

## **RULE 36 – CASE MANAGEMENT CONFERENCE**

### **Mandatory**

- (1) Commencing September 15, 2008, a case management conference shall be scheduled no later than 60 days from the filing of an originating process, except for family law proceedings, estate matters, collections, foreclosures and adoptions.

### **By request**

- (2) In addition to subrule (1), a party may request the holding of a case management conference by letter to the Trial Coordinator at any time after an originating process has been filed.

### **By order**

- (3) Upon request, or on his or her own initiative, at any stage of a proceeding a judge may order that a case management conference be held.

### **Agenda**

- (4) A case management conference shall be attended by the lawyers for the parties, or the parties themselves, and shall consider
  - (a) the simplification of the issues,
  - (b) the necessity or desirability of amendments to pleadings,
  - (c) the possibility of obtaining admissions which might facilitate the trial or hearing,
  - (d) the use of a court-appointed expert or the directions for a jointly-instructed expert,
  - (e) directions for the conduct of the proceeding,
  - (f) questions of liability, damages and any other relief claimed,
  - (g) the requirement for and length of examinations for discovery,
  - (h) the production of documents, electronic discovery and electronic trial,
  - (i) fixing a date for the trial or hearing, and
  - (j) any other matters that may aid in the disposition of the action or the attainment of justice, including those matters set out in (6).

## Applications

- (5) Applications may be heard and decided at case management conferences, in which case Rule 47 applies, unless otherwise directed by the case management judge.

## Order following conference

- (6) At a case management conference, the judge may, whether or not on the application of a party, order that
  - (a) the pleadings be amended or closed within a fixed time,
  - (b) a party file and deliver, within a fixed time, to each other party as specified by the judge, an affidavit of documents in accordance with the directions that the judge may give,
  - (c) applications be brought within a fixed time or on a specified date,
  - (d) a statement of agreed facts be filed within a fixed time or by a specified date,
  - (e) the parties comply with any directions given,
  - (f) all procedures for discovery be conducted in accordance with a schedule and plan that the court directs, and the plan may set limitations on those discovery procedures,
  - (g) the obligation to pay conduct money to any of the parties or persons to be examined be allocated in the manner specified in the order,
  - (h) a party deliver a written summary of the proposed evidence of a witness within a fixed time or by a specified date,
  - (i) the parties attend an alternative dispute resolution process or a judicial settlement conference,
  - (j) a court appointed expert under Rule 33, or a jointly-instructed expert, be appointed,
  - (k) experts who have been retained by the parties confer, on a without prejudice basis, and determine those matters on which they agree and identify those matters on which they do not agree,
  - (l) each party disclose the witnesses to be called, the length of time for examination and cross-examination and notify the judge of any preliminary or in-trial applications that may be required.
  - (m) the trial or hearing be set on a particular date,
  - (n) settlement offers be exchanged, and

(o) the trial or hearing be adjourned and a new date be set,

and, on making an order in Form 108 under this subrule, the judge may give other directions that he or she thinks just or necessary.

**Case management judge may preside**

(7) The case management judge may preside at the trial or hearing.