

FORM 41

No.
.....Registry

[Style of Proceeding]

TRIAL BRIEF
(RULE 12-1.1 (1), (2) AND (3))

[name of party]
[name of counsel if applicable]
[address for delivery]
[telephone and fax/e-mail]

[name of party]
[name of counsel if applicable]
[address for delivery]
[telephone and fax/e-mail]

Date and Time of Trial:.....

Place of Trial:.....

Time estimate of the Plaintiff(s):.....

Time estimate of the Defendant(s):.....

Trial Brief provided by:.....

FORM 41 (RULE 12-1.1 (1), (2) AND (3))

[Style of Proceeding]

TRIAL BRIEF

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

Filed by:[party]..... (the "filing party")

[The pages of this trial brief must be consecutively numbered.]

[Check the following box, if applicable.] ☐ This is an amended trial brief of the filing party.

The trial of this action is scheduled for[number of days scheduled for trial]..... days and is scheduled to begin on[date]..... . The total time needed respecting items 3, 4, 6, 9 and 11 (b), as applicable, is[total, in hours, of all times indicated in items 3, 4, 6, 9 and 11 (b) below].....

[Check whichever 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.

The total time needed for orders or directions sought at the trial management conference is, if proceeding *[total time of all applications in item 1 (d)]*.

1 TRIAL MANAGEMENT CONFERENCE

(a) The filing party is represented by legal counsel and anticipates being represented by counsel at the trial: ☐ yes ☐ no

(b) The trial is set for hearing for more than 15 days: ☐ yes ☐ no

[See Rule 12-2 (1) for when trial management conference is required.]

(c) Has the filing party filed a jury notice: ☐ yes ☐ no

If yes, does the filing party intend to proceed by: ☐ judge alone ☐ jury

(d) 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

If a trial management conference is not held, the parties are encouraged to engage in pretrial communication that will result in the efficient conduct of the trial, including provisions for a joint book of authorities, agreed statement of facts, and common book of documents.

2 SUMMARY OF ISSUES AND POSITIONS

The following is a list, in numbered paragraphs, of the issues in dispute and the filing party's position on each:

Issue in dispute	Filing party's position
1	1
2	2

3 WITNESSES TO BE CALLED

The following are the names and addresses of the lay and expert 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(s)	Evidence expected at trial: (a) attached as a schedule or (b) to be provided 14 days before trial	Time in hours needed	Direct evidence by affidavit (Y/N)	Video attendance proposed by filing party (Y/N)

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

5 EXPERT REPORTS

The following are the expert reports that will be offered as evidence at trial:

Name of expert	Area of expertise	Date of report

6 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 objection	Time in hours needed

7 DOCUMENTS, EXHIBITS AND AUTHORITIES

- (a) The parties [] have agreed on [] have not agreed on [] have not yet discussed a common book of documents.
- (b) The filing party [] is in favour or [] is not in favour of having a common book of documents. If not, provide reasons:
.....
- (c) The parties [] have reached [] have not reached [] have not yet discussed an agreement governing the use and admissibility of documents.
- (d) The filing party [] is in favour or [] is not in favour of proceeding with an agreement governing the use and admissibility of documents.
If yes, attach proposed form of document agreement.
If not, provide reasons:
.....
- (e) The filing party [] expects [] does not expect that there will be a joint book of authorities.

8 ADMISSIONS

The filing party will admit the following facts at trial (attach schedule if more space required):

1

2

9 TIME REQUIRED FOR SUBMISSIONS

The filing party estimates that[time estimate, in hours]..... will be needed for the filing party's opening statement and[time estimate, in hours]..... will be needed for that party's final submissions.

If a jury notice has been filed, the filing party estimates that.....[time estimate, in hours] will be needed for jury selection, jury deliberations, jury charge and other jury specific related matters.

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

11 APPLICATIONS ANTICIPATED

(a) The following applications are anticipated to be made prior to trial:

Name of application	Time estimate

(b) The following applications are anticipated to be made during the trial:

Name of application	Time estimate

12 TRIAL LOGISTICS

(a) Does this trial involve/require:

(i) out of town witnesses? yes [] no []

If so, indicate where witnesses are travelling from:

(ii) interpreters? yes ☐ no ☐

If so, indicate language[s] required for each witness:

(iii) security concerns? yes ☐ no ☐

If so, indicate whether sheriff required in the courtroom:

(iv) special equipment/courtroom arrangements? yes ☐ no ☐

Videoconferencing: yes ☐ no ☐

Teleconferencing: yes ☐ no ☐

Evidence Presentation System: yes ☐ no ☐

Large courtroom: yes ☐ no ☐

Other requirements:

(b) How many people do you anticipate to be in attendance in person at the trial?

[.....] number of party attendees

[.....] number of non-party attendees

13 READINESS

Are further amendments to the pleadings, applications, examinations for discovery, interrogatories, admissions or expert reports required before the trial? yes ☐ no ☐

Date:

.....

Signature of ☐ filing party ☐ lawyer for filing party

.....[type or print name].....