

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

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE
COMMON LAW DIVISION
INSTITUTIONAL LIABILITY LIST

S ECI 201[]

BETWEEN:

[]

Plaintiff

- and -

[]

Defendant

MINUTE OF PROPOSED CONSENT ORDERS – FIRST DIRECTIONS

JUDICIAL OFFICER:

DATE MADE:

ORIGINATING PROCESS: [state whether by writ, by originating motion or otherwise]

HOW OBTAINED: By consent pursuant to Rule 59.07 of the *Supreme Court (General Civil Procedure) Rules 2015*.

ATTENDANCE: Not applicable.

OTHER MATTERS: []

THE COURT ORDERS BY CONSENT THAT:

Trial and trial fees

1. The proceeding is fixed for trial not before [] before a judge [and jury] on an estimate by the parties that the trial will occupy [] sitting days.
2. 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.
3. 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

4. The Defendant is to file and serve a defence by [].
5. The parties are to make any request for further and better particulars by [].
6. The parties are to file and serve any further particulars required within 28 days of receipt of the request for further and better particulars.
7. The Defendant is to file and serve any third party notices by [].
8. The Defendants are to file and serve any notices of contribution by [].

Discovery & interrogatories

9. All parties are to make discovery (including full inspection) in accordance with the *Supreme Court (General Civil Procedure) Rules 2015* ('the Rules') and file and serve an affidavit of documents by [].
10. If parties wish to interrogate, they must file and serve interrogatories for the examination of another party by [].
11. Answers to interrogatories must be filed and served in accordance with the Rules.

Evidence

12. Subject to the following order, any subpoena under Order 42A of the Rules is to be issued and served by [].
13. Any application for leave to compel the production of a document containing a 'confidential communication' within the meaning of Division 2A of Part II of the *Evidence (Miscellaneous Provisions) Act 1958* (Vic) is to be made by [].
14. 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 of the Rules by [].
15. On or before [], the Plaintiff is to serve particulars of special damages, loss of earnings and loss of earning capacity along with supporting documentation.
16. No later than two months before the trial date:
 - 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.

Mediation and Post-Mediation Directions Hearing

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

18. Within three (3) days prior to the date for the mediation, the legal practitioners for the Defendants shall confer, by telephone or in conference, for the purpose of addressing the issue of contribution of their respective clients towards any resolution of the Plaintiff's claim.
19. The mediator and parties are to notify the Court of the status of the proceeding within 7 days of the mediation.
20. Should the proceeding not resolve at mediation, the parties are to attend a Post-Mediation Directions Hearing on a date to be nominated by the Court.
21. At least 2 days prior to the Post Mediation Directions Hearing, the parties are to file a provisional list of witnesses.
22. At the Post Mediation Directions Hearing, the parties are to advise the Court:
- whether the court ordered timetable has been complied with;
 - what issues remain in dispute;
 - whether it is proposed to seek leave to amend any pleading, join further parties or make any other pre-trial applications;
 - whether the initial estimate of the length of the trial requires adjustment.

Costs

23. Costs in the proceeding.

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[]

Solicitors for the Plaintiff

Date: []

.....
[]

Solicitors for the Defendant

Date: []

DATE AUTHENTICATED: [For Court use only, please leave this section blank]