

**NOTE: STANDARD DIRECTIONS ONLY – ADAPT AS APPROPRIATE. ORDER  
WILL REFLECT COURT NOMINATED DATES AS REQUIRED**

**\*\*APPLICATIONS FOR ORDERS 1 AND/OR 2 ARE TO BE MADE ON SUMMONS**

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE  
COMMON LAW DIVISION  
DUST DISEASES LIST

S ECI 201[ ]

**BETWEEN:**

[ ]

Plaintiff

- and -

[ ]

Defendant

**REQUEST FOR ORDERS  
FIRST DIRECTIONS**

The parties seek the following orders:

**\*\*Nunc Pro Tunc**

1. The plaintiff has leave to proceed nunc pro tunc pursuant to sub-section [135BB(3) of the *Accident Compensation Act 1985* (Vic) OR 357(3) of the *Workplace Injury Rehabilitation and Compensation Act 2013* (Vic) DELETE WHICHEVER IS INAPPLICABLE].

**Trial and trial fees**

2. The proceeding be granted an expedited trial.\*\*
3. The proceeding be fixed for trial not before[ ]before a judge [and jury] on an estimate by the parties that the trial will occupy[ ]sitting days.
4. In order to secure the trial date, the setting down and hearing fees are to be paid in accordance with the *Supreme Court (Fees) Regulations 2018* (Vic). [Further, the first day jury fee is to be paid at the same time as the setting down fee.
5. Any application to adjourn or vacate the trial date must be made as soon as it is known that the trial is not ready to proceed on the date fixed.

### **Pleadings and particulars**

6. The Defendant file and serve a defence by [ ] .
7. The parties make any request for further and better particulars by [ ] .
8. The parties file and serve any further and better particulars required within 28 days of receipt of such request.
9. The Defendant file and serve any third party notices by [ ] .
10. The Defendant file and serve any notices of contribution by [ ] .

### **Discovery & interrogatories**

11. All parties make discovery (including full inspection) in accordance with the Rules and file and serve an affidavit of documents by [ ] .
12. If parties wish to interrogate, they must serve interrogatories for the examination of another party by [ ] .
13. Answers to interrogatories must be filed and served in accordance with the Rules.

### **Evidence**

14. Any subpoena under Order 42A be issued and served by [ ] .
15. The parties are to exchange any medical and/or expert reports concerning damages and liability, including those required to be served under Order 33 or Order 44 by [ ] .
16. The Plaintiff is to serve particulars of special damages, loss of earnings and loss of earning capacity along with supporting documentation by [ ] .
17. No later than [ ]:
  - (a) the parties are to exchange any supplementary medical and expert reports concerning damages and liability, along with supporting documentation; and
  - (b) the Plaintiff must serve any final particulars of special damages, loss of earnings and loss of earning capacity.

**[FOR REGIONAL MATTERS SUBSTITUTE THE FOLLOWING FOR “PRE-TRIAL CONFERENCE AND FINAL DIRECTIONS HEARING” SECTION]**

### **Mediation**

18. The parties are to have attended a mediation of the proceeding by [ ] .

19. The mediator and parties are to notify the Court of the status of the proceeding within 7 days of the mediation.

**Pre-trial conference and final directions hearing DELETE THIS SECTION FOR REGIONAL MATTERS**

20. The parties are to attend a pre-trial conference not before [ ] and, in any event, no later than a date to be nominated by the Court.

21. The parties are to attend a final directions hearing at 9.30am on a date to be fixed by the Court.

22. At least 2 days prior to the final directions hearing, the parties are to file a list of witnesses.

23. At the final directions hearing each party should be in a position to:

- (a) confirm that the proceeding is ready for trial;
- (b) confirm the estimated number of sitting days;
- (c) confirm whether the proceeding is to be heard by judge alone, or by jury;
- (d) confirm the name and contact details of the practitioner with conduct of the proceeding and advise whether counsel has been briefed for trial;
- (e) confirm payment of the trial fee and jury fee (if the trial is to be heard before a jury);
- (f) address the Court on the expert and lay witnesses to be called at trial;
- (g) advise whether any witnesses will require an interpreter or will need to give evidence via video-link;
- (h) advise whether any witnesses have special needs;
- (i) advise whether a view is likely to be required during the trial;
- (j) identify any outstanding interlocutory issues; and
- (k) identify the main issues in dispute.

**Costs**

24. Costs in the proceeding.

DATED: [ ]

.....

[ ]

Solicitors for the Plaintiff:

[ ]

Solicitors for the Defendant