

IN THE SUPREME COURT OF VICTORIA
COMMON LAW DIVISION
TRUSTS, EQUITY AND PROBATE LIST

S ECI 20XX XXXXX

BETWEEN:

FULL NAME Plaintiff(s)

- and -

FULL NAME Defendant(s)

GENERAL FORM OF ORDER

JUDICIAL REGISTRAR: Judicial Registrar

DATE MADE:

ORIGINATING PROCESS: Writ

HOW OBTAINED: On the Court's own motion pursuant to r 1.14(2)(a) of
the *Supreme Court (General Civil Procedure)*
Rules 2025 (the Rules)

ATTENDANCE: No appearances; orders made on the papers pursuant to
r 59.07 of the *Rules*

OTHER MATTERS:

- A. In this order,
- (i) "active defendant(s)" means any defendant(s) who have filed a notice of appearance at the relevant time. The plaintiff(s) proceed on an undefended basis against any defendant who has not filed a notice of appearance; and
 - (ii) "active parties" means the plaintiff(s) and the active defendant(s).
- B. The parties are responsible for making any application for direction of the Court to adduce expert evidence pursuant to s 65G of the *Civil Procedure Act 2010*.
- C. This proceeding has been listed for final pre-trial directions in the Trusts, Equity and Probate List.
- D. At the final pre-trial directions hearing and unless the proceeding is otherwise resolved, the Court expects that the parties will confirm that the proceeding is ready for trial on the date fixed.

- E. In preparing the combined book of authorities, parties are reminded of the requirements of Practice Note SC Gen 3.
- F. This order is signed by the Judicial Registrar pursuant to r 60.02(1) of the *Rules*.

THE COURT ORDERS BY CONSENT THAT:

Trial Listing

- 1. The proceeding is set down for trial on [not before date for trial] before a Judge alone on an estimate of [#] days.
- 2. By 4 pm on [Tuesday, at least one week prior to trial], the parties file their callover form in accordance with the form available on the Court's website.
- 3. By 4 pm on [6 weeks prior to not before date for trial], the plaintiff(s) file a Notice of Trial in Form 48B.
- 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*.
- 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 on summons as soon as it is known that the trial is not ready to proceed on the date fixed.

Pleadings and particulars [as appropriate]

- 7. By 4 pm on [4 weeks from today], the plaintiff(s) file and serve any reply / reply and defence to counterclaim.
- 8. By 4 pm on [8 weeks from today], the active defendant(s) file and serve any reply to defence to counterclaim.
- 9. By 4 pm on [12 weeks from today], the active defendant(s) file and serve any request for further and better particulars of the statement of claim.
- 10. By 4 pm on [16 weeks from today], the active parties make any request for further and better particulars.
- 11. Within 28 days of receipt of any request for further and better particulars, the active parties file and serve any further particulars required.

Third party notices and notices of contribution

- 12. By 4 pm on [12 weeks from today], the active defendant(s) file and serve any third party notices.
- 13. By 4 pm on [16 weeks from today], the active defendant(s) file and serve any notice(s) of contribution(s).

Discovery of Documents

14. By 4 pm on [16 weeks from today], the parties file and serve an affidavit in accordance with r 29.04 of the *Rules*, identifying documents that are, or have been, in that party's possession, custody or power and which are critical to the resolution of the dispute pursuant to section 26 of the *Civil Procedure Act 2010*.

Mediation

15. Pursuant to r 50.07 of the *Rules*, the proceeding is referred to mediation by a mediator appointed by agreement between the parties, failing such agreement to a mediator appointed by the Court, and such mediation to be concluded by 4 pm on [20 weeks from today].
16. The mediation shall be attended by those persons who have ultimate responsibility for deciding whether to settle the dispute and the terms of any settlement, and the lawyers who have ultimate responsibility to advise the parties in relation to the dispute and its settlement.
17. No later than 14 days after the conclusion of the mediation, the mediator must notify the Trusts, Equity and Probate List in writing at tep@supcourt.vic.gov.au as to whether or not the mediation has concluded.
18. The costs of the mediation in the first instance will be paid equally by the active parties, but otherwise those costs are reserved to the trial judge.

Subpoenas

19. Any pre-trial subpoenas be filed and served by no later than by 4 pm on [24 weeks from today].

Witness outlines

20. Subject to any order of the trial judge, evidence in the trial be given *viva voce*, with the parties providing a witness outline for each witness they intend to call.
21. By 4 pm on [18 weeks prior to not before date for trial], the plaintiff(s) file and serve their witness outlines.
22. By 4 pm on [14 weeks prior to not before date for trial], the active defendant(s) file and serve their witness outlines.
23. Each party have available for use by the trial judge a copy of all its witness outlines in paper form and electronic form.
24. Each witness outline must satisfy the following formal requirements:
 - (a) it should be set out in numbered paragraphs; and
 - (b) it should be a brief outline of the evidence the witness will give.

25. 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.
26. 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.

E-Court books

27. By 4 pm on **[12 weeks prior to not before date for trial]**, the plaintiff(s) serve on the active defendant(s) a draft e-court book, being a PDF document containing all documents, in chronological order, on which they intend to rely.
28. By 4 pm on **[9 weeks prior to not before date for trial]**, the active 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 they intend to rely.
29. 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.
30. By 4 pm on **[8 weeks prior to not before date for trial]**, the plaintiff(s) file via email to subpoenas@supcourt.vic.gov.au and serve the e-Court book, which should:
 - (a) be a single fully searchable PDF document merging the PDF documents prepared by the plaintiff and the defendant;
 - (b) 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.
31. The court book should be produced in sequentially numbered volumes of not more than 10,000 pages.

Statement of agreed facts

32. By 4 pm on **[6 weeks prior to not before date for trial]**, the plaintiff(s) file and serve a statement of agreed facts, comprising those facts which are agreed between the active parties.

Trial plan

33. By 4 pm on **[4 weeks prior to not before date for trial]**, the plaintiff(s) file a joint estimated trial timetable settled by counsel for the active parties, setting out approximate times for opening and closing submissions and examination of each

witness. Any differing positions or timetabling issues that cannot be resolved between the active parties are to be noted in the timetable.

Submissions

34. By 4 pm on **[3 weeks prior to not before date for trial]**, the active parties file and exchange written outlines of submissions, limited to 20 pages, 1.5 spaced text in a common font style, size 12 (the **formatting requirements**).
35. By 4 pm on **[1 week prior to not before date for trial]**, the active parties file and exchange any written outlines of reply submissions, limited to 5 pages and adhering to the formatting requirements.

Combined book of authorities

36. The active parties shall consult upon a combined folder of authorities. By 4 pm on **[1 week prior to not before date for trial]**, the plaintiff(s) file via email to subpoenas@supcourt.vic.gov.au and serve the combined folder of authorities in electronic form.

General

37. The hearing listed for **[date]** is vacated and the proceeding is adjourned for final pre-trial directions to the Trusts, Equity and Probate List at 10:30 am on **[insert directions date approximately 14 weeks prior to trial]**.
38. Liberty to apply as to the further working out of this order, limited to 30 days from the date of authentication of this order.
39. Costs reserved.

DATE AUTHENTICATED:

Lawyers for the [party]

Lawyers for the [party]

Lawyers for the [party]

Lawyers for the [party]

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[Click HERE to edit the Schedule. This section can be deleted if not required.](#)

SCHEDULE OF PARTIES

S ECI 20XX XXXXX

BETWEEN:

First Plaintiff

Second Plaintiff

- and -

First Defendant

Second Defendant

Third Defendant