**EXPLANATORY NOTES**

**APPLICATION FOR SETTING DOWN FOR TRIAL AND JUDGMENT**

**(by joint declaration or by a party)**

 (SJ-1100A)

The purpose of the “Application for Setting Down for Trial and Judgment (by joint declaration or by a party)” form is to have the clerk set a case down in the list of cases ready to be heard by the Court (trial).

**TYPES OF FORMS**

* Dynamic PDF:

After completing the form, you must print it on letter-sized paper, i.e. 8.5 inches by 11 inches (215.9 mm by 279.4 mm).

* Paper:

If you complete the form by hand, please write legibly in block letters.

**PROCEDURE**

The application for setting down for trial and judgment is made by means of a joint declaration by the parties. If the declaration cannot be made by the parties jointly, the plaintiff or another party files a declaration and must notify it to the other parties. In such a case, the declaration is deemed confirmed unless the other parties specify, within 15 days after it is notified, what should be added or deleted.

Once the form is completed, keep a copy for your files.

**FILING AT THE COURT OFFICE**

You must then send the application for setting down to the courthouse office. To do this, you may use the Digital Court Office of Québec (GNJQ), which is accessible via the website of the Ministère de la Justice at [www.justice.gouv.qc.ca](http://www.justice.gouv.qc.ca/english/accueil.asp).

Court costs are payable for filing the application. For more information on court costs and the contact information for courthouses in the province of Québec, consult the website of the Ministère de la Justice.

CANADA COURT OF QUÉBEC

Province of Québec (Civil Division)

District:

Locality:

File No.:

 Plaintiff

 vs

 Defendant

 and

**APPLICATION FOR SETTING DOWN FOR TRIAL AND JUDGMENT**

(art. 174 C.C.P.)

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| **PRELIMINARIES** |
| This application for setting down for trial and judgment is made on the initiative:[ ]  of all the parties to the case [ ]  of       (identify the party)If the application is not made jointly by the parties, explain why:      |
| Art. 174 in fine C.C.P.: “If the declaration cannot be made by the parties jointly, the plaintiff or, if the plaintiff fails to do so, another party, files a declaration and notifies it to the other parties. The declaration is deemed confirmed unless the other parties specify, within 15 days after it is notified, what should, in their opinion, be added or deleted.” |
| The filing of the application confirms that the case is ready for trial, in accordance with the information it contains. |

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| **1.** | **CONTACT INFORMATION OF PARTIES AND LAWYERS** |
| **Plaintiff** | **Lawyer responsible** |
| Name:      Address:      Telephone:      Fax:      Email:       | Name:      Firm:      Address:      Telephone:      Fax:      Email:       |
| **Defendant** | **Lawyer responsible** |
| Name:      Address:      Telephone:      Fax:      Email:       | Name:      Firm:      Address:      Telephone:      Fax:      Email:       |
| **Party (specify):**       | **Lawyer responsible** |
| Name:      Address:      Telephone:      Fax:      Email:       | Name:      Firm:      Address:      Telephone:      Fax:      Email:       |

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| **2.** | **DISPUTE** |
| **Principal application** |
| Nature:       |
| Value of the subject matter of the dispute:       |
| **Cross-application** | [ ]  YES | [ ]  NO  |
| Nature:      Value of the subject matter of the dispute:       |
| **Recourse(s) in warranty** | [ ]  YES  | [ ]  NO  |
| **Intervention(s)** | [ ]  YES  | [ ]  NO  |
| **Issues in dispute** |
|       |
| **List of the facts that are admitted** |
|       |
| **List of issues to be addressed through expertise** |
|       |

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| **3.** | **EXHIBITS AND EVIDENCE** |
| **THE PLAINTIFF** (check the boxes below that apply to the documents relevant as evidence) |
| **[ ]**  | Declares that it has enclosed with this declaration a complete list of the exhibits sent by it(art. 248, para. 1 C.C.P.); |
| **[ ]**  | Declares that it has filed in the record the affidavits in lieu of testimony of the following persons(art. 292 C.C.P.): |
| * Affiant:
* Date of affidavit:
 | * Affiant:
* Date of affidavit:
 |
| **[ ]**  | Declares that it has filed in the record the transcript of the examinations (oral or written) of the following persons in order to use them at trial (arts. 224 and 227 C.C.P.): |
| * Witness:
* Date of examination:
 | * Witness:
* Date of examination:
 |
| **[ ]**  | Declares that it has filed in the record the following expert reports in order to use them at trial (art. 239 C.C.P.): |
| * Name:
* Field of expertise:
* Date:
* No.:
 | * Name:
* Field of expertise:
* Date:
* No.:
 |
| **THE DEFENDANT** (check the boxes below that apply to the documents relevant as evidence) |
| **[ ]**  | Declares that it has enclosed with this declaration a full list of the exhibits sent by it(art. 248, para. 1 C.C.P.); |
| **[ ]**  | Declares that it has filed in the record the affidavits in lieu of testimony of the following persons(art. 292 C.C.P.): |
| * Affiant:
* Date of affidavit:
 | * Affiant:
* Date of affidavit:
 |
| **[ ]**  | Declares that it has filed in the record the transcript of the examinations (oral or written) of the following persons in order to use them at trial (arts. 224 and 227 C.C.P.): |
| * Witness:
* Date of examination:
 | * Witness:
* Date of examination:
 |
| **[ ]**  | Declares that it has filed in the record the following expert reports in order to use them at trial (art. 239 C.C.P.): |
| * Name:
* Field of expertise:
* Date:
* No.:
 | * Name:
* Field of expertise:
* Date:
* No.:
 |
| **(PARTY)** (identify the party, then check the boxes below that apply to the documents relevant as evidence) |
| **[ ]**  | Declares that it has enclosed with this declaration a full list of the exhibits sent by it(art. 248, para. 1 C.C.P.); |
| **[ ]**  | Declares that it has filed in the record the affidavits in lieu of testimony of the following persons(art. 292 C.C.P.): |
| * Affiant:
* Date of affidavit:
 | * Affiant:
* Date of affidavit:
 |
| **[ ]**  | Declares that it has filed in the record the transcript of the examinations (oral or written) of the following persons in order to use them at trial (arts. 224 and 227 C.C.P.): |
| * Witness:
* Date of examination:
 | * Witness:
* Date of examination:
 |
| **[ ]**  | Declares that it has filed in the record the following expert reports in order to use them at trial (art. 239 C.C.P.): |
| * Name:
* Field of expertise:
* Date:
* No.:
 | * Name:
* Field of expertise:
* Date:
* No.:
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| **3.1**  | **POSITION OF THE PARTIES REGARDING EXHIBITS DISCLOSED** |
| **PLAINTIFF’S EXHIBITS**  |
| **NO.** | **DESCRIPTION** | **ADMISSION** | **ADMISSION** | **NO ADMISSION** |
| Origin, integrity and content | Origin and integrity only(content denied) | Witness necessary for filing |
|       |       |       |       |       |
|       |       |       |       |       |
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| **DEFENDANT’S EXHIBITS** |
| **NO.** | **DESCRIPTION** | **ADMISSION** | **ADMISSION** | **NO ADMISSION** |
| Origin, integrity and content | Origin and integrity only(content denied) | Witness necessary for filing |
|       |       |       |       |       |
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| **(PARTY)’S EXHIBITS (identify the party)** |
| **NO.** | **DESCRIPTION** | **ADMISSION** | **ADMISSION** | **NO ADMISSION** |
| Origin, integrity and content | Origin and integrity only(content denied) | Witness necessary for filing |
|       |       |       |       |       |
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| **4** | **TRIAL** |
|  **4.1** | **LIST OF ORDINARY WITNESSES** |
| Please estimate as accurately as possible the duration of testimonies, including cross-examinations. |
| **PLAINTIFF’S WITNESSES** |
| NAME / OBJECT OF THE TESTIMONY | LANGUAGE | DURATION TESTIMONY | DURATION CROSS-EXAMINATION | TOTAL DURATION |
|       | [ ]  F [ ]  E |       |       |       |
|       | [ ]  F [ ]  E |       |       |       |
|       | [ ]  F [ ]  E |       |       |       |
|       | [ ]  F [ ]  E |       |       |       |
| Total duration of the plaintiff’s evidence (1 day = 5 hours)        days       hours |
| Where applicable, explain why the identity of certain witnesses must be concealed (the estimated duration of examinations and cross-examinations must still be indicated above):       |
| **DEFENDANT’S WITNESSES**  |
| NAME / OBJECT OF THE TESTIMONY | LANGUAGE | DURATION TESTIMONY | DURATION CROSS-EXAMINATION | TOTAL DURATION |
|       | [ ]  F [ ]  E |       |       |       |
|       | [ ]  F [ ]  E |       |       |       |
|       | [ ]  F [ ]  E |       |       |       |
|       | [ ]  F [ ]  E |       |       |       |
| Total duration of the defendant’s evidence (1 day = 5 hours)        days       hours |
| Where applicable, explain why the identity of certain witnesses must be concealed (the estimated duration of examinations and cross-examinations must still be indicated above):       |
| **(PARTY)’S WITNESSES** (identify the party) |
| NAME / OBJECT OF THE TESTIMONY | LANGUAGE | DURATION TESTIMONY | DURATION CROSS-EXAMINATION | TOTAL DURATION |
|       | [ ]  F [ ]  E |       |       |       |
|       | [ ]  F [ ]  E |       |       |       |
|       | [ ]  F [ ]  E |       |       |       |
|       | [ ]  F [ ]  E |       |       |       |
| Total duration of (party)’s evidence (1 day = 5 hours)       days       hours |
| Where applicable, explain why the identity of certain witnesses must be concealed (the estimated duration of examinations and cross-examinations must still be indicated above):       |

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| **4.2** | **EXPERT EVIDENCE** |
| Please estimate as accurately as possible the duration of testimonies, including cross-examinations. |
| **JOINT EXPERT** |
| NAME | FIELD | LANGUAGE |
|       |       |  **[ ]** French |
|  **[ ]** English |
| **[ ]**  | Although the expert report stands in lieu of the expert’s testimony, the expert is expected to be examined in order to obtain clarifications on the following subject matters in the report (arts. 293, 294 C.C.P.). |
| Explain:      |
| EXPECTED DURATION FOR THE JOINT EXPERT’S EVIDENCE | DURATION EXAMINATION BY THE PLAINTIFF | DURATION EXAMINATION BY THE DEFENDANT | DURATION EXAMINATION BY       (identify the party) | TOTAL DURATION |
|       |       |       |       |
| **PLAINTIFF’S EXPERT** |
| NAME | FIELD | LANGUAGE |
|       |       |  **[ ]** French |
|  **[ ]** English |
| **ADMISSION OF THE EXPERT’S QUALIFICATION**  |
| By the defendant  [ ]  YES [ ]  NOBy       (identify the party) [ ]  YES [ ]  NOIf the expert’s qualification is contested, explain why:      |
| **[ ]**  | Although the expert report stands in lieu of the expert’s testimony, the expert is expected to be examined in order to obtain clarifications on the following points in the report (arts. 293, 294 C.C.P.). |
| Explain:      |
| **[ ]**  | The expert is expected to be cross-examined (art. 294 C.C.P.): |
| **[ ]** by the defendant**[ ]** by       (identify the party) |
| EXPECTED DURATION FOR THE PLAINTIFF’S EXPERT EVIDENCE | DURATION EXAMINATION | DURATION CROSS-EXAMINATION | TOTAL DURATION |
|       |       |       |
| **DEFENDANT’S EXPERT** |
| NAME | FIELD | LANGUAGE |
|       |       |  **[ ]** French |
|  **[ ]** English |
| **ADMISSION OF THE EXPERT’S QUALIFICATION** |
| By the plaintiff   [ ]  YES [ ]  NOBy       (identify the party) [ ]  YES [ ]  NOIf the expert’s qualification is contested, explain why:      |
| **[ ]**  | Although the expert report stands in lieu of the expert’s testimony, the expert is expected to be examined in order to obtain clarifications on the following points in the report (arts. 293, 294 C.C.P.). |
| Explain:      |
| **[ ]**  | The expert is expected to be cross-examined (art. 294 C.C.P.): |
| **[ ]** by the plaintiff**[ ]** by       (identify the party) |
| EXPECTED DURATION FOR THE DEFENDANT’S EXPERT EVIDENCE | DURATION EXAMINATION | DURATION CROSS-EXAMINATION | TOTAL DURATION |
|       |       |       |
| **(PARTY)’S EXPERT (identify the party)** |
| NAME | FIELD | LANGUAGE |
|       |       |  **[ ]** French |
|  **[ ]** English |
| **ADMISSION OF THE EXPERT’S QUALIFICATION**  |
| By the plaintiff [ ]  YES [ ]  NOBy the defendant [ ]  YES [ ]  NOIf the expert’s qualification is contested, explain why:      |
| **[ ]**  | Although the expert report stands in lieu of the expert’s testimony, the expert is expected to be examined in order to obtain clarifications on the following points in the report (arts. 293, 294 C.C.P.). |
| Specify:      |
| **[ ]**  | The expert is expected to be cross-examined (art. 294 C.C.P.): |
| **[ ]**  by the plaintiff**[ ]** by the defendant |
| EXPECTED DURATION FOR (PARTY)’S EXPERT EVIDENCE (identify the party) | DURATION EXAMINATION | DURATION CROSS-EXAMINATION | TOTAL DURATION |
|       |       |       |

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| **4.3** | **SUMMARY OF THE TRIAL** |
| **THE PLAINTIFF’S EVIDENCE**  |
| Total duration ordinary witnesses  |       days       hours |
| Total duration expert evidence |       days       hours |
| Duration arguments |       days       hours |
| **Total duration of the plaintiff’s evidence**  |       days       hours |
| **THE DEFENDANT’S EVIDENCE** |
| Total duration ordinary witnesses  |       days       hours |
| Total duration expert evidence |       days       hours |
| Duration arguments |       days       hours |
| **Total duration of the defendant’s evidence**  |       days       hours |
| **(PARTY)’S EVIDENCE** (identify the party) |
| Total duration ordinary witnesses  |       days       hours |
| Total duration expert evidence |       days       hours |
| Duration arguments |       days       hours |
| **Total duration of** **(party)’s evidence** (identify the party) |       days       hours |
| **TOTAL DURATION OF THE TRIAL** |       **days**       **hours** |

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| **4.4.** | **SERVICES REQUIRED DURING THE TRIAL** |
| **[ ]**  | **The services of an interpreter are required for testimony by the following witness(es):**     The party requiring the services of an interpreter is responsible for retaining the interpreter’s services and paying the fees for those services. |
| **[ ]**  | **The following technological means are required during the trial:**     A party wishing to use technological means is responsible for obtaining the court’s authorization (if required) and must also ensure the availability of those means and bear the costs thereof. A party wishing to administer evidence by technological means, especially if an internet connection is required, is responsible for coordinating the process. |

On       On

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| Plaintiffor |  | Defendantor |
| **Mtre.** Plaintiff’s lawyer(s) |  | **Mtre.** Defendant’s lawyer(s) |
| (Firm name)(Address)(City, province and postal code)Telephone:      Fax:      Email:       |  | (Firm name)(Address)(City, province and postal code)Telephone:      Fax:      Email:       |

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|       (identify the party)or |  |       (identify the party)or |
| **Mtre.**Lawyer(s) |  | **Mtre.**Lawyer(s) |
| (Firm name)(Address)(City, province and postal code)Telephone:      Fax:      Email:       |  | (Firm name)(Address)(City, province and postal code)Telephone:      Fax:      Email:       |