Clerk’s Stamp

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| COURT FILE NUMBER | FL  (Court File Number) |
| COURT | COURT OF KING’S BENCH OF ALBERTA |
| JUDICIAL CENTRE |  |
| CLAIMANT(S) | (Claimant’s Name) |
| RESPONDENT(S) | (Respondent Name) |
| DOCUMENT | **EMERGENCY PROTECTION ORDER REVIEW ORAL HEARING ORDER** |
| PARTY FILING THIS DOCUMENT |  |
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**DATE ON WHICH ORDER WAS PRONOUNCED:**

**THE HONOURABLE JUSTICE:**

**HEARD AT:** , **ALBERTA**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

UPON this Emergency Protection Order coming for review this day;

UPON NOTING that the Emergency Protection Order came for review before the Honourable Court in accordance with section 2(6) of the *Protection Against Family Violence Act*;

AND UPON it appearing that the Respondent contests the evidence put forward by the Claimant in support of the application for the Emergency Protection Order;

AND UPON Hearing the submissions by or on behalf of the parties;

AND UPON it appearing to the Court that there is a need for brief oral evidence as set out in this order;

**IT IS HEREBY ORDERED THAT:**

1. **An oral hearing is set in this matter for \_\_\_\_ hour(s) on \_\_\_(date)\_\_\_\_ at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(location)\_\_\_\_\_\_\_\_\_\_\_\_\_\_, AB in a courtroom to be assigned commencing at 9:30 a.m.** At 9:30 a.m. on the day of the scheduled Oral Hearing, the parties and Counsel must appear remotely (by Webex or phone), where the presiding Justice will do an initial triage of all matters. If this matter has not been resolved and is proceeding to an oral hearing, the Justice will assign a specific scheduled time and Courtroom for the parties and Counsel to appear in person on that same day so the Oral Hearing can proceed. At the oral hearing, brief oral evidence may be heard on the following terms:

* 1. The reason that the oral evidence is needed is that the Respondent denies the allegations set out by the Claimant in the application for the Emergency Protection Order or has a different version of the events.
  2. The evidence (in chief) of the Claimant at the hearing shall be the evidence set out in the sworn application form and as set out in the transcript of the proceedings before the Justice of the Peace or the Justice of the Alberta Court of Justice.
  3. If he/she/they has/have not already filed an Affidavit in response to the allegations, the Respondent shall file an affidavit (the “Respondent’s Affidavit”) in response within 14 days of the date of this order. The Affidavit shall be no more than 8 pages with no more than 40 pages of exhibits. The Respondent shall arrange for a process server or other neutral third party to serve the filed Respondent’s Affidavit on the Claimant or the Claimant’s lawyer, by leaving a filed copy with the Claimant or the Claimant’s lawyer. The Respondent’s Affidavit will be his/her/their evidence (in chief) at the hearing.
  4. The Claimant may file one short affidavit (the “Claimant’s Reply Affidavit”) within 7 days of receiving the Respondent’s Affidavit, addressing only those matters referred to by the Respondent in his/her/their affidavit. The Claimant’s Reply Affidavit shall be no more than 5 pages with no more than 10 pages of exhibits. The Claimant shall arrange for a process server or other neutral third party to serve the filed Claimant’s Reply Affidavit on the Respondent or the Respondent’s lawyer, by leaving a filed copy with the Respondent or the Respondent’s lawyer. The Claimant’s Reply Affidavit will be part of the Claimant’s evidence in chief.
  5. No other affidavits or records may be filed, and no other witnesses may be called without leave of the Court obtained, on notice, in advance of the hearing.
  6. Other matters ordered are:   
      *[List other matters ordered – e.g. interpreter required]*
  7. At the hearing, the Respondent shall be entitled to cross examine the Claimant on the Claimant’s application/transcript/Affidavit evidence for a maximum total of 20 minutes. The Claimant shall be entitled to cross examine the Respondent on the Respondent’s Affidavit for a maximum total of 20 minutes.

2. If either party has a video or oral recording of the incident(s) referenced by the Claimant in support of the initial Emergency Protection Order and they wish to rely on that recording at the Oral Hearing:

1. A copy of the recording must be provided to the other party within 14 days of the date of this Order;
2. The party seeking to rely upon a recording at the oral hearing must bring their own computer or other device to play the recording at the hearing;
3. The time required to play the recording at the oral hearing must not extend the timelines otherwise set out in this order for completion of the oral hearing;
4. The Justice at the oral hearing will determine whether the recording is admissible evidence at the hearing.

3. At the conclusion of the oral hearing, the justice may;

1. Revoke the emergency protection order,
2. Confirm the emergency protection order or,
3. Revoke the order and grant a King’s Bench Protection Order.

4. If the parties reach an agreement on the issues in dispute prior to the scheduled hearing date, they shall immediately advise the Court.

5.  Rule 9.4(2)(c) is invoked *[Approval by a party is not required.]*

OR

Rule 9.4(2)(d) is invoked *[Clerk is directed to sign this Order.]*

*[Clerk can add the Webex link and phone information if needed.]*

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Justice of the Court of King’s Bench of Alberta