|  |  |  |
| --- | --- | --- |
| IN THE SUPREME COURT OF VICTORIA AT MELBOURNE | | |
| COMMON LAW DIVISION | | |
| TESTATORS FAMILY MAINTENANCE LIST/CIVIL CIRCUIT LIST | | |
| S ECI 20xx yyyy | | |
| IN THE MATTER of Part IV of the *Administration And Probate Act 1958* (VIC) | | |
| and | | |
| IN THE MATTER of the Will and Estate of XX, deceased | | |
| **BETWEEN:** | | |
| PLAINTIFF(S) | | Plaintiff |
| and | |  |
| DEFENDANT(S) (who is sued as the Executor of the Will of DECEASED, deceased) | | Defendant |
| **GENERAL FORM of Order** | | |
| JUDICIAL OFFICER: | The Honourable Justice [or] Associate Justice [X] / Judicial Registrar [X] | |
|  |  | |
| DATE MADE: | XX | |
|  |  | |
| ORIGINATING PROCESS: | Originating Motion | |
|  |  | |
| HOW OBTAINED: | On return of the Orders of the Honourable Justice [or] Associate Justice [X] / Judicial Registrar [X] [OR] Pursuant to r 59.07 of the *Supreme Court (General Civil Procedure) Rules 2015* (Vic). | |
|  |  | |
| ATTENDANCE: |  | |
|  |  | |
| OTHER MATTERS: |  | |
| 1. This Order is authenticated by the Judicial Registrar pursuant to r 60.02(1)(b) of the *Supreme Court (General Civil Procedure) Rules 2015* (Vic). | | |
| **THE COURT ORDERS [BY CONSENT] THAT:** | | |
| **Trial:**   1. By [DATE 1 WEEK PRIOR TO TRIAL], the parties file their callover form in accordance with the form available on the Court’s website. 2. By [DATE 6 WEEKS PRIOR TO TRIAL], the plaintiff(s) filing a Notice of Trial in Form 48B. 3. The proceeding is fixed for trial on [DATE] before a Judge alone on an estimate that the trial will occupy [X] sitting days. 4. 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). 5. Any party must notify the Court on becoming aware of any circumstance that significantly affects the length of the trial estimate. 6. 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.   **Objections to Evidence:**   1. By 4.00 pm [TWO WEEKS BEFORE PLAINTIFF’S PROPOSED COURT BOOK], the parties are to endeavor to resolve any objections to evidence. 2. By 4.00 pm on [ONE WEEK BEFORE PLAINTIFF’S PROPOSED COURT BOOK], in relation to any objections not resolved in accordance with the previous order (‘**the Outstanding Objections**’), the parties are to jointly file a table setting out:    1. a list of the Outstanding Objections; and    2. the response of the relevant party to the Outstanding Objections.   **e-Court book:**   1. By 4.00 pm on [DATE –THREE WEEKS BEFORE PLAINTIFF’S WRITTEN OPENING SUBMISSIONS], the plaintiff(s) serve on the defendant(s) a draft e-Court book, being a PDF document containing all documents, in chronological order, on which [it/they] intend to rely. 2. By 4.00 pm on [DATE - TWO WEEKS BEFORE PLAINTIFF’S WRITTEN OPENING SUBMISSIONS], the defendant(s) serve on the plaintiff(s) a supplementary draft e-Court book, being a PDF document containing any additional documents, in chronological order, on which [it/they] intend 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 age 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 o after the ending number of the previous PDF. 4. By 4.00 pm on [DATE – AT THE SAME TIME AS THE PLAINTIFF’S WRITTEN OPENING SUBMISSIONS], the plaintiff(s) file via email to [subpoenas@supcourt.vic.gov.au](mailto:subpoenas@supcourt.vic.gov.au) and serve the e-Court book, which should:    1. be a single fully text searchable PDF document merging the PDF documents prepared by the plaintiff(s) and defendant(s);    2. 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 orders and sequentially page numbered. 5. The e-Court book should be produced in sequentially numbered volumes of not more than 5,000 pages.   **Submissions:**   1. By 4.00 pm on [DATE – THREE WEEKS BEFORE DIRECTIONS HEARING], the plaintiff(s) file and serve written opening submissions. 2. By 4.00 pm on [DATE – ONE WEEK BEFORE DIRECTIONS HEARING], the defendant(s) file and serve written opening submissions.   **Other Orders:**   1. The proceeding be listed for final directions on [DATE - TWO MONTHS BEFORE TRIAL] at 10.00 am. 2. Liberty to apply 3. Costs are reserved. | | |