

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

S ECI 20XX XXXXX

IN THE MATTER of

- and -

IN THE MATTER of

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BETWEEN:

FULL NAME

Plaintiff(s)

- and -

FULL NAME

Defendant(s)

GENERAL FORM OF ORDER

JUDICIAL REGISTRAR: Judicial Registrar

DATE MADE:

ORIGINATING PROCESS: Originating motion

HOW OBTAINED: On return of the summons filed **[date]**

ATTENDANCE: No appearances; orders made on the papers pursuant to
r 59.07 of the *Supreme Court (General Civil
Procedure) Rules 2025 (the **Rules**)*

OTHER MATTERS:

- A. **[Any additional background information may be included here]**
- B. ***[Where defendant has been served and no notice of appearance has not been filed by the time of the directions hearing]*** The defendant(s) have not filed any notice of appearance. By these orders, the defendant(s) will be served with notice of the final hearing and subject to filing a notice of appearance, provided opportunity to file affidavits and submissions (if so advised).
- C. 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).

D. This order is signed by the Judicial Registrar pursuant to r 60.02(1) of the *Rules*.

THE COURT ORDERS BY CONSENT THAT:

Service and appearances

OPTIONAL SECTION.

Please delete if all defendants have filed notices of appearance

- 1. By 4 pm on [2 weeks from today], the plaintiff(s) serve an authenticated copy of this order on [define applicable defendants here] by registered pre-paid post.
- 2. In lieu of any time provided by the *Rules*, [define applicable defendants here] may file and serve a notice of appearance by 4 pm on [4 weeks from today].
- 3. By 4 pm on [4 weeks from today], the plaintiff(s) file and serve an affidavit of compliance in relation to order 1 of these orders.

Affidavits

- 4. By 4 pm on [4 weeks from today], the active defendant(s) file and serve any affidavits on which they intend to rely.
- 5. By 4 pm on [8 weeks from today], the plaintiff(s) file and serve any affidavits on which they intend to rely in reply.

OPTIONAL SECTION - MEDIATION.

Please customise as appropriate

- 6. In the event that there is at least one active defendant in this proceeding as [5 weeks from today]:
 - (a) Pursuant to r 50.07 of the *Rules*, the proceeding is referred to mediation by a mediator appointed by agreement between the active parties, failing such agreement to a mediator appointed by the Court, and such mediation to be concluded by 4 pm on [12 weeks from today];
 - (b) 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;
 - (c) 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; and

- (d) 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.

Submissions and Proposed Final Orders

7. By 4 pm on [4 weeks prior to 'not before date' for final hearing], the plaintiff(s) file and serve any submissions upon which they intend to rely, limited to 10 pages, 1.5 spacing in 12 point font (the **formatting requirements**).
8. By 4 pm on [2 weeks prior to 'not before date' for final hearing], the active defendant(s) may file and serve any submissions upon which they intend to rely, limited to 10 pages, adhering to the formatting requirements.
9. Submissions filed pursuant to these orders are to annex a copy of the proposed final orders sought by that party. For the avoidance of doubt such annexed final orders do not form part of the above page limits.

Hearing

10. The proceeding is listed final hearing and determination at [time to be inserted by the Court] on a date not before ['not before date' for final hearing] before a Judicial Officer on an estimate of [up to 3] hours.
11. Any party must notify the Court on becoming aware of any circumstance that significantly affects the length of the hearing estimate.
12. Any application to adjourn or vacate the hearing date must be made on summons as soon as it is known that the hearing is not ready to proceed on the date fixed.

General

13. [where notices of appearances have been filed by all defendants and orders are sought by consent] The hearing listed for [date] is vacated.
14. Liberty to apply as to the further working out of this order, limited to 30 days from the date of authentication of this order.
15. Costs reserved.

DATE AUTHENTICATED:

Lawyers for the [party]

Lawyers for the [party]

Lawyers for the [party]

Lawyers for the [party]

**This document has 'restricted editing' enabled.
This document contains fields (in red font) which can be edited.
Drafting notes are in blue font.**

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Notes on this template:

- *This template has been prepared for use in proceedings commenced by originating motion where the hearing estimate is 3 hours or less.*
- *This template may not be appropriate in all circumstances, including where the parties seek to adduce oral evidence.*
- *This template is not contingent on the defendant taking an active step.*
- *If the timing between dates contained in this template is to be truncated or extended, please include an explanation in 'other matters'.*
- *Pursuant to paragraph 11.1 of the Practice Note, any matter may be heard and determined by a Judge or, whether under their original jurisdiction or on referral, an Associate Judge or a Judicial Registrar.*

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

SCHEDULE OF PARTIES

S XXX 20XX XXXXX

BETWEEN:

First Plaintiff

Second Plaintiff

- and -

First Defendant

Second Defendant

Third Defendant