure you avoid inadvertent deemed admissions!

Admissions made in response (or by failing to respond) to Notices to Admit are admissible at trial. Notices to Admit and response letter(s) should be filed in the pleadings binder.

E. Chronology

The parties may be asked at a Trial Management Conference whether they will have a chronology for use at trial. If a chronology will be used, it should list the dates and facts necessary for the Trial Judge to get an overview of the case and the matters at issue. The chronology should be limited to facts which are not in dispute.

In some matters, it is appropriate to have multiple chronologies. The “master” chronology sets out an overview and additional chronologies may be tailored to specific issues. For example in a personal injury matter where the defendant disputes the plaintiff’s ongoing shoulder disability, it may be necessary to have a supplementary chronology with facts relating only to the shoulder injury.

F. Document Agreement

Parties may choose to enter into a document agreement. This can be tailored to specific requirements but generally, such an agreement:

- ☐ Avoids the need to prove the authenticity of a document;
- ☐ Avoids the need to produce the original of a document;
- ☐ Allows the parties to assume that correspondence was signed, sent and/or received on or around the date appearing on the correspondence;
- ☐ Allow the parties to proceed on the assumption photographs accurately depict the area photographed;
- ☐ Specifically allows the parties to object to the admissibility of certain documents;
- ☐ For medical records, assumes that the medical appointments happened on the date recorded, treatments were prescribed as recorded, recorded observations were in fact observed and recorded conversations occurred as they appear in the records.

See Appendix G for a sample Document Agreement.

G. Miscellaneous

1. Health Care Costs

The *Health Care Costs Recovery Act* (the “Act”) requires a plaintiff in many personal injury matters to seek reimbursement of any health care costs the Ministry of Health has incurred as a result of the plaintiff’s injuries. ICBC claims are currently exempt, as are claims advanced only against the Provincial government.

The Court requires a Certificate showing the Ministry of Health’s claimed health care services at trial. Section 16(1) of the Act says that a Certificate issued on behalf of the Minister, setting out the past cost of health care services attributable to personal injury, is conclusive proof of the cost of those services.

It is the plaintiff’s responsibility to plead the Ministry of Health’s claim and therefore the plaintiff typically contacts the Ministry to obtain the Minister’s Certificate. Contact:

Third Party Liability
 Ministry of Health
 PO Box 9647 STN PROV GOVT
 Victoria, BC V8W 9P4
 Tel: (250) 952-2034
 Fax: (250) 952-2090
 E-Mail: hlth.tlp@gov.bc.ca

2. Calculation of Time

The Rules express deadlines in different ways, including “at least”, “not less than”, and “within”. When in doubt, check the meaning of the phrase used in sections 25 to 25.5 of the *Interpretation Act*, RSBC 1996, c. 238.

NOTE: Despite section 25.5 of the *Interpretation Act* (which provides that if a day that is specified for doing an act falls on a holiday, it falls to the next day), for the filing of a Trial Brief, Trial Certificate or Trial Record, the Registry will not accept it for filing on the next business day. Avoid an unnecessary application. File early!

V. The Trial

A. Trial Management Conference

Unless the court otherwise orders, a Trial Management Conference (“TMC”) must occur no less than 28 days before trial (see Rule 12-2). Parties may apply for an order by consent dispensing with the need for a TMC no later than 14 days before the date set for the TMC (see Rule 12-2(3.4) and PD-51 (Appendix N)).

If your matter is Judicially Case Managed, your TMC will be before your Trial Judge. You will need to complete the form “Request to Appear Before a Specific Judge/Master/Registrar” to arrange this. The form is submitted online at

http://www.courts.gov.bc.ca/supreme_court/scheduling/Request_to_Appear_Before_a_Specific_Judge_or_Master/

Review PD-18 for information on completing this form.

If you fail to schedule your TMC before the deadline, your matter can be struck from the trial list.

B. Trial Brief

Rule 12-2(3) requires that the plaintiff file a Trial Brief in Form 41 at least 28 days before the TMC. Every party other than the plaintiff must file a Trial Brief at least 21 days before the TMC and serve it on all parties.

The Trial Brief summarizes the issues, sets out the list of witnesses and expert reports that will be relied upon and provides time estimates for opening and closing submissions, witness evidence and argument on issues during trial (for example on the admissibility of an expert report). See Appendix H for a sample Trial Brief.

Registries will reject a Trial Brief filed late. Unless at least one party files a Trial Brief within the time allowed, the TMC can be cancelled and the trial removed from the trial list.

C. Trial Certificate

Rule 12-4(1) requires each party of record file a Trial Certificate in Form 42 at least 14 days, but not more than 28 days, before the scheduled trial date. See Appendix I for a sample Trial Certificate.

BC Supreme Court Registries do not accept Trial Certificates filed late.

D. Trial Record

Rule 12-3 requires the party that files the Notice of Trial to file a Trial Record which includes:

- (a) the pleadings,
- (b) particulars served under a demand, together with the demand made,
- (c) the case plan order, if any,
- (d) any order relating to the conduct of the trial, and
- (e) any document required by a registrar under sub rule (2).

In addition, Administration Notice 13 requires that trial briefs be included in the Trial Record.

The Trial Record must be filed at least 14 days but not more than 28 days before the scheduled trial date. See Appendix J for a sample Trial Record Index.

You will require a spine label which identifies the parties and the title of the binder (i.e. "Trial Record"). You will also require a cover sheet on each binder submitted to the Court. Review Administrative Notice 14 (see Appendix M) which sets out the information required on a cover sheet.

E. Lawyer's Trial Binder

Each lawyer is going to have his or her own preference as to what is included in the Trial Binder. It is about striking a balance between being prepared and being able to find what you need.

Consider including:

- Pleadings
- Each party's last List of Documents
- Each party's Trial Brief
- Notices to Admit and Responses*
- Agreed Statements of Fact*
- Document Agreement*
- Chronology*
- Copies of Subpoenas**
- Questions for Examinations in Chief
- Questions for Cross Examinations

Questions to qualify your expert(s)

Questions to challenge opposing party's expert(s)

Blank Paper

A Blank Exhibits List

* These documents may instead be included in your Document Book(s). In any case, you will require sufficient copies for the parties and two for the Court.

** The lawyer will want subpoena copies in case a witness fails to appear for trial. Consider including an affidavit proving service of the subpoena for any witness you believe will not appear.

F. Documents Book(s)

The documents required for trial should be organized in one or more binders called Document Books. If the parties can agree, a "joint book" or "common book" of documents is best. If the parties cannot agree, each will prepare its own book or books.

As with the Trial Record, you will require a spine label which identifies the parties and the title of the binder (i.e. "Common Book of Documents, Vol 1"). You will also need a cover sheet which meets the criteria set out in AN-14 (Appendix M).

The documents should be organized logically. Group similar types of documents together. If you have a stack of the same kind of document, for example medical records from the same practitioner or e-mails documenting the same complaint, group them and include them in chronological order. Ask for the lawyer's input on this as he or she will know how the documents will be used.

Number the pages for each document. The first page behind each tab should restart at number "1".

An index is key! Include the name/title of the document and the number from the List of Documents. This will assist the lawyer to cross-reference documents, such as those referred to at Examinations for Discovery, and provides a last check that all documents have been listed. See Appendix L for a sample index.

If you have a Document Agreement, consider including a column in your index which indicates whether each document is covered by the Document Agreement.

There are two ways to enter exhibits from a Book of Documents at trial. Sometimes an entire binder is entered as one Exhibit. Other times, individual documents are entered as individual exhibits. Consider including a blank column in the index. If individual documents are marked as exhibits, the lawyer can keep track of the exhibit number for each document in this column.

Each party needs a copy of each Book of Documents. You will need to make one copy for each party and two additional copies for the Court, one for use by witnesses and the other for the Judge. If you have a jury, you will need to make a copy for each juror. Note: take care to ensure you are providing clean copies without the lawyer's markups on them!

If you are able to agree to a joint book of documents, the parties will agree on the index and make their own copies of each Book of Documents. In this case, the parties should discuss who is going to bring copies for the jury (when applicable) and for the Court.

G. Brief of Authorities

The Brief of Authorities includes any case law, statutes, regulations, or secondary sources which you are relying on at trial. Each item should be tabbed separately and listed in an index with a citation.

You will typically need to make copies of your client's brief of authorities for every party and one for the Court. You can expect opposing parties to do the same.

H. Electronic Services

It is not unusual for a party to want to show a video, or play a tape, or otherwise use media at trial. There may also be a witness who will be testifying by videoconferencing. Contact the Registry well in advance to arrange any equipment you require.

In larger or multi-party matters, real-time reporting is becoming more common. In these cases, a Court Reporter attends trial and transcribes the evidence and submissions in "real-time" (hence the name!). The process requires special arrangements and special equipment. Again, contact the Registry in advance (30 days or more) in order to make these arrangements.

VI. Trial Prep Checklist

- ☐ Check with the Registry to determine booking information, including booking method and booking date (www.courts.gov.bc.ca/supreme_court/scheduling/ - choose location from list).
- ☐ Reserve the trial date with the Registry. [Only one party reserves the date.]
- ☐ File a Notice of Trial (Form 40). [The party that reserves the date files the Notice of Trial.]
 - PD-25: Notice of Trial must be filed within 30 days of reserving the trial date.
- ☐ File and serve a Notice Requiring Trial by Jury (Form 47). [Each party that would like the option of a jury trial must file and serve its own Notice Requiring Trial by Jury.]
 - Rule 12-6(3): Must be filed and served within 21 days of service of Notice of Trial.
- ☐ Serve expert reports, if any.
 - Rule 11-6(3): Reports must be served no later than 84 days before trial.
- ☐ Serve letter requiring other parties' experts to attend trial for cross-examination.
 - Rule 11-7(2): Must be done within 21 days of receipt of other party's report(s).
- ☐ Pay jury fees (if you have served a jury notice and if you intend to proceed with a jury trial).

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- Rule 12-6(3)(b): Fees must be paid 45 days before trial. If you have filed a jury notice and you do not pay the jury fees, your trial will proceed by judge alone.)
- ☐ Serve responding reports.
 - Rule 11-6(4): Must be served no later than 42 days before trial.
- ☐ Serve letter requiring other parties' responding experts to attend trial for cross-examination.
 - Rule 11-7(2): Must be done within 21 days of receipt of reports.
- ☐ Schedule Trial Management Conference ("TMC").
 - Rule 12-2(1): TMC must take place at least 28 days before trial.
 - Can apply to dispense with a TMC no later than 14 days before the date set for the TMC.
- ☐ File Trial Brief (Form 41).
 - Rule 12-2(3): Plaintiff must file brief 28 days before the TMC and all other parties 21 days before TMC (Rule 12-2(3.1)).
- ☐ Prepare and serve letter outlining the bases for objections to other parties' expert reports.
 - Rule 11-6(10): Must be done by the earlier of the TMC or 21 days before trial.
- ☐ Complete Examinations for Discovery.
 - Trial Certificate will not be accepted for filing (absent a Court Order) unless Examinations for Discovery have been concluded.
- ☐ File Trial Certificate (Form 42).
 - Rule 12-4(2): Must be done 14 to 28 days before the first day of trial.
- ☐ Subpoena witnesses (Form 25).
 - Rule 12-5(31), (33), (35): Subpoenas are not filed with the Court but must be served with appropriate conduct money.
- ☐ Provide opportunity for other parties to examine demonstrative evidence.
 - Rule 12-5(10): Parties must have no less than 7 days' notice of demonstrative evidence.
- ☐ Serve Notice to Produce (Form 43).
 - Rule 12-5(8): Must be done at least 2 days before trial.

APPENDIX A

LITIGATION BFs (GENERAL) - NEW SUPREME COURT CIVIL RULES (July 1, 2010)

File Name: Sideshow Bob v. Bart Simpson et al Matter No.: 90210

Notice of Civil Claim Served: June 14, 2016 Jury, if yes, party who file Jury Notice:

Response to NOCC Filed: September 30, 2016 Party who filed Notice of Trial (Electronic Evidence Protocol Agreement to be filed at the same time as the Notice of Trial):

Amended Notice of Civil Claim Served: Not Available

Third Party Notice Filed: Not Available Lawyer(s): Lionel Hutz

Trial Management Conference: July 29, 2019 LAA: Agnes Skinner

Trial Date: September 9, 2019 Paralegal: Helen Lovejoy

No. of Days: 10

Date Notice of Trial Served: April 4, 2018

Date Notice Requiring Trial By Jury Served: April 11, 2018

Place of Trial: Vancouver

Action No.: S1234657

DAYS BEFORE TRIAL	DEADLINE	ACTION REQUIRED
N/A	July 5, 2016	Deadline to file Response to Notice of Civil Claim - within 21 days after date of service of NOCC (Canada) - varies by country see rule (Rule 3-3; Form 2).
N/A		Deadline to <u>serve</u> the filed Response to Amended Notice of Civil Claim on all parties of record - within 14 days after date of service of amended NOCC
N/A	October 21, 2016	Deadline to apply for an order that the proceeding be conducted in accordance with the Electronic Evidence Practice Direction - within 21 days after close of pleadings or at any time with leave of the court (2.5)
N/A	November 4, 2016	Deadline to serve List of Documents - 35 days from the end of the pleading period (Rule 7-1). (That is, the date of the Reply or Response to Counterclaim.) 1. Request documents from other side's LOD 2. Request Case Planning Conference (Rule 5-1: Form 19) after close of pleadings
N/A	July 26, 2016	Deadline to file Third Party Notice - within 42 days after date of service of NOCC (without leave) (Rule 3-5)
N/A		Deadline to serve Third Party Notice - within 60 days after filing Third Party Notice (Rule 3-5)
N/A	December 29, 2016	1. Set Examinations for Discovery (Rule 7-2) 2. Consider whether extension of the Discovery limits will be required (Rule 7-2(2)) 3. Send Interrogatories? Only if other party consents or court grants leave in advance (Rule 7-3). Note: Reply Affidavit due within 21 days. Consider Notice to Admit instead? 4. Retain expert(s)?

DAYS BEFORE TRIAL	DEADLINE	ACTION REQUIRED
N/A	April 14, 2018	Reminder for Deadline to apply for an order that the trial or part of it be heard without a jury [within 7 days after service of Notice Requiring Trial by Jury (Rule 12-6(5)(a))]
N/A	April 18, 2018	Deadline to apply for an order that the trial or part of it be heard without a jury [within 7 days after service of Notice Requiring Trial by Jury (Rule 12-6(5)(a))]
N/A	April 18, 2018	Reminder for Deadline to file Jury Notice (must file within 21 days after service of Notice of Trial (Rule 12-6(3)))
N/A	April 25, 2018	Deadline to file Jury Notice (must file within 21 days after service of Notice of Trial (Rule 12-6(3)))
N/A	June 30, 2019	Plaintiff's Deadline to File and Serve Trial Brief - (Rule 12-2(3)) Unless the court otherwise orders, the Plaintiff must, at least 28 days before the date set for the trial management conference, (a) file a trial brief in Form 41, and (b) serve a copy of the filed trial brief on all parties of record
N/A	July 7, 2019	Deadline for each party of record, other than the Plaintiff, to File and Serve Trial Brief - (Rule 12-2(3)) Unless the court otherwise orders, each other party of record, other than the Plaintiff, must at least 21 days before the date set for the trial management conference, (a) file a trial brief in Form 41, and (b) serve a copy of the filed trial brief on all parties of record
365	September 9, 2018	<ol style="list-style-type: none"> 1. Schedule IME or other examination by expert? 2. Consider requesting a Case Planning Conference (Rule 5-1; Form 19) 3. Note - as we receive other side's expert reports we must serve notice requiring cross-examination within 21 days after said report was served (Rule 11-7(2)). 4. Is this a Fast Track Action? (<\$100,000.00 or tried in less than 3 days) (Rule 15-1) - See Fast Track BF Checklist if transferring to Fast Track. 5. Notice to Mediate? Unless the court orders otherwise, a Notice to Mediate may be delivered under section 3 (B.C. Reg. 4/2001) no earlier than 60 days after the filing of the first response in the action and no later than 120 days before the date of trial.
244	January 8, 2019	<ol style="list-style-type: none"> 1. Schedule IME or other examination by expert? 2. Consider requesting a Case Planning Conference (Rule 5-1; Form 19) 3. Notice to Mediate? Unless the court orders otherwise, a Notice to Mediate may be delivered under section 3 (B.C. Reg. 4/2001) no earlier than 60 days after the filing of the first response in the action and no later than 120 days before the date of trial.
182	March 11, 2019	<ol style="list-style-type: none"> 1. Consider scheduling further XFDs 2. Advise experts/witnesses of trial date 3. Summary Trial applications Rule 9-7 must be heard at least 42 days before trial (Rule 9-7)

DAYS BEFORE TRIAL	DEADLINE	ACTION REQUIRED
180	March 13, 2019	<ol style="list-style-type: none"> 1. Consider requesting a Case Planning Conference (Rule 5-1; Form 19) 2. Notice to Mediate - (date set at Case Management Conference) 3. Experts Retained/IMEs? 4. Consider obtaining updated records. 5. Schedule further Examinations for Discovery? 6. Make Offer to Settle? (Rule 9-1) 7. List of Documents updated? 8. Interrogatories sent? Note - only if other party consents or court grants leave in advance (Rule 7-3) 9. Notice to Mediate? Unless the court orders otherwise, a Notice to Mediate may be delivered under section 3 (B.C. Reg. 4/2001) no earlier than 60 days after the filing of the first response in the action and no later than 120 days before the date of trial.
120	May 12, 2019	<ol style="list-style-type: none"> 1. Expert reports received from our experts? 2. Obtain updated records? 3. Lists of Documents updated? 4. Make Offer to Settle (Rule 9-1)? 5. Set further XFD's? 6. Schedule Summary Trial application? (Rule 9-7) - must be heard at least 42 days before trial. 7. Unless the court orders otherwise, a Notice to Mediate may be delivered under section 3 (B.C. Reg. 4/2001) no earlier than 60 days after the filing of the first response in the action and no later than 120 days before the date of trial. 8. Consent Order waiving requirement for trial management conference? Can bring same no earlier than 84 days before, and no later than 35 days before, the scheduled trial date.
94	June 7, 2019	<ol style="list-style-type: none"> 1. Consider serving expert reports - must be served at least 84 days before trial (Rule 11-6) 2. Once we have received other side's expert reports ensure we serve notice of experts required for cross-examination within 21 days after the reports were served.
88	June 13, 2019	<ol style="list-style-type: none"> 1. Serve expert reports? - due at least 84 days before trial (Rule 11-6) 2. Once we have received other side's expert reports ensure we serve notice of experts required for cross-examination no later than 21 days after the reports were served.
84	June 16, 2019	<p>Deadline to serve expert reports (Rule 11-6) - must be served on every party of record at least 84 days before trial</p> <ol style="list-style-type: none"> 1. Consent Order waiving requirement for Trial Management Conference? Can bring same no earlier than 84 days before, and no later than 35 days before, the scheduled trial date. 2. Has Trial Management Conference been scheduled? If no, then schedule as MUST have taken place at least 28 days prior to trial unless court otherwise orders. 3. Plaintiff's MUST file Trial Brief at least 28 days before Trial Management Conference (Rule 12-2(3)) & all other parties MUST file Trial Brief 21 days before the Trial Management Conference.
83	June 18, 2019	<ol style="list-style-type: none"> 1. Consider rebuttal IMEs - rebuttal IME reports must be served at least 42 days before trial (Rule 11-6(4)) 2. <i>**Request other party's experts' complete files (Rule 11-6(8))**</i> 3. Serve notice of experts required for cross-examination no later than 21 days after reports served (Rule 11-7(2)).

DAYS BEFORE TRIAL	DEADLINE	ACTION REQUIRED
77	June 24, 2019	<p>Deadline to file Mediation Notice (BC Reg. 127/98 - Insurance (Vehicle) Act) - MVA Files - A Notice to Mediate may be delivered under subsection (1) no earlier than 60 days after the close of pleadings and no later than 77 days before the date set for the commencement of the trial.</p> <ol style="list-style-type: none"> 1. Need to request a Trial Management Conference if requirement of same was waived by consent order and there is a change in circumstances that now warrants same? (MUST be done no later than 28 days before trial) 2. Plaintiff's MUST file Trial Brief at least 28 days before Trial Management Conference (Rule 12-2(3)) & all other parties MUST file Trial Brief 21 days before the Trial Management Conference.
72	June 29, 2019	<ol style="list-style-type: none"> 1. Schedule further XFD? 2. Advise experts/witnesses re trial date? 3. Schedule Summary Trial (Rule 9-7) applications must be heard at least 42 days before trial. 4. Consent Order waiving requirement for trial management conference? Can bring same no earlier than 84 days before, and no later than 35 days before, the scheduled trial date. Trial Brief must be filed before Consent Order can be obtained.
65	July 6, 2019	<p>Deadline to serve Notice of Experts Required for Cross-Examination, if reports served 84 days before trial - otherwise within 21 days after the date of service of the expert reports (Rule 11-7(2))</p> <ol style="list-style-type: none"> 1. Arrange Trial Management Conference - unless court otherwise orders MUST take place at least 28 days before the trial date (Rule 12-2). 2. Plaintiff's MUST file Trial Brief at least 28 days before Trial Management Conference (Rule 12-2(3)) & all other parties MUST file Trial Brief 21 days before the Trial Management Conference. 3. Object to the admissibility of the other party's expert's evidence on the earlier of the Trial Management Conference and the date that's 21 days before trial (Rule 11-6(10)). 4. Schedule Summary Trial (Rule 9-7) application must be heard at least 42 days before trial.
60	July 11, 2019	<ol style="list-style-type: none"> 1. Arrange Trial Management Conference - unless court otherwise orders MUST take place at least 28 days before the trial date (Rule 12-2). 2. Plaintiff's MUST file Trial Brief at least 28 days before Trial Management Conference (Rule 12-2(3)) & all other parties MUST file Trial Brief 21 days before the Trial Management Conference. 3. Prepare Notice to Admit? (Form 26) 4. Request jury fees - due at least 45 days before trial 5. Subpoena witnesses - due at least 7 days before the date on which the attendance of the intended witness is required. 6. Obtain updated records? 7. Make Offer to Settle? 8. Consider drafting list of Witnesses and time estimates i.e., where Trial Management Conference has been waived (Rule 7-4(1)). 9. Notify opposing counsel of experts required at trial for cross examination - demand is due within 21 days after service of report. 10. Notify opposing counsel of objections to reports - due at least 21 days before trial, or at the Trial Management Conference, whichever is earlier. 11. Consent Order waiving requirement for Trial Management Conference? Can bring same no earlier than 84 days before, and no later than 35 days before, the scheduled trial date.
56	July 15, 2019	<p>Deadline to arrange Trial Management Conference - Plaintiff's Trial Brief MUST be filed by no later than today.</p>

DAYS BEFORE TRIAL	DEADLINE	ACTION REQUIRED
45	July 25, 2019	<p>Deadline to Pay Jury Fees, if applicable (Rule 12-6(3)) - must be paid at least 45 days before trial - effective July 1, 2013</p> <p>1. Draft Witness List - due on the date specified on the Case Plan Order, or if none, before the earlier of the Trial Management Conference and the date that is 28 days before trial (Rule 7-4)</p> <p>2. Consent Order waiving requirement for trial management conference? Can bring same no earlier than 84 days before, and no later than 35 days before, the scheduled trial date.</p>
42	July 28, 2019	<p>Deadline to serve rebuttal IME reports (Rule 11-6(4)) - must be served at least 42 days before trial.</p> <p>1. Need to request a Trial Management Conference if requirement of same was waived by consent order and there is a change in circumstances that now warrants same? (MUST be done no later than 28 days before trial)</p> <p>Deadline for Summary Trial (Rule 9-7) - must be heard at least 42 days before trial.</p>
35	August 5, 2019	<p>1. Consent Order waiving requirement for trial management conference? Can bring same no earlier than 84 days before, and no later than 35 days before, the scheduled trial date.</p>
33	August 7, 2019	<p>1. Draft Witness List</p>
28	August 19, 2019	<p>Deadline to file Witness List (Rule 7-4) ***Unless the court otherwise orders, each party of record to an action must, within the time set out in the Case Plan Order or, if none, on or before the earlier of the Trial Management Conference and the date that is 28 days before the scheduled trial date, file and serve on every party of record a Witness List***</p> <p>Deadline for Trial Management Conference, unless court otherwise orders (Rule 12-2) - at least 28 days before the trial date</p> <p>1. Prepare Trial Record and Trial Certificate – both must be filed at least 14 days before trial (but not more than 28 days before trial) (Rule 12-3)</p> <p>2. Deadline to obtain Consent Order waiving requirement for Trial Management Conference. Can bring same no earlier than 84 days before, and no later than 35 days before, the scheduled trial date.</p> <p>3. Deadline to request a Trial Management Conference if requirement of same was waived by consent order and there is a change in circumstances that now warrants same. (Must be done no later than 28 days before trial)</p>
21	August 19, 2019	<p>Deadline to serve Notice of Objection to Expert Opinion Evidence (Rule 11-6(10)) - A party who receives an expert report or supplementary report under this Part must, on the earlier of the date of the Trial Management Conference and the date that is 21 days before the scheduled trial date, serve on every party of record a notice of any objection to the admissibility of the expert's evidence that the party receiving the report or supplementary report intends to raise at trial.</p> <p>1. Serve Notice on former directors and officers that were examined for Discovery if their evidence is to be used at trial (Rule 12-5(47)) - must be served at least 14 days before trial.</p>
16	August 24, 2019	<p>1. Offer to Settle?</p> <p>2. Draft Notice to Call Adverse Party as Witness - party must serve on the adverse party a notice in Form 45 together with proper witness fees at least 7 days before the date on which the attendance of the intended witness is required.</p>

DAYS BEFORE TRIAL	DEADLINE	ACTION REQUIRED
14	August 25, 2019	<p>Deadline to file Trial Record and Trial Certificate (Rule 12-3) - due at least 14 days before trial but not more than 28 days before trial.</p> <p>Deadline to produce Expert's File, if previously requested by opposing counsel (Rule 11-6(8)) - must be produced at least 14 days before trial.</p> <p>Deadline to serve Notice on <u>former</u> directors and officers that were examined for Discovery if their evidence is to be used at trial (Rule 12-5(47)) - must be served at least 14 days before trial.</p> <p>1. Call adverse party as witness? - at least 7 clear days before trial.</p> <p>2. Serve video/photo evidence - must be served at least 7 days before trial (Rule 12-5).</p>
7	September 1, 2019	<p>Deadline to call adverse party as a witness - at least 7 clear days before trial</p> <p>Deadline to serve video/photo evidence - must be served at least 7 days before trial (Rule 12-5)</p> <p>1. Serve notice in Form 43 (at least 2 days before trial) requiring other party to bring documents and physical objects.</p>
2	September 6, 2019	<p>Deadline to serve Notice in Form 43 - must be served at least 2 days before trial - requiring other party to bring documents from LOD or physical objects in other party's possession to trial for possible use as an exhibit (Rule 12-5(8))</p>

APPENDIX B

No. 90210
SPRINGFIELD REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

SIDESHOW BOB

PLAINTIFF

AND:

BART SIMPSON AND LISA SIMPSON

DEFENDANTS

FILE INDEX

FOLDERS:

1. Correspondence / Handwritten Notes
2. Accounts/Disbursements¹
3. Adjuster's File
4. Law
5. Searches
6. Examination for Discovery of Sideshow Bob (Client)²
7. [Opposing Party's] Unlisted Documents
8. [Client's] Unlisted Documents
9. Unreviewed Documents
10. [Client's] Original Documents
11. Expert File: Dr. Julius Hibbert (Pl.)³
12. Expert File: Dr. Marvin Monroe (Pl.)³
13. Expert File: Dr. Loren Pryor (Def.)⁴
14. Expert File: Dr. Nick Riviera (Def.)⁴

¹ Include support for disbursements, if recoverable from other party.

² Include Exhibits from the Examination for Discovery, Transcript, and Responses to outstanding requests.

³ Include letter of instruction, list of documents provided, copies of any notes of conversations with expert and copy of expert's file.

⁴ Include report(s), expert file, letter requesting his/her attendance at trial for cross-examination, letter outlining objections to the report, if any, research on expert, if any, and notes of review of report(s).

15. Witness File: Sideshow Mel⁵
16. Witness File: Mr. Teeny⁵
17. Witness File: Krusty the Clown⁵
18. Witness File: Bart Simpson⁶
19. Witness File: Lisa Simpson⁶
20. Witness File: Maggie Simpson⁵
21. Witness File: Milhouse Van Houten⁵
22. Witness File: Seymour Skinner⁵
23. Law⁷

Binders:

1. Pleadings
2. Key Documents
3. [Client's] Listed Documents
4. [Client's] Privileged Documents
5. Defendants' Listed Documents

⁵ Include contact information, witness statement, if any, notes of conversation(s) with witness, copies of subpoena, cheque for conduct money, letter and confirmation of service. If lawyer takes notes for examinations in chief, keep notes relating to this witness in this file.

⁶ Include Exhibits from the Examination for Discovery, Transcript, and Responses provided to outstanding requests.

⁷ Include case law and research memos.

APPENDIX C

No. 90210
SPRINGFIELD REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

SIDESHOW BOB

PLAINTIFF

AND:

BART SIMPSON AND LISA SIMPSON

DEFENDANTS

SUBPOENA TO WITNESS

To: Sideshow Mel

TAKE NOTICE that you are required to attend to testify as a witness at the place, date and time set out below. You are also required to bring with you all documents in your possession or control relating to the matters in question in this proceeding [and, if applicable, the following physical objects]:

Dart gun

Please note the provisions of the Supreme Court Civil Rules reproduced below.

Place: Springfield Registry
100 Main Street
Springfield, Canada

Date: September 9 - September 20, 2019

Time: 10:00 a.m. to 4:00 p.m.

Dated: June 10, 2019

Signature of

☐ party serving subpoena ☒ lawyer for party(ies)
serving subpoena]

[type or print name]

Rules 22-7 (5) and 22-8 (4) of the Supreme Court Civil Rules state in part: "22-7 (5) ... if a person, contrary to these Supreme Court Civil Rules and without lawful excuse,

- (a) refuses or neglects to obey a subpoena or to attend at the time and place appointed for his or her examination for discovery, ...

then

- (f) if the person is the plaintiff or petitioner, a present officer of a corporate plaintiff or petitioner or a partner in or manager of a partnership plaintiff or petitioner, the court may dismiss the proceeding, and
- (g) if the person is a defendant, respondent or third party, a present officer of a corporate defendant, respondent or third party or a partner in or manager of a partnership defendant, respondent or third party, the court may order the proceeding to continue as if no response to civil claim had been filed.

22-8 (4) A person who is guilty of an act or omission described in Rule 12-5 (25) or 22-7 (5), in addition to being subject to any consequences prescribed by those rules, is guilty of contempt of court and subject to the court's power to punish contempt of court."

APPENDIX D

No. 90210
SPRINGFIELD REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

SIDESHOW BOB

PLAINTIFF

AND:

BART SIMPSON AND LISA SIMPSON

DEFENDANTS

NOTICE OF TRIAL

Filed by: The Plaintiff, Sideshow Bob

TAKE NOTICE that the trial of this proceeding has been set down at the following place, date and time:

City	Springfield, Canada
Address of Courthouse	100 Main Street, Springfield
Date	September 9, 2019
Time	10:00 a.m.

Registrar

[Check whichever one of the following boxes is correct and complete any required information.]

The place of trial set out above is:

- ☒ the place of trial set out in the notice of civil claim.
☐ set out in the order of this Honourable Court dated ◆

[Check whichever one of the following boxes is correct and complete the required information.]

- ☒ All parties of record in this action agree that not more than 10 days is a reasonable time for the hearing of all evidence and argument in this action.
☐ There is a disagreement as to the estimate of a reasonable time for the hearing of all evidence and argument in this action. The estimates of the parties of record are as follows:

Name of party	Time Estimate

Dated: April 14, 2018

Signature of

☐ filing party ☒ lawyer for filing party(ies)

[type or print name]

Contact information for the parties and their lawyers is as follows:

[Set out the full names, addresses and telephone numbers of all lawyers having conduct of this action and all parties of record who are not represented by a lawyer and, in addition, any email addresses or fax numbers that may be used for contact purposes]

APPENDIX

[The following information is provided for data collection purposes only and is of no legal effect.]

Part 1: THIS CLAIM INVOLVES THE FOLLOWING:

[Check one box below for the case type that best describes this case.]

- ☐ a motor vehicle accident
- ☐ a personal injury, other than one arising from a motor vehicle accident
- ☐ a dispute about real property (real estate)
- ☐ a dispute about personal property
- ☐ the lending of money
- ☐ the provision of goods or services or other general commercial matters
- ☐ an employment relationship
- ☐ a dispute about a will or other issues concerning the probate of an estate
- ☐ a matter not listed here

Part 2:

[If an enactment is being relied on, specify. Do not list more than 3 enactments.]

APPENDIX E

No. 90210
SPRINGFIELD REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

SIDESHOW BOB

PLAINTIFF

AND:

BART SIMPSON AND LISA SIMPSON

DEFENDANTS

AGREED STATEMENT OF FACTS

1. The parties agree that:

- a. On and around June 1, 2015, Sideshow Bob was contracted to work as a clown at a party celebrating Maggie Simpson's 1st birthday by Bart Simpson and Lisa Simpson;
- b. Sideshow Bob arrived at the Springfield Community Centre located at 101 Main Street, Springfield, Canada (the "Community Centre") at approximately 1:00 p.m.;
- c. Sideshow Bob was in his clown suit when he arrived at the Community Centre;
- d. Sideshow Bob remained at the Community Centre until approximately 3:00 p.m. when Sideshow Bob was removed from the Community Centre in a straightjacket;

- e. Sideshow Bob demanded payment for his attendance at the Community Centre from Bart Simpson and Lisa Simpson;
- f. Sideshow Bob was not paid for his attendance at the Community Centre by either Bart Simpson or Lisa Simpson;
- g. Sideshow Bob was admitted to the Psychiatric Ward of the Springfield Hospital on June 1, 2015.

2. The parties agree to the authenticity of the following documents:

- a. Account for Clown Services, dated June 1, 2015, from Sideshow Bob to Bart Simpson and Lisa Simpson; and
- b. Clinical records of the Springfield Hospital for the period June 1, 2015 to the present.

Dated: June 24, 2019

Signature of

☐ applicant ☒ lawyer for the Plaintiff, Sideshow Bob

Signature of Lionel Hutz

☐ applicant ☒ lawyer for the Defendants

APPENDIX F

No. 90210
SPRINGFIELD REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

SIDESHOW BOB

PLAINTIFF

AND:

BART SIMPSON AND LISA SIMPSON

DEFENDANTS

NOTICE TO ADMIT

To: the Defendant, Bart Simpson

TAKE NOTICE that the Plaintiff, Sideshow Bob, requests that the Defendant, Bart Simpson, admit, for the purpose of this proceeding only, the facts set out below and the authenticity of the documents referred to below, copies of which are attached.

AND TAKE NOTICE that, unless the court otherwise orders, if the party to whom this notice is directed does not serve a written statement, as provided in Rule 7-7(2) of the Supreme Court Civil Rules, within 14 days after service of a copy of this notice on him or her, then the truth of the facts and the authenticity of the documents will be deemed to be admitted.

Dated: June ___, 2019

Signature of
☒ lawyer for party serving notice to admit

THE FACTS, THE ADMISSION OF WHICH IS REQUESTED, ARE:

1. On and around May 15, 2015, Bart Simpson contacted the Plaintiff and requested that he perform as a clown at a birthday party celebrating Maggie Simpson's birthday on June 1, 2015.
2. The Plaintiff agreed to perform as a clown at Maggie Simpson's birthday party for payment of \$200 and Bart Simpson's agreement that neither Bart Simpson nor Lisa Simpson would attend the June 1, 2015 party.

3. The Plaintiff attended the Springfield Community Centre (the "Community Centre") on June 1, 2015 at approximately 1:00 p.m.
4. Bart Simpson and Lisa Simpson were at the Community Centre when the Plaintiff arrived.
5. The Plaintiff asked Bart Simpson to leave the Community Centre and Bart Simpson refused.
6. The following events occurred at the Community Centre on June 1, 2015:
 - a. Bart Simpson, with the assistance of Lisa Simpson, locked the Plaintiff in a storage closet;
 - b. Lisa Simpson rode over the Plaintiff's feet with her bicycle;
 - c. Bart Simpson placed no less than three rakes in the Plaintiff's path, causing him to step on said rakes and on each occasion, injure his nose; and
 - d. Bart Simpson shot the Plaintiff with a BB gun.
7. The Plaintiff demanded payment of \$200 from Bart Simpson and Lisa Simpson.
8. Bart Simpson refused to pay the Plaintiff \$200.
9. Lisa Simpson refused to pay the Plaintiff \$200.
10. Marge Simpson called the police and had the Plaintiff removed from the Community Centre.

THE DOCUMENTS, THE AUTHENTICITY OF WHICH IS REQUESTED, ARE ATTACHED AND TABBED AS FOLLOWS:

1. Account for Clown Services, dated June 1, 2015, from Sideshow Bob to Bart Simpson and Lisa Simpson; and
2. Clinical records of the Springfield Hospital for the period June 1, 2015 to the present.

APPENDIX G

No. 90210
SPRINGFIELD REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

SIDESHOW BOB

PLAINTIFF

AND:

BART SIMPSON AND LISA SIMPSON

DEFENDANTS

DOCUMENTS AGREEMENT

1. For the purposes of this trial, "documents" shall have an extended meaning and shall include a drawing, photograph, film, recording of sound, any record of a permanent or semi-permanent character, and any information recorded or stored by means of any device ("Documents").
2. Copies of Documents may be tendered as evidence at trial in place of originals.
3. Nothing contained in this Agreement shall limit or restrict the rights of any party to produce evidence or prove Documents in any manner that might otherwise be permitted if this Agreement had not been made and this Agreement does not restrict the right of any party to introduce documents into evidence in addition to the Documents in Schedule A.
4. Nothing in this Agreement shall prevent any party from objecting to the entry into evidence of any Documents subject to this Agreement on the ground of relevancy or privilege.
5. The purpose of this Agreement with respect to the Documents in Schedule A is to dispense with the need for proof of the authenticity of the Documents. The parties are agreed that the Documents in Schedule A may be entered into evidence on the following basis, in all cases, subject to proof to the contrary:
 - (a) The Documents are accepted as accurate photocopies of originals;
 - (b) If dated, the Documents were prepared on or about the date shown;
 - (c) If an author is indicated, the Documents were prepared by or on behalf of that person who had knowledge of their contents at the time, whether or not they are signed;
 - (d) If the Documents are photographs, they accurately depict the area photographed at the time of the photograph;
 - (e) Purported signatures appearing on the Documents are authentic;
 - (f) If the Documents appear to be a letter, memorandum or other form of correspondence, the Documents were received by the intended recipient in the ordinary course on or about the date shown;

- (g) If the Documents appear to be a letter, memorandum or other form of correspondence and are not signed, the Documents were signed and sent by or on behalf of the person named in the signature line and were received by the intended recipient in the ordinary course on or about the date shown.
6. The purpose of this Agreement with respect to the Documents in Schedule B (Business Records) is to dispense with the need for proof of the authenticity of the Documents. The parties are agreed that the Documents in Schedule B may be entered into evidence on the following basis, in all cases, subject to proof to the contrary:
- (a) The Documents are admissible pursuant to section 42 of the *Evidence Act* and it was an obligation of the party recording the information contained in the Documents to make an accurate record;
 - (b) If dated, the Documents were prepared on or about the date shown;
 - (c) The Documents are accurate copies or photocopies of the originals;
 - (d) This Agreement does not in and of itself constitute an admission as to the truth of the contents of any document;
 - (e) If the Documents are medical records, the doctor or medical professional in question saw the party on the day in question, and:
 - (i) Treatments were prescribed as recorded;
 - (ii) Medications were prescribed as recorded;
 - (iii) Physical observations were observed as recorded;
 - (iv) Conversations occurred as recorded, in the absence of any oral testimony to the contrary. If contradictory oral testimony is led, it is agreed that the maker of the record had an obligation to record the conversation and did so in good faith; and
 - (v) Any medical procedures, treatments or tests were conducted or administered as stated in the Documents.
 - (f) If the Documents include a letter, memorandum, or other form of correspondence, the document was received by the intended recipient in the ordinary course on or about the date shown;
 - (g) Unless otherwise proven and admitted under Rule 11-6 or by Agreement, opinions are admissible only for the purpose that they were recorded and not for the truth of the opinion.

Dated: _____

Counsel for the Plaintiff

Dated: _____

Counsel for the Defendants

Schedule A: Authenticity

DESCRIPTION	TAB
Account for Clown Services, June 1, 2015	1

Schedule B: Business Records

DESCRIPTION	TAB
Clinical Records of Springfield Hospital from June 1, 2015 to the present	2

APPENDIX H

No. 90210
SPRINGFIELD REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

SIDESHOW BOB

PLAINTIFF

AND:

BART SIMPSON AND LISA SIMPSON

DEFENDANTS

TRIAL BRIEF

Filed by: The Plaintiff (the "filing party")

[The pages of this trial brief must be consecutively numbered. If this trial brief is more than 5 pages in length, it must include an index.]

The trial of this action is scheduled for 10 days and is scheduled to begin on 09/Sep/2019. The total time needed respecting items 2,4,5,9 and 11, as applicable, is [total in hours of all times indicated in items 2,4,5,9 and 11 below].

[Check which ever one of the following boxes is correct and complete any required information.]

- ☒ The filing party expects the trial to complete within the scheduled time.
- ☐ The filing party expects the trial to require [number] days, and the filing party and counsel are available to continue for [number] consecutive days following the currently scheduled completion date.

1. Summary of Issues and Positions

The following are the issues in dispute and the filing party's position on each:

Issue in dispute	Filing party's position
1. Existence of a Contract	1. Bart Simpson and Lisa Simpson contracted with the Plaintiff for his clown services.
2. Damages for breach of contract	2. Bart Simpson and Lisa Simpson breached their contract with the Plaintiff by failing to pay and by attending the party when they agreed not to attend the party. As a result of

Issue in dispute	Filing party's position
	the breach, the Plaintiff has suffered loss of \$200 and mental distress arising from the torment caused by Bart and Lisa Simpson. The Plaintiff's resulting hospitalization has prevented him from working for over two years.

2. Witnesses to Be Called

The following are the names and addresses of the witnesses the filing party intends to call at trial, the issue(s) each will address, an estimate of the time each will need for giving direct evidence and the filing party's opinion on whether, if the court so orders or the parties all consent, the witness's direct evidence could conveniently be given by affidavit:

Name	Address	Issue	Time in hours needed	Direct evidence by affidavit (Y/N)
Sideshow Mel		Damages	3 hours	N
Mr. Teeny		Damages	1 hour	Y
Krusty the Clown		Damages	1 hour	N

3. Expert Reports

The following are the expert reports the filing party intends to offer as evidence at trial:

Name of Expert	Area of expertise	Date of report
Dr. Julius Hibbert	Medical Doctor	June 12, 2019
Dr. Marvin Monroe	Psychiatrist	June 12, 2019

4. Witnesses to Be Cross-Examined

The following are the names of the witnesses the filing party anticipates cross-examining at trial, and an estimate of the time the filing party will need for each:

Name	Time in hours needed
Bart Simpson	2 days
Lisa Simpson	1 day
Maggie Simpson	1 hour
Milhouse Van Houten	1 hour
Seymour Skinner	1 hour

5. Objection to Admissibility

The filing party intends to object to the admissibility of all or a part of the following expert reports:

Name of expert	Area of expertise	Date of report	Basis of objections	Time in hours needed
Dr. Loren Pryor	Psychologist	June 13, 2019	Not a qualified expert	.5 hours
Dr. Nick Riviera	Medical doctor	June 13, 2019	Not a qualified expert	.5 hours

6. Documents and Exhibits

1. The parties ☐ have agreed on ☒ have not agreed on ☐ have not yet discussed a common book of documents.
2. The parties ☐ have reached ☒ have not reached ☐ have not yet discussed an agreement governing the use and admissibility of documents.

7. Admissions

The filing party will admit the following facts at trial:

1. I hate Bart Simpson.
- 2.

8. Authorities

The filing party ☐ expects ☒ does not expect that there will be a joint brief of authorities.

9. Time Required for Submissions

The filing party estimates that 1 hour will be needed for the filing party's opening statement and 2 hours will be needed for that party's final submissions.

10. Orders That May Affect the Conduct of the Trial

The following orders may affect the conduct of the trial:

Date of order	Nature of order
May 15, 2019	Restraining order against Plaintiff requiring that he not be within 20 feet of Defendant Bart Simpson
May 21, 2019	Order permitting Krusty the Clown to attend by videoconference.

11. Orders or Directions to be Applied for at the Trial Management Conference

The following orders or directions will be applied for at the trial management conference:

Nature of order or direction	Time in hours needed for application
none	

12. Settlement

1. Settlement discussions or mediation sessions ☐ have ☒ have not taken place.
2. A mediation ☐ is ☒ is not scheduled before the date set for trial.
3. The court at the trial management conference ☐ will ☒ will not be asked to assist the parties' efforts to settle.

13. Trial to be Heard with or without Jury

[check the correct box]

The trial of this action is to be heard by the court

- ☐ without a jury.
- ☒ with a jury.

Dated: June 30, 2019

Signature of
☐ filing party ☒ lawyer for filing party(ies)

[type or print name]

APPENDIX I

No. 90210
SPRINGFIELD REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

SIDESHOW BOB

PLAINTIFF

AND:

BART SIMPSON AND LISA SIMPSON

DEFENDANTS

TRIAL CERTIFICATE

Filed by: The Plaintiff, Sideshow Bob

I, Eleanor Abernathy, counsel for the Plaintiff, CERTIFY THAT:

1. I will be ready to proceed on the scheduled trial date, September 9, 2019 at Springfield, Canada.
2. My current estimate is that the trial will last 10 days.
3. I have completed all examinations for discovery.
4. A trial management conference has been conducted in this action.
5. If the action is settled before trial, I will give the registrar prompt notice of the settlement.
6. I will give the registrar prompt notice of any proposed adjournment of the trial.

Dated: August 12, 2019

Signature of
☐ filing party ☒ lawyer for filing party(ies)

[type or print name]

APPENDIX J

No. 90210
SPRINGFIELD REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

SIDESHOW BOB

PLAINTIFF

AND:

BART SIMPSON AND LISA SIMPSON

DEFENDANTS

TRIAL RECORD

Eleanor Abernathy
Cats Are People, Too Law Corporation
5 Feline Place
Springfield, Canada
Tel: 604-PUR-RRRR
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Counsel for the Plaintiff, Sideshow Bob

Lionel Hutz
Cheapskate Law LLP
Box Behinds the Kwik-E Mart
Tel: 604-555-5555
Fax: 604-867-5309

**Counsel for the Defendants, Bart Simpson and
Lisa Simpson**

Date of Trial: September 9, 2019 for 10 days
Place of Trial: Springfield, Canada
Trial Record provided by: Eleanor Abernathy

No. 90210
SPRINGFIELD REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

SIDESHOW BOB

PLAINTIFF

AND:

BART SIMPSON AND LISA SIMPSON

DEFENDANTS

TRIAL RECORD INDEX

Tab	Description	Date
1.	Notice of Civil Claim	June 14, 2016
2.	Response to Civil Claim	September 30, 2016
3.	Demand for Particulars Served by Bart and Lisa Simpson	September 21, 2016
4.	Particulars Served by Plaintiff	September 27, 2016
5.	Trial Brief (Sideshow Bob)	June 30, 2019
6.	Trial Brief (Bart and Lisa Simpson)	July 5, 2019
7.	Restraining order against Plaintiff requiring that he not be within 20 feet of Defendant Bart Simpson	May 15, 2019
8.	Case Plan Order permitting Krusty the Clown to attend by videoconference.	May 21, 2019

APPENDIX K

No. 90210
SPRINGFIELD REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

SIDESHOW BOB

PLAINTIFF

AND:

BART SIMPSON AND LISA SIMPSON

DEFENDANTS

TRIAL BINDER

Tab	Description
A. PLEADINGS	
1.	Notice of Civil Claim
2.	Response to Civil Claim
3.	Plaintiff's Trial Brief
4.	Defendants' Trial Brief
5.	Notice to Admit (served by Plaintiff) / Defendants' Reply to Notice to Admit [+ 2 copies]
6.	Notice to Admit (served by Defendants) / Plaintiff's Reply to Notice to Admit [+ 2 copies]
7.	Agreed Statement of Facts [+ 2 copies]
8.	Document Agreement [+ 2 copies]
9.	Chronology [+ 2 copies]
10.	Plaintiff's [final] List of Documents
11.	Defendants' [final] List of Documents

12.	Case Plan Order Permitting Krusty to Attend Trial by Videoconference
13.	Restraining Order
B. LEGAL ARGUMENTS / AUTHORITIES	
1.	Argument on Application against admissibility of Pryor and Riviera reports.
2.	<i>Pedersen v. Degelder</i> (1985), 62 B.C.L.R. 253 - Limit on Use of Expert Evidence [+ 2 copies]
C. PLAINTIFF'S WITNESSES	
1.	Examination in Chief of The Plaintiff / List of Documents to put to Plaintiff
2.	Examination in Chief of Sideshow Mel / List of Documents to put to Witness
3.	Examination in Chief of Mr. Teeny / Details of Translator
4.	Examination in Chief of Krusty the Clown / List of Documents to put to Witness / Copy of Subpoena
5.	Qualification of Dr. Hibbert / Expert Report of Dr. Hibbert [+ 2 copies]
6.	Qualification of Dr. Marvin Monroe / Expert Report of Dr. Monroe [+ 2 copies]
D. DEFENDANTS' WITNESSES / EXPERTS	
1.	Cross-examination of Bart Simpson
2.	Cross-examination of Lisa Simpson
3.	Cross-examination of Maggie Simpson
4.	Cross-examination of Milhouse Van Houten
5.	Cross-examination of Seymour Skinner
6.	Cross-examination of Dr. Loren Pryor
7.	Cross-examination of Dr. Nick Riviera
E. ADDITIONAL MATERIALS	
1.	Exhibit List
2.	Index to EFD of the Defendant Bart Simpson
3.	Miscellaneous

APPENDIX L

No. 90210
SPRINGFIELD REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

SIDESHOW BOB

PLAINTIFF

AND:

BART SIMPSON AND LISA SIMPSON

DEFENDANTS

PLAINTIFF'S BOOK OF DOCUMENTS

Volume 1 of 2

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Counsel for the Defendants

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

SIDESHOW BOB

PLAINTIFF

AND:

BART SIMPSON AND LISA SIMPSON

DEFENDANTS

**DEFENDANTS' BOOK OF DOCUMENTS
INDEX VOLUME 1 of 2
(Non-Medical Records)**

TAB	DESCRIPTION	LIST NO.	Document Agreemt?	Exhibit
<i>Videos / Photos</i>				
1.	CD of Camera Footage from Community Centre	Def 2.2	Sch. A	
2.	CD of Birthday Party	Def 2.1	N/A	
3.	Photograph of Plaintiff Trying to Drown Bart Simpson	Def 2.5	Sch. A	
4.	Photograph of Maggie Simpson Hitting Plaintiff on the Head	Def 2.4	Sch. A	
5.	Photographs Plaintiff Strangling Bart Simpson	Def 2.3	Sch. A	
6.	Photographs of Plaintiff's Injuries	PI A1.8	Sch. A	
7.	Photographs of Bart Simpson Tripping Plaintiff with a Jump Rope	Def 1.10	Sch. A	
<i>Police Records</i>				
8.	Springfield PD Incident Report	PI A1.1	Sch. B	
9.	Plaintiff's Criminal History	Unlisted	N/A	

APPENDIX M



Effective Date: 2017/06/12

Number: AN - 14

Title:

Administrative Notice

Cover Page Requirements for Application Records, Petition Records Trial Briefs, Case Plan Proposals, Notices of JCCs and Written Submissions

Summary:

On a daily basis, registries throughout the province receive a large volume of trial briefs, application records, petition records, case plan proposals, notices of judicial case conferences and other written submissions. Often these have no external cover page which identifies who filed it and to what court proceeding it relates. On many occasions, no contact information for counsel or the parties is provided. This is troublesome and time consuming for the registry. The purpose of this Administrative Notice is to stipulate requirements for an external cover page which will aid in the more efficient management of these documents.

Direction:

Requirements for external cover page

1. This Administrative Notice replaces AN - 7 *Cover Page Requirements* dated November 1, 2010 which is rescinded.
2. All briefs, records or written submissions that are filed with or provided to the registry must have an external cover page which sets out:
 - a. the style of proceedings, court file number, and registry;
 - b. a brief description of the nature of the material, for example "Rule 7-1(13) Application for Production of Documents" or "Written Submissions of the Plaintiff";

- c. contact information for counsel or the parties, including addresses for delivery, telephone numbers, and fax numbers or email addresses, which may be used by the registry for contact purposes (such as scheduling issues);
 - d. the time, date and place of the hearing to which the material relates;
 - e. the name of the party or counsel filing or providing the material;
 - f. where the material is provided for a hearing, the time estimate for the hearing;
 - g. for written submissions that have been requested or directed by a judge following a hearing, the name of the judge presiding at the hearing.
3. An example of an external cover page for an application record that would meet the requirements of this direction is set out in Appendix A.

Chief Justice C.E. Hinkson

APPENDIX A

No. *

* Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

*

PLAINTIFF(S)

AND:

*

DEFENDANT(S)

APPLICATION RECORD

Rule 7-1(13) Application for production of documents

name of party
name of counsel if applicable
address for delivery
telephone and fax or email

name of party
name of counsel if applicable
address for delivery
telephone and fax or email

DATE, TIME, PLACE OF APPLICATION:

Time estimate:

Application Record provided by:

APPENDIX N



Effective Date: 2016/07/01

Number: PD- 51

Title:

Practice Direction

Consent Order to Dispense with Trial Management Conference in Civil Cases

Summary:

This Practice Direction describes the procedure for parties in a civil case to apply for a consent order pursuant to Rule 12-2(3.4) and Rule 8-3(1) dispensing with the requirement for a trial management conference pursuant to Rule 12-2(1). The application must be efiled through Court Services Online.

Direction:

Application must be efiled through Court Services Online

1. The parties in a civil case may apply pursuant to Rules 12-2(3.4) and 8-3(1) for a consent order dispensing with the requirement for a trial management conference. To manage these applications effectively, this Practice Direction directs that such applications be efiled through Court Services Online ("CSO"). When prompted, the applicant submitting the materials to CSO should select "yes" in response to the question of whether the documents should go to Supreme Court Scheduling.

Materials to be submitted by applicant

2. The applicant must submit the following materials:
 - a) a Requisition in Form 31 with the following documents attached to the Requisition:
 - i. a copy of the filed Trial Brief in Form 41 of each party of record;

- b) the Consent Order in Form 34;
- c) a Checklist in the form attached as Schedule A to this Practice Direction.

Copy of the application to be sent to dedicated email inbox

3. In addition to efilings the application materials listed in paragraph 2., the applicant must send an email to Dispense withTMC@courts.gov.bc.ca, (an email inbox managed by Supreme Court Scheduling), referencing:
 - a) the CSO package number;
 - b) the location of the registry where the package was efiled;
 - c) the court file number.

Review of Application by Judge or Master

4. The judge or master reviewing the application may make the order to dispense with the trial management conference if satisfied that the matter is ready to proceed and can be completed within the time reserved for it.

If Order Refused, Trial Management Conference Must Take place

5. If the order is refused by the judge or master reviewing the application, the trial management conference must take place in accordance with Rule 12-2(1) at least 28 days before trial or as otherwise ordered.

Chief Justice C. E. Hinkson

SCHEDULE A-

CHECKLIST

APPLICATION FOR CONSENT ORDER TO DISPENSE WITH TRIAL MANAGEMENT CONFERENCE-

No.

.....Registry

In the Supreme Court of British Columbia

Between:

Plaintiff(s)

and

Defendant(s)

Date Set for Trial Management Conference and Trial

1. The trial management conference is set for.....

2. The trial is set for for days.

Materials submitted on the Application

[] Requisition in Form 31 with the following documents attached to the Requisition:

[] a copy of the filed Trial Brief in Form 41 of each party of record;

[] the Consent Order in Form 34;

[] Checklist

Readiness

Are further amendments to the pleadings, applications, examinations for discovery, interrogatories, admissions or expert reports required before the trial?

yes [] no []

If yes, explain:

Trial Efficiency

Describe what steps the parties have taken to narrow the issues in the case and to make the trial more efficient, such as admissions of fact, joint document books, a documents agreement, or otherwise.

Does this trial involve/require:

- a. out of town witnesses? if so, indicate where witnesses are travelling from
yes [] no []
- b. interpreters? If so, indicate language[s] required
yes [] no []

- c. security concerns? If so, whether sheriff required in the courtroom
yes [] no []
- d. special equipment/courtroom arrangements
- | | | |
|--------------------------------|---------|--------|
| o Videoconferencing | yes [] | no [] |
| o Teleconferencing | yes [] | no [] |
| o Evidence Presentation System | yes [] | no [] |
| o large courtroom required | yes [] | no [] |
| o arrangements for media | yes [] | no [] |

Additional Explanatory Comments in Support of Order

[If counsel do not agree on trial estimates, if amendments to the pleadings are contemplated or if there are substantial pre-trial steps yet to be completed, counsel should indicate what arrangements have been agreed upon to ensure the trial proceeds efficiently as scheduled]
