

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

S CI/S ECI 20XX XXXX

BETWEEN:

XXXXXX

Plaintiff

- and -

XXXXXX

Defendant

GENERAL FORM OF ORDER

JUDICIAL OFFICER: Judicial Registrar Keith

DATE MADE: [date]

ORIGINATING PROCESS: Writ filed [date]

HOW OBTAINED: [On the Court's own motion pursuant to r 1.14(2) of the *Supreme Court (General Civil Procedure) Rules 2015* ('the Rules') OR On return of Orders of [XX]]

ATTENDANCE: Not required; orders made on the papers pursuant to r 59.07 of the Rules and the consent minutes signed by the parties which have been placed on the Court file [if by consent]

OTHER MATTERS:

- A. The parties are directed to ensure that both the proper basis and overarching obligations certifications are filed with the Court in accordance with the *Civil Procedure Act 2010* (Vic).
- B. The parties are further directed to ensure compliance with Practice Note SC Gen 5 '*Technology in Civil Litigation*', and any relevant guidance relating to virtual hearings being conducted at the Court during the COVID-19 pandemic.
- C. [XX]

THE COURT ORDERS [BY CONSENT] THAT:

Pleadings and particulars [as appropriate]

1. By _____, the plaintiff shall file and serve a statement of claim / an amended statement of claim.
2. By _____, the defendant shall file and serve a defence / an amended defence (if not filed).
3. By _____, the defendant shall file and serve a defence and counterclaim / amended defence and counterclaim.
4. By _____, the plaintiff shall file and serve any reply / reply and defence to counterclaim.
5. By _____, the defendant shall file and serve any reply to defence to counterclaim.
6. By _____, any party may file and serve a request for further and better particulars of any pleading. Any response to such a request must be filed and served within 14 days.

Third party notices and notices of contribution

7. By 4:00 p.m. on _____, the defendant shall file and serve any third party notices.
8. By 4:00 p.m. on _____, the defendants shall file and serve any notice(s) of contribution(s).

Discovery of Documents

9. By _____, the parties shall file and serve an affidavit in accordance with Rule 29.04 of the Rules, identifying documents that are, or have been, in that party's possession, custody or power and which are critical to the resolution of the dispute pursuant to section 26 of the *Civil Procedure Act 2010* (Vic).

Mediation Order

10. Pursuant to Rule 50.07 of the Rules the proceeding is referred to mediation by a Mediator appointed by agreement between the parties, failing such agreement to a Mediator appointed by the Court, and such mediation to be concluded by _____.
11. The mediation shall be attended by those persons who have ultimate responsibility for deciding whether to settle the dispute and the terms of any settlement, and the lawyers who have ultimate responsibility to advise the parties in relation to the dispute and its settlement.
12. The parties shall deliver to the Mediator a joint folder containing a copy of all

pleadings, any requests for particulars and particulars and a copy of this order.

13. The costs of the mediation in the first instance will be paid equally by the parties, but otherwise those costs are reserved to the trial judge.
14. No later than [5 days after the date in order paragraph 10], the Mediator must notify the Court in writing whether or not the mediation has concluded.

Return date, liberty to apply and costs

15. The directions hearing is adjourned to a date not before _____ at 10:00 am before Judicial Registrar Keith, courtroom to be advised.
16. If all interlocutory matters and mediation are complete and the proceeding has not resolved, the parties may jointly write to the Court seeking that the directions hearing be administratively vacated and relisted for a pre-trial directions hearing. This request is to be received no later than two working days prior to the scheduled directions hearing.
17. The parties have liberty to apply.
18. Costs reserved.

DATE:

JUDICIAL REGISTRAR KEITH