

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMON LAW DIVISION
JUDICIAL REVIEW AND APPEALS LIST

S ECI 202XX 00000

BETWEEN:

[XXX]

Appellant

- and -

[XXX]

Respondent

ORDER

JUDICIAL OFFICER: Judicial Registrar

DATE MADE:

ORIGINATING PROCESS: Notice of Appeal pursuant to s 109 of the *Magistrates' Court Act 1989* filed on *Click to insert date*.

HOW OBTAINED: Application by summons for directions [and for leave to appeal out of time] pursuant to r 58.10(1) of the *Supreme Court (General Civil Procedure) Rules 2015* ("the Rules") filed on *Click to insert date*.

ATTENDANCE: There was no attendance by a party or practitioner.

OTHER MATTERS:

- A. The purpose of paragraph 9 of this order is to provide the Court with a single combined list and folder of authorities in electronic form. In accordance with Practice Note SC Gen 3, authorities are to be from authorised reports where available and in RTF or searchable PDF format. Subject to any contrary direction by the trial judge, authorities themselves are not to be filed or served in hard copy.
- B. On *Click to insert date*, the appellant filed an affidavit under r 58.09 of the Rules together with the exhibits to that affidavit.
- C. Orders 9 to 14 have been made on the Court's own motion, to facilitate remote hearings and the use of electronic resources during Court hearings.
- D. *[Where made by consent:]* The order is made "on the papers" pursuant to r 59.07 of the Rules. The Court was satisfied that the parties who are to be bound consent to

the terms of this order and all relevant correspondence has been placed on the Court file.

- E. This order is signed by the Judicial Registrar pursuant to r 60.02(1)(b) of the Rules.

THE COURT ORDERS [BY CONSENT] THAT:

Hearing

1. The appellant file and serve a Notice of Trial in Form 48B on or before *Click to insert date 42 days prior to hearing date*. The [appellant's application for leave to appeal and, if leave is granted, the] appeal be listed for hearing on *Click to insert date* with an estimate of half to one day.

Affidavits

2. The appellant file and serve any further affidavits, including, where applicable, an affidavit exhibiting the transcript of any relevant hearing, upon which it intends to rely on or before *Click to insert date*.
3. *[If applicable]* The requirements of r 58.10(4) of the Rules be dispensed with.
4. The respondent file and serve any [further] affidavits upon which it intends to rely on or before *Click to insert date*.
5. Original exhibits to all affidavits filed are to be made available to the Court at the hearing.

Submissions and lists of authorities

6. The appellant:
 - (a) file and serve a written outline of submissions; and
 - (b) serve a list of authorities,on or before *Click to insert date*.
7. The respondent:
 - (a) file and serve a written outline of submissions in response; and
 - (b) serve a list of all authorities not also relied upon by the appellant together with electronic copies of any such authorities,on or before *Click to insert date*.
8. The appellant:
 - (a) file and serve a written outline of submissions in reply; and

(b) serve any additions to the list of authorities,
on or before *Click to insert date*.

9. The plaintiff file and serve by means of an email containing a link to a combined list of authorities in RTF or searchable PDF form on or before 31 July 2020. Each citation in the combined list is to be hyperlinked to an individual file containing the text of the authority. The combined list of authorities is to be filed by email containing a link to the authorities, to judicialreview@supcourt.vic.gov.au.

Court book

10. By *Click to insert date*, the plaintiff serve on the defendants a draft e-court book, being a PDF document containing all documents, in chronological order, on which he/she/it intends to rely.
11. By *Click to insert date*, the defendants serve on the plaintiff a supplementary draft e-court book, being a PDF document containing any additional documents, in chronological order, on which he/she/it intends to rely.
12. By *Click to insert date*, the plaintiff file and serve the e-court book. The e-court book is to be filed by email containing a link to the e-court book, to judicialreview@supcourt.vic.gov.au.
13. Each of the PDF documents should be:
- (a) in fully text-searchable PDF format;
 - (b) with stamped page numbers that correspond with the display page numbers of the PDF, which, in the case of supplementary e-books, commence by immediately following on after the ending number of the previous pdf; and
 - (c) bookmarked with the short-form name of each document.
14. The court book should:
- (a) be a single PDF merging the PDF documents prepared by the plaintiff and defendants; and
 - (b) commence with an index identifying the date, description and starting page number of each individual document, including where possible hyperlinks.

Costs/Liberty to apply

15. Costs be reserved.
16. The parties have liberty to apply.

DATE AUTHENTICATED:

JUDICIAL REGISTRAR