

NOTICE TO THE PROFESSION AND PUBLIC

SETTING CIVIL TRIAL DATES BY ORDER – PILOT PROJECT

The objective of this pilot project is to work within the *Alberta Rules of Court* to move non-family civil actions through the court system more expeditiously. Rule 1.2 states that the Rules should be used “to facilitate the quickest means of resolving a claim at the least expense” and the parties are obligated to facilitate that objective. Under this pilot project, parties may obtain trial dates earlier than contemplated by the certifications required in Rule 8.4(3) (trial date scheduled by Clerk of the Court) when certain conditions are satisfied. Rule 8.5 (trial date scheduled by the judge) enables a judge to set a trial date when, having received adequate information and making required directions, they are satisfied that the parties will be ready for trial on the scheduled date.

The Court's new practice will facilitate setting trial dates earlier in the process, provided that the parties complete pre-trial steps by deadlines to ensure they are ready by the scheduled date.

Applications to Set Trial Date

Applications to set a trial date pursuant to Rule 8.5 may be made by any party to an Action after pleadings have closed (Rule 3.67) and 90 days after the deadline for all affidavits of records (Rule 5.5).

Before an application to set a trial date, the Applicant must serve on every other party a proposed litigation plan and a proposed order entering the Action for trial, in the forms attached to this Notice and posted to the Areas of Law Civil – Templates page of the Court's website here:

[Template Litigation Plan for Application to Enter Action for Trial](#)

[Template Order Entering Action for Trial](#)

Within 10 days of service of the proposed litigation plan and order, each of the other parties must respond to the Applicant's proposed documents, adding information as necessary pertaining to its case and positions.

The application to set a trial date must be in Form 38, modified as required by this notice. It must include the record of pleadings and a proposed litigation plan and order,

incorporating information and comments from other parties to the action; and any additional information required for the court to assess when the action will be ready for trial and how many days of trial are needed.

Applications to set trial dates will be heard in Civil Appearance Court in Edmonton and Calgary on the last Friday of every month, commencing May 31, 2024. In other judicial centres, applications to set trial dates under this process will be heard by way of a case conference brought under Rule 4.10 of the *Alberta Rules of Court*. The presiding judge may:

- Set the action for a trial of specified duration, with procedural directions including an order that the parties follow a litigation plan;
- Make a procedural order to facilitate the scheduling of a trial date; or
- Dismiss the application.

After an action has been set for trial, any party may subsequently apply to Civil Appearance Court or a regional supervising judge for relief related to deadlines and steps set out in litigation plans, procedural orders and modifications to the estimated duration of the trial.

For trials that are scheduled under this process, the requirement to confirm that parties will be ready to proceed to trial by Form 39, under Rule 8.7(1), is modified such that confirmation in Form 39 must be provided at least 120 days before the trial is scheduled to begin, failing which the parties will be required to attend in Civil Appearance Court or before a regional supervising judge for further procedural directions.

COURT FILE NUMBER

COURT

Court of King's Bench of Alberta

JUDICIAL CENTRE

[Click to Select Judicial Centre.](#)

APPLICANT

RESPONDENT

[OTHER PARTIES]

Clerk's Stamp

DOCUMENT

LITIGATION PLAN

ORDER PREPARED BY

Identify party preparing litigation plan.

Pursuant to rule 4.4(2), the Plaintiff [or defendant] [add name of party] proposes this litigation plan for the completion and timing of steps in this action to facilitate readiness for trial by the date scheduled.

Pleadings

1. [If pleadings have not closed, amendments are expected, or new parties have been added, deadlines to close all pleadings or exchange proposed amendments must be included here, with details on who must provide and when.]

Disclosure of Records

2. [If this stage is not complete, deadlines must be included for each party.]

Questioning

3. The plaintiff shall complete questioning of the persons it/he/she is entitled and chooses to examine as adverse in interest or associated with parties adverse in interest, by _____.
4. The defendant shall complete questioning of the persons it/he/she is entitled and chooses as adverse in interest or associated with parties adverse in interest, by _____.
5. [If there are third-parties, include separate parties for each of them, setting out their deadlines for questioning.]

Undertaking Responses

6. Each party shall use best efforts to answer all undertakings no later than 45 days after the date they were given; and for undertakings not answered by that deadline, shall state what steps are being taken to obtain the answers and when they are expected.

Interlocutory Applications

7. Where necessary, interlocutory applications must be made in a timely manner so as not to interfere with the dates in this litigation plan and with this action being ready for trial by its scheduled commencement date.

Alternative Dispute Resolution

8. An alternative dispute resolution process shall be completed by _____, subject to the availability of the court or third-party mediator; or, in the alternative, a party will apply to the court for an order dispensing with the requirement for this process.

Experts

9. Each party's primary expert reports shall be served by no later than _____.
10. Each party's rebuttal expert reports shall be served by no later than _____.
11. Surrebuttal expert reports, if needed and proper, shall be served by _____.

Trial Confirmation

12. No later than [120 days before scheduled commencement of trial], the parties must jointly certify their readiness to proceed with the trial in the prescribed form or attend before the court for further directions.

Changes to Litigation Plan

13. The deadlines in this litigation plan may be amended by agreement in writing if a new deadline is not more than seven days later than the date set out herein. Other amendments to the dates require approval of the court, failing which the date for trial will be vacated.

COURT FILE NUMBER

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[Click to Select Judicial Centre.](#)

APPLICANT

RESPONDENT

OTHER PARTIES

DOCUMENT

ORDER FOR TRIAL

ORDER PREPARED BY

Clerk's Stamp

DATE ON WHICH ORDER WAS PRONOUNCED: [Click to Enter a Date](#)

LOCATION OF HEARING OR TRIAL: [Click to Select Hearing Location](#)

NAME OF THE JUSTICE WHO MADE THIS ORDER:

UPON AN APPLICATION being made for an order setting this action down for trial;

AND UPON NOTING the parties' litigation plan [or, upon an order having been made establishing a litigation plan];

AND UPON HAVING regard to the pleadings;

AND UPON HEARING the submissions of the parties;

AND UPON IT appearing to the court that the parties will or are likely to be ready for trial by the proposed trial date;

IT IS HEREBY ORDERED THAT:

1. The trial of this action shall proceed to a *Enter Number*.-day trial on a date to be scheduled by the trial coordinator.
2. The parties are required to complete the steps indicated in the litigation plan by their respective dates.
- 3.. No later than 120 days before the scheduled commencement of the trial, the parties must jointly certify their readiness to proceed with the trial in the prescribed form or attend before the court for further directions.

Justice of the Court of King's Bench of Alberta