

## **Re: Motions for summary judgment**

Announcement dated January 12, 2010.

Effective January 1, 2010, significant changes to Rule 20 of the Rules of Civil Procedure dealing with motions for summary judgment came into effect. Since some summary judgment motions may involve “mini-trials” using both written and *viva voce* evidence, all motions for summary judgment on the Estates List now will be subject to pre-hearing management.

The following procedures now apply to all summary judgment motions brought on the Estates List:

- (a) Parties cannot book hearing dates for summary judgment motions over the counter or through OSCAR;
- (b) Instead, all requests for dates for summary judgment motions must be made through an attendance at the Summary Judgment Motions Scheduling Court which will be held most Monday mornings at 9 a.m. at 330 University Avenue. Initially up to 4 “Summary Judgment 9 am” appointments will be available for booking each Monday.
- (c) A party seeking to book a summary judgment motion must (i) request an appointment on the next “Summary Judgment 9 am” through the Estates Office, (ii) obtain and complete, in consultation with the opposite party, the Summary Judgment Motion Case Information Sheet, and (iii) submit the completed Case Information Sheet to the court when the party attends the “Summary Judgment 9 am” appointment.
- (d) Each “Summary Judgment 9 am” appointment will be scheduled for 15 minutes.
- (e) The moving party must confirm the “Summary Judgment 9 am” appointment with the Estates Office no later than 3 p.m. on the Thursday preceding the scheduled appointment.
- (f) At the “Summary Judgment 9 am” appointment the judge will give directions to the parties regarding the preparation of the motion for hearing and may assign a hearing date for the motion depending on the state of readiness of the materials.
- (g) Parties most likely also will be directed to attend at a further “Summary Judgment 9 a.m.” once the record (including cross-examinations) has been completed. The purpose of the second attendance will be to determine the readiness of the motion for hearing and to ascertain whether *viva voce* evidence may be called at the hearing of the motion.