IN THE SUPREME COURT OF VICTORIA

AT MELBOURNE

COMMON LAW DIVISION

PROPERTY LIST

S ECI 20XX XXXX

**BETWEEN:**

|  |  |
| --- | --- |
|  |  |
| XXX | Plaintiff |
|  |  |
| - and – |  |
|  |  |
| XXX | Defendant |
|  |  |

**GENERAL FORM OF Order**

|  |  |
| --- | --- |
| JUDICIAL OFFICER: | Judicial Registrar Keith |
|  |  |
| DATE MADE: | [date] |
|  |  |
| ORIGINATING PROCESS: | Writ filed [date] |
|  |  |
| HOW OBTAINED: | On return of Orders of Judicial Registrar Keith dated [XX] |
|  |  |
| ATTENDANCE: | Not required; orders made on the papers pursuant to Rule 59.07 of the *Supreme Court (General Civil Procedure) Rules 2015* (“**the Rules**”) and the consent minutes signed by the parties which have been placed on the Court file [if by consent].  |
|  |  |
| OTHER MATTERS: | 1. The parties are 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.
2. [XX]
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**THE COURT ORDERS BY CONSENT THAT:**

1. Subject to the plaintiff/s filing a Notice of Trial by 6 weeks before trial, this proceeding is listed for hearing on …………… [or for hearing not before ……………] on an estimated duration of ……………days.

**Expert reports**

1. By 4pm on ………, the plaintiff/s shall file and serve all expert reports upon which they intend to rely together with all supporting documentation.
2. By 4pm on ……….., the defendant/s shall file and serve all expert reports upon which they intend to rely together with all supporting documentation.

**Witness Outlines**

1. By …………., each party shall file and exchange with each other party an outline of all the oral evidence which that party intends to adduce at trial, stating:
2. the name, address and occupation of each witness which that party intends to call at trial; and
3. the substance of the evidence which that party expects each of those witnesses to give.
4. By ……………, each party shall file and exchange any outline of evidence in reply to the other party’s outline of evidence.
5. The content of a witness outline served pursuant to an order of the Court is subject to the same implied undertaking as to confidentiality as applies to a document produced upon discovery.
6. No person may use any part of the contents of a witness outline for the purposes of cross-examination of the person providing the witness outline, or any other person, without leave of the trial judge.

**Subpoenas**

1. By 4pm on ………….., each party must have issued any subpoenas under Order 42A of the Rules.

**e-Court Book**

1. By [10 weeks] before the trial date, the plaintiff shall serve on the defendant a draft e-court book, being a PDF document containing all documents, in chronological order, on which [it/they] intend[s] to rely
2. By [8 weeks] before the trial date, the defendant shall serve on the plaintiff a supplementary draft e-court book, being a PDF document containing any additional documents, in chronological order, on which [it/they] intend[s] to rely.
3. Each separate document must be bookmarked in the PDF with the short-form name of the document and the PDF must have stamped page numbers that will correspond with the display page numbers of the final trial e-court book, so in the case of supplementary e-court books, page numbers commence by immediately following on after the ending number of the previous PDF. The court book should be produced in sequentially numbered volumes of not more than 10,000 pages.
4. By [6 weeks] before the trial date, the plaintiff file and serve the e-court book (at property@supcourt.vic.gov.au), which should:
5. be a single fully text searchable PDF document merging the PDF documents prepared by the plaintiff and defendant under paragraphs 9 and 10 hereof;
6. alternatively, be a single fully text searchable PDF document the content of which is agreed by the parties as a joint e-court book prior to its creation with all documents bookmarked and in chronological order and sequentially page numbered; and
7. contain embedded links in the index to each separate document within the PDF.

**Books of Authorities**

1. The parties shall consult and agree upon a combined folder of authorities, and the defendant shall serve on the plaintiff copies of the authorities it relies upon which are not cited in the plaintiff’s outline of argument.
2. By 4pm on [2 weeks before trial date], the plaintiff shall serve on the defendant and file (at property@supcourt.vic.gov.au) for the use of the Judge a copy of the combined folder of authorities in electronic form.

**Outline of submissions**

1. By 4pm on [4 weeks before trial date] , each party shall file and exchange with each other party an outline of argument:
2. summarising concisely that parties submissions in relation to each of the issues in the proceeding;
3. citing the main authorities upon which that party will rely; and
4. not exceeding 10 pages of 1.5 spaced 12 point font A4 paper.

**Statement of Issues/Agreed Facts and Trial Timetable**

1. By 4.00pm on [2 weeks before the trial date], the parties are to co-operate to produce a joint statement of issues and a statement of agreed facts, to be provided by email to property@supcourt.vic.gov.au.
2. By 4:00 pm on [2 weeks before the trial date], counsel for the plaintiff/s and the defendant/s are to consult and provide to property@supcourt.vic.gov.au a trial plan setting out in tabular form (as shown below):
3. the time to be allowed for the plaintiffs’ opening;
4. the time to be allowed for the defendants’ opening;
5. the name, the time required for examination in chief and the time required for cross-examination of each witness;
6. the time to be allowed for the plaintiffs’ closing submissions; and
7. the time to be allowed for the defendants’ closing submissions.

|  |  |
| --- | --- |
| Plaintiffs’ opening |  |
| Defendants’ opening |  |
|  |  |  |
| Name of plaintiffs’ witness | Time required for XN | Time required for XXN |
|  |  |  |
|  |  |  |
| Name of defendants’ witness | Time required for XN | Time required for XXN |
|  |  |  |
|  |  |  |
| Defendants’ closing |  |
| Plaintiffs’ closing |  |

**Return date, liberty to apply and costs**

1. The directions hearing is adjourned to [3 weeks before trial] at 10:00am before Judicial Registrar Keith, courtroom to be advised.
2. The parties have liberty to apply.
3. Costs are reserved.

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| --- |
| DATE AUTHENTICATED:  |

|  |  |
| --- | --- |
|  | **JUDICIAL REGISTRAR KEITH** |