

ONTARIO

Superior Court of Justice

Court File No. 15-2446-0

Date

Judge

RE: Kiska v. Moore

APPLICANT John Kiska

COUNSEL Wade Smith

Contact Information

work _____ home _____

work 237-3444 email wsmith@bellbaker.com

cell 613 723-0010 fax _____ email _____

RESPONDENT Deirdre Moore

COUNSEL n/a

Contact Information

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CHILDREN'S LAWYER Kathryn Bobula

Contact Information

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DRAFT

TRIAL SCHEDULING ENDORSEMENT FORM

Instructions:

- Each party must carefully complete all applicable portions of this document as directed below. **This includes Part 1 for the applicant and Part 2 for the respondent.**
- Once the judge has reviewed Parts 1 and 2 of this form, he or she will complete and add Part 3 of the form. All three portions of the documents will form the completed trial scheduling endorsement form.
- Barring unusual circumstances, a trial date will not be assigned unless the form has been fully completed as set out above.

This form is available online at www.ontariocourts.ca/scj/practice/rules-forms/

Part 1 – Applicant's Information**[1] ISSUES**

1.	5.
2.	6.
3.	7.
4.	8.

[2] WITNESSES – Must be completed fully.

By naming a witness below, the party undertakes to make the witness available to the other party without summons even if the party decides not to call the witness. Include all proposed witnesses in this list, including yourself.

Estimates for cross-examinations should be provided by the other party.

Name of Witnesses	Issue to be addressed (from section 1 above)	Specific topic(s) the witness will address	Time estimate	
			In chief	In cross

Subtotal: _____

EXPERTS

Name of Expert	Report served on	Witness to be qualified to give an opinion on (be specific):	Qualifications
	Date:		Qualifications admitted No <input type="checkbox"/> Yes <input type="checkbox"/> Or to advise by _____
	Date:		Qualifications admitted No <input type="checkbox"/> Yes <input type="checkbox"/> Or to advise by _____
	Date:		Qualifications admitted No <input type="checkbox"/> Yes <input type="checkbox"/> Or to advise by _____

If the expert's qualifications are not admitted, the approval of the trial judge will be required.

Opening Statement: _____
(time estimate if to be provided orally)

Closing Statement: _____
(time estimate)

TOTAL TIME ESTIMATED _____: _____

☐ This list is approved by the court except as follows (pursuant to rule 1(7.2) of the Family Law Rules): _____

Part 2 – Respondent's Information

[3] ISSUES

1. Application should be struck due the degree of	5.
2. false statements of	6.
3. fact in every Court document and severe	7.
4. degree of cruelty that Applicant has displayed throughout the divorce	8.

[4] WITNESSES – Must be completed fully. process that began in 2015.

By naming a witness below, the party undertakes to make the witness available to the other party without summons even if the party decides not to call the witness. Include all proposed witnesses in this list, including yourself.

Estimates for cross-examinations should be provided by the other party.

Name of Witnesses	Issue to be addressed (from section 3 above)	Specific topic(s) the witness will address	Time estimate	
			In chief	In cross
Too many to be listed in time for settlement conference				
scheduled for October 17, 2018; however, list will include those named in Request to Admit				
dated October 12, 2018 (Volume 9, Tab 2, Document				
25, page 7/11)				

Subtotal: _____

EXPERTS

Name of Expert	Report served on	Witness to be qualified to give an opinion on (be specific):	Qualifications
See response to paragraph 4 re Witnesses	Date:		Qualifications admitted No <input type="checkbox"/> Yes <input type="checkbox"/> Or to advise by _____
	Date:		Qualifications admitted No <input type="checkbox"/> Yes <input type="checkbox"/> Or to advise by _____
	Date:		Qualifications admitted No <input type="checkbox"/> Yes <input type="checkbox"/> Or to advise by _____

If the expert's qualifications are not admitted, the approval of the trial judge will be required.

Opening Statement: _____
(time estimate if to be provided orally)

Closing Statement: _____
(time estimate)

TOTAL TIME ESTIMATED _____: _____

☐ This list is approved by the court except as follows (pursuant to rule 1(7.2) of the Family Law Rules): _____

PART 3**[5] PRELIMINARY MATTERS**

- ☐ Disclosure completed *no* if not: _____
- ☐ Assessments completed *no* if not: _____
- ☐ Valuations completed *no* if not: _____
- ☐ The parties are able to travel to the following locations in the region if necessary:

[6] PLEADINGS

Amendment needed? ☒ No ☐ Yes If yes, which party? _____

Date to amend _____

Date for response _____

[7] FINANCIAL STATEMENTS AND NET FAMILY PROPERTY STATEMENTS

Have updated financial statements been exchanged? ☒ No ☐ Yes

If no, time limits for: Applicant's _____

Respondent's _____

Where the equalization payment is at issue, have net family property statements and comparative net family property statements been exchanged? ☐ No ☐ Yes

If no, time limits for: Applicant's _____

Respondent's _____

Rule 13(12) of the Family Law Rules requires these documents to be updated by the Applicant at least seven days before trial and by the Respondent at least 4 days before the trial (not including weekends or holidays).

☐ Further updates to these statements will not be required unless requested by the Court.

[8] ADMISSIONS (*summarize or attach list of admitted facts*)

Have requests to admit been served? ☐ No ☒ Yes

If no, time limits for: Applicant's _____

Response by _____

Respondent's _____

Response by _____

Statement of agreed facts (SAF) to be served and filed by (party) _____
by (date) _____ **SAF must be put into or with trial record.**

[9] EXHIBITS PROPOSED

All *documentary evidence* to be relied upon at trial will be served by the following dates:

Applicant _____ Respondent _____

Proposed exhibits **not** to be coil bound as there may be questions of admissibility by other party or court. Consider whether any/all exhibits should also be provided in **electronic form**

Reports or business records to be relied on? No ☐ Yes ☐

If yes, may they be introduced without calling of record keeper? No ☐ Yes ☐

Medical reports with notice of intent served? No ☐ Yes ☐

If no, by what date? _____

[10] PRESENTATION AT TRIAL

(Refer to the Court's endorsement of the proposed issues, witnesses and time estimate for each witness in sections 2 and 4 of this form.)

Will any witnesses' evidence in chief will be provided by affidavit? If so, which witness and by when?

If affidavits are to be filed, they should be vetted by the other party no later than

Order of presentation if multiple parties or Children's Lawyer

Written opening statements ☐ or oral ☐

If written, to be served by: Applicant _____

Respondent _____

Will written opening statements be put into trial record? No ☐ Yes ☐

If not, when will written opening statement be available for judge? _____

[11] **PROPOSED DRAFT ORDER** to be provided by each party at beginning of trial.

[12] **SPECIAL ARRANGEMENTS RE WITNESSES**

- i. Amplification devices _____
- ii. Interpreters (provided by court or party?) _____
- iii. Wheel chair access _____
- iv. Judges' order as incarcerated _____

[13] **CHILDREN'S EVIDENCE**

Is there any evidence being sought from a child? No ☐ Yes ☒ Age _____

How will the evidence be introduced?

- (a) Statement of agreed facts ✓
- (b) Through Children's Lawyer ✓
- (c) *Khan voir dire*
- (d) Other (specify) _____

[14] **OTHER ISSUES** to flag for trial scheduling purposes _____

[15] **ANY SPECIAL EQUIPMENT NEEDS** (audio visual, screens, real time reporting etc.) _____

If yes, court support notified No ☐ Yes ☐

[16] **POSSIBLE PROBLEMS TO FLAG FOR TRIAL JUDGE**

Evidentiary issues ✓

Legal issues ✓

Have support payments been assigned to the Ministry of Community and Social Services or any other institution? _____

Other _____

[17] **TRIAL RECORD** already served and filed? No ☐ Yes ☒

If not: Applicant to serve and file by _____

Respondent to serve and file by _____

Pursuant to rule 23(1)(5), Trial Records must include any temporary order relating to a matter still in dispute and any order relating to the trial. If endorsements have not been turned into formal orders, consider whether a copy of the endorsements should go into the Trial Record.

Note: The Trial Record should contain updated Financial Statements and Net Family Property Statements (where required) for each party.

[18] **CASE BOOKS** to be filed by the following dates:

Applicant(s) _____ Respondent(s) _____

☐ Paper Copies

☐ In electronic format

[19] **TRIAL INFORMATION**

Trial management conference fixed for: _____

Trial fixed for: _____

Total trial time required, including opening and closing statements for each party: _____

Urgency (if any) and why: _____

PARTIES INFORMED

- ☐ To inform Trial Coordinator of any changes in address or phone # or any change in representation immediately.
- ☐ If a party does not provide disclosure or reports as required above, the trial may proceed regardless and an adverse inference may be made against them.
- ☐ If a party does not attend trial, an order may be made in the party's absence.
- ☐ Failure to comply with the terms of this endorsement could result in cost consequences.

[20] TRIAL SCHEDULING ORDER:**It is ordered that:**

- ☐ For the TMC, no Trial Management Conference briefs (Form 17E) are required.
- ☐ For the TMC, offers to settle and draft opening statements are required by each party, and should be filed with a complete copy of this endorsement form.
- ☐ Parties shall comply with directions and dates set out above. Consent changes may be requested by motion form (14B).
- ☐ There shall be no further motions without permission obtained from the case management judge.
- ☐ No exhibits may be relied on at trial other than those disclosed as above **without a court order** obtained from the case management judge or trial judge.
- ☐ No witnesses shall be called other than the witnesses on the witness list as outlined above unless a court order is obtained from the case management judge or the trial judge.
- ☐ Any changes requested regarding scheduling of trial (including an adjournment of the trial date) or expanded time required for trial – **must make appointment to attend in person or by teleconference before Justice _____**.
- ☐
- ☐
- ☐

A copy of this complete endorsement must be put into the Trial Record as it is an order relating to the trial (see rule 23(1)(6)). Offers to settle shall not be attached to the endorsement when it is included in the Trial Record.

signature and date of draft TSEF

Date

October 12, 2018

Signature

Leidie Moore

CONFIRMATION BY COUNSEL/PARTIES

We, the undersigned, confirm that we have read and understand this trial scheduling endorsement.

Applicant

Respondent

Counsel for Applicant

Counsel for Respondent

Other party

Counsel for Other Party

Dated