Division 2
Scheduling of Trial Dates

Trial date: scheduled by court clerk

8.4(1) The parties may, in Form 37, request the court clerk to schedule a date for trial.

(2) The request must contain at least the following information unless otherwise directed by the Court:

(a) the anticipated number of witnesses, including the number of expert witnesses;

(b) the anticipated length of trial;

(c) a copy of the pleadings and particulars, if any, for the judge's use at trial;

(d) if applicable, the order directing that the trial be by jury;

(e) the certifications required by subrule (3);

(f) any administrative requirements for the trial;

(g) any potential conflict of interest a judge may have and the reasons for it.

(3) In addition to the requirements of subrule (2), the parties requesting a trial date must

(a) provide

(i) a certificate that the parties have participated in at least one of the dispute resolution processes described in rule 4.16(1) *[Dispute resolution processes]*, or

(ii) a copy of an order made under 4.16(2) *[Dispute resolution processes]* waiving the dispute resolution process requirement,

(b) certify that questioning under Part 5 *[Disclosure of Information]* is complete,

(c) certify that any expert reports have been exchanged and the process described in Part 5 *[Disclosure of Information]*, Division 2 *[Experts and Expert Reports]*, including questioning of experts, is complete,

(d) certify that any medical examination and report under Part 5 *[Disclosure of Information]*, Division 3 *[Medical Examinations by Health Care Professionals]* is complete,

(e) certify that any undertaking given by a person questioned under Part 5 *[Disclosure of Information]* has been discharged,

(f) certify that they will be ready for trial by a specified date,

(g) in the case of a jury trial, certify that the deposit required under rule 8.3 *[Deposit for jury]* has been paid,

(h) certify that all amendments to pleadings have been filed and served, and

(i) certify that all applications related to the action have been disposed of and no other pre-trial steps are required.

(4) If the court clerk is satisfied that subrules (2) and (3) have been complied with, the court clerk must schedule a trial date.

(5) If the parties cannot certify as to the matters referred to in subrule (3) but are satisfied that the matter will be completed or undertaking discharged in a timely way, the parties must so disclose and may request the court clerk to schedule a trial date.

(6) If the court clerk is satisfied that the parties will or are likely to be ready by the proposed trial date, the court clerk may schedule a trial date, but if the court clerk is in doubt about any matter, the court clerk must refer the matter to a judge for directions or decision.

Trial date: scheduled by the judge

8.5(1) On application by a party in Form 38, the judge may set a trial date or direct the court clerk to do so if

(a) the judge

(i) is satisfied that the parties have participated in at least one of the dispute resolution processes described in rule 4.16(1) *[Dispute resolution processes]*,

(ii) has granted an order under rule 4.16(2) *[Dispute resolution processes]* waiving the dispute resolution process requirement, or

(iii) grants an order under rule 4.16(2) *[Dispute resolution processes]* in the course of an application under this rule,

(b) the judge has all the information described in rule 8.4(2) *[Trial date: scheduled by court clerk]* except the certifications referred to in rule 8.4(2)(e),

(c) with respect to the certification of matters referred to in rule 8.4(3) *[Trial date: scheduled by court clerk]*, the judge

(i) receives the necessary certifications,

(ii) has sufficient information to schedule a trial date without one or more certifications, or

(iii) gives directions as required and is satisfied that a trial date should be set,

and

(d) the judge is satisfied that the parties will or are likely to be ready for trial by the proposed trial date.