IN THE SUPREME COURT OF VICTORIA

AT MELBOURNE

COMMON LAW DIVISION

INSTITUTIONAL LIABILITY LIST

S ECI Choose an item. Click or tap here to enter text.

BETWEEN:

|  |  |
| --- | --- |
| Click or tap here to enter text. | Plaintiff |
|  |  |
| - and - |  |
|  |  |
| Click or tap here to enter text. | Choose an item. |

**ORDER**

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| --- | --- |
| JUDICIAL OFFICER: | Judicial Registrar Baker |
|  |  |
| DATE MADE: |  |
|  |  |
| ORIGINATING PROCESS: | Choose an item. |
|  |  |
| HOW OBTAINED: | By consent pursuant to r 59.07 of the *Supreme Court (General Civil Procedure) Rules* *2015* |
|  |  |
| ATTENDANCE: | Not applicable; orders made on the papers |
|  |  |
| OTHER MATTERS: | This order is authenticated by the Judicial Registrar pursuant to r 60.02(1)(b) of the *Supreme Court (General Civil Procedure) Rules* *2015*. |

THE COURT ORDERS BY CONSENT THAT:

**Trial and trial fees**

1. The proceeding is fixed for trial not before Click or tap to enter a date. before a Choose an item. on an estimate by the parties that the trial will occupy Click or tap here to enter text. 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).
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**

1. The Choose an item. to file and serve a defence by Click or tap to enter a date..
2. The parties are to make any request for further and better particulars by Click or tap to enter a date..
3. The parties are to file and serve any further particulars required within 28 days of receipt of the request for further and better particulars.
4. The Choose an item. to file and serve any third party notices by Click or tap to enter a date..
5. The defendants are to file and serve any notices of contribution by Click or tap to enter a date.

**Discovery and interrogatories**

1. 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 Click or tap to enter a date..
2. If parties wish to interrogate, they must file and serve interrogatories for the examination of another party by Click or tap to enter a date..
3. Answers to interrogatories must be filed and served in accordance with the Rules.

**Evidence**

1. Any application for leave to compel the production of a document containing a ‘confidential communication’ within the meaning of div 2A of pt II of the *Evidence (Miscellaneous Provisions) Act 1958* (Vic) is to be made by Click or tap to enter a date..
2. Any subpoena under ord 42A of the Rules is to be issued and served by Click or tap to enter a date..
3. The parties are to exchange any medical and/or expert reports concerning damages and liability, including those required to be served under ord 33 or ord 44 of the Rules, by Click or tap to enter a date..
4. On or before Click or tap to enter a date., the plaintiff is to serve particulars of special damages, loss of earnings and loss of earning capacity, along with supporting documentation.
5. 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**

1. The parties are to have attended a mediation of the proceeding by Click or tap to enter a date..

1. Within three 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.

1. The mediator and parties are to notify the Court of the status of the proceeding within seven days of the mediation.
2. Should the proceeding not resolve at mediation, the parties are to attend a post-mediation directions hearing on Click or tap to enter a date..
3. At least two days prior to the post-mediation directions hearing, the parties are to file a provisional list of witnesses.
4. At the post-mediation directions hearing, the parties are to advise the Court:

(a) whether the Court-ordered timetable has been complied with;

(b) what issues remain in dispute;

(c) whether it is proposed to seek leave to amend any pleading or join further parties;

(d) whether the initial estimate of the length of the trial requires adjustment.

**Costs**

1. Costs in the proceeding.

**Additional orders**

1. [*Type any additional orders sought here or delete this part*]

**Consent of the parties**

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