IN THE SUPREME COURT

OF VICTORIA

AT MELBOURNE

common law division

employment and industrial list

S ECI [YEAR 00000]

**BETWEEN:**

|  |  |
| --- | --- |
| [Name] | Plaintiff |
|  |  |
| - and - |  |
|  |  |
| [Name] | Defendant |

**general form of Order**

|  |  |
| --- | --- |
| JUDGE: | The Honourable Associate Justice Ierodiaconou |
|  |  |
| DATE MADE: |  |
|  |  |
| ORIGINATING PROCESS: | Writ filed on Click or tap to enter a date. |
|  |  |
| HOW OBTAINED: | By consent pursuant to r 59.07 of the *Supreme Court (General Civil Procedure) Rules* *2015* (‘the Rules’)  [*or*] On return of [insert] |
|  |  |
| ATTENDANCE: |  |
|  |  |
| OTHER MATTERS: |  |
| 1. A mediation was conducted on Click or tap to enter a date.. The proceeding did not resolve. 2. The [pre-trial checklist](https://www.supremecourt.vic.gov.au/law-and-practice/specialist-lists-of-the-court/employment-and-industrial-list) can be accessed here (hyperlinked). 3. This order is authenticated by the Associate Judge pursuant to r 60.02(1)(b) of the *Supreme Court (General Civil Procedure) Rules* *2015* (‘the Rules’). | |

**THE COURT ORDERS [BY CONSENT] THAT:**

1. Subject to the plaintiff filing a Notice of Trial by Click or tap to enter a date 42 days prior to hearing., this proceeding is listed for trial on Click or tap to enter a date., on an estimated duration of [insert number] days.

**Court books**

1. On or before Click or tap to enter a date., the plaintiff’s solicitor shall serve on the solicitors for each other party a list of the documents that the plaintiff intends to tender in evidence.
2. On or before Click or tap to enter a date., each solicitor for each other party shall serve on the solicitor for the plaintiff a list of the documents other than those specified in the list referred to in the preceding paragraph of this order which those other parties intend to tender in evidence.
3. On or before Click or tap to enter a date., the solicitor for the plaintiff shall serve on each other party and file for the use of the Judge a court book of documents containing:
   1. an index of the court book;
   2. the current pleadings and particulars;
   3. one copy only of each of the proposed exhibits arranged in chronological order the book being paginated sequentially from and including its index.
4. The plaintiff’s solicitor shall have available at the hearing a copy of the court book of documents for the exclusive use of witnesses during their examination.

**Witness statements**

1. By **4.00pm on** Click or tap to enter a date., the plaintiff file and serve:
   1. any witness statements on which they intend to rely at trial (document identifiers are to cross refer to the pages in their respective paginated tender bundles); and
   2. tender bundles containing all documents on which they intend to rely at trial;
      1. in fully text-searchable PDF format;
      2. with page numbers that correspond with the display page numbers of the PDF; and
      3. bookmarked with the short-form name of each document
2. By **4.00pm on** Click or tap to enter a date., the defendant file and serve:
   1. any witness statements on which they intend to rely at trial (document identifiers are to cross refer to the pages in their respective paginated tender bundles); and
   2. a supplementary tender bundle containing any additional documents on which they intend to rely at trial;
      1. in fully text-searchable PDF format;
      2. with page numbers that continue from the last page of the plaintiff’s bundle and correspond with the displaying page numbers of the PDF; and
      3. bookmarked with the short-form name of each defendant.

**Outlines of argument**

1. On or before Click or tap to enter a date., each party shall file and exchange with each other party an outline of argument:
   1. which concisely summarises that party’s submissions in relation to each of the issues in the proceeding;
   2. which cites the main authorities upon which that party will rely; and
   3. which save, with the prior leave of a Judge or Associate Judge, does not exceed 10 pages.

**Pre-trial checklist**

1. Each party must send to the Associate to the Trial Judge (with a copy to each other party) a completed pre-trial checklist on or before Click or tap to enter a date..

**Trial plan**

1. Counsel for the parties must provide to the Trial Judge a joint memorandum, signed by all counsel, containing a detailed estimate of the duration of the trial, broken down as follows:
   1. time in opening submissions of each party;
   2. time for any objections to evidence;
   3. time for the examination of each witness;
   4. time for the cross-examination of each witness;
   5. time for final submissions of each party.
2. If there is any disagreement between counsel, this should be stated in the joint memorandum and the rival positions or estimates provided.
3. The joint memorandum is to be provided by email to the Associate to the Trial Judge by 4.00pm on Click or tap to enter a date..
4. If, after the joint memorandum is delivered, counsel has reason to believe that the information provided is no longer accurate, it is their responsibility to bring this to the attention of the Trial Judge immediately. If the trial has commenced, the parties may not depart from the trial plan even by consent, unless the Trial Judge gives leave to do so. In that event, the party departing from the trial plan may incur sanctions under the *Civil Procedure Act 2010*.

**Other**

1. Costs reserved.
2. Liberty to apply.

|  |
| --- |
| DATE AUTHENTICATED: |

|  |  |
| --- | --- |
|  | **THE HONOURABLE ASSOCIATE JUSTICE IERODIACONOU** |

**SCHEDULE OF PARTIES**

|  |  |
| --- | --- |
|  |  |
|  | S ECI [YEAR 00000] |
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| **BETWEEN:** |  |
|  |  |
|  |  |
|  | Plaintiff |
|  |  |
|  |  |
|  |  |
|  | First Defendant |
|  |  |
|  | Second Defendant |
|  |  |
|  | Third Defendant |
|  |  |