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| COURT FILE NUMBER |  | Clerk’s Stamp | |
| COURT | COURT OF QUEEN’S BENCH OF ALBERTA |
| JUDICIAL CENTRE | EDMONTON |
| PLAINTIFF |  |
| DEFENDANT |  |
| DOCUMENT | **CONSENT LITIGATION PLAN** |
| ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT |  | |

DATE ON WHICH ORDER WAS PRONOUNCED:

LOCATION OF HEARING OR TRIAL: **Edmonton, Alberta**

NAME OF JUDGE WHO MADE THIS ORDER:

UPON NOTING the consent of both parties as evidenced by the signature of each of their respective Counsel below;

AND UPON THE COURT BEING ADVISED that this is a standard case;

AND UPON THE COURT BEING ADVISED that the form of this Order is based on the precedent found on FamilyCounsel.ca, with any changes to that precedent being **underlined** or **~~struck out~~**, and completed steps **deleted**;

**IT IS HEREBY ORDERED THAT pursuant to the *Divorce Act* (Canada) OR *Family Law Act* (Alberta)**:

1. Pursuant to Rule 4.4, the parties shall complete the following steps by the corresponding deadline:

**Stage 1 – Close of Pleadings**

|  |  |
| --- | --- |
| Action | Deadline |
| Statement of Defence and any Counterclaim exchanged and sent in for filing | Within 20 days |
| Any Statement of Decence to Counterclaim | Within 20 days of completion of the preceding step |

**Stage 2 – Disclosure of Information**

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| Action | Deadline |
| Exchange of Notice to Disclose documents and documents necessary for Questioning (3 years of General Ledgers, Year-end Accounting Entries, and Property, Plant, and Equipment Schedules) | Within 30 days of previous step |
| Questioning completed | Within 60 days of previous step |
| Undertakings completed | Within 60 days of previous step |
| Any Questioning on Undertakings | Within 60 days of previous step |
| Any further undertakings | Within 30 days of previous step |
| Notice to Attend Docket to address any outstanding disclosure issues filed | Within 30 days of previous step |
| Any primary expert reports /appraisals exchanged and Form 25 filed (except PN8) | Within 60 days of previous step |
| Any rebuttal expert reports exchanged and Form 25 filed | Within 60 days of previous step |
| Any surrebuttal expert reports exchanged and Form 25 filed | Within 60 days of previous step |

**Stage 3 – Alternative Dispute Resolution**

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| Action | Deadline |
| Formal Offers to Settle Exchanged | Within 60 days of previous step |
| Alternative Dispute Resolution scheduled, which shall be mediation if the parties have sufficient resources, otherwise Alberta Justice Mediation if they qualify, otherwise Judicial Dispute Resolution if they do not. If the parties agree, they may instead to proceed to Med-Arb, Arbitration, or Binding JDR. | Within 60 days of previous step |

**Stage 4 – Application for a Trial Date**

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| Action | Deadline |
| Form 37 (Application for Trial Dates) filed | Within 30 days previous step |
| Updated financial disclosure | Once Form 37 is filed, and **every 6 months thereafter** until trial |

**Stage 5 – Pre-trial Steps**

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| Action | Deadline |
| Agreed Statement of Facts | 4 months prior to trial |
| Form 39 (Confirmation of Trial Dates) filed | 3 months prior to trial |
| Affidavit of Records exchanged | 3 months prior to trial |
| Updated financial disclosure | 3 months prior to trial |
| Any updated expert reports / appraisals exchanged and Form 25 filed | 3 months prior to trial |
| Any update Questioning | 3 months prior to trial |
| Any update Undertakings | 2 months prior to trial |
| Binding Family Property Statements exchanged (subject to new evidence) | 2 months prior to trial |
| Any updated rebuttal expert reports exchanged and Form 25 filed | 2 months prior to trial |
| Parties’ lists of witnesses exchanged | 2 months prior to trial |
| Parties’ lists of any rebuttal witnesses exchanged | 6 weeks prior to trial |
| Any Questioning on update Undertakings | 6 weeks prior to trial |
| Any updated surrebuttal expert reports exchanged and Form 25 filed | 1 month prior to trial |
| Comparative/Joint Family Property Statement showing each party’s position | 1 month prior to trial |
| Plaintiff’s final list of witneses provided to the Court | 1 month prior to trial |
| Every other party’s final list of witnesses provided to the Court | 20 days prior to trial |
| Any remaining Undertakings | 20 days prior to trial |
| Any Form 40 (Notice to Attend as Witness at Trial) served (file Affidavit of Service thereafter) | 20 days prior to trial |
| Record of Pleadings filed | 20 days prior to trial |
| Final updated disclosure | 1 week prior to trial |
| Any Bench Briefs | 1 week prior to trial, or as otherwise directed by the presiding Justice |

1. Except for the filing of Form 39 (Confirmation of Trial Dates) and service of Form 40 (Notice to Attend as Witness at Trial), any of the deadlines herein may be varied by written agreement or further order. Parties should agree to reasonable requests concerning adjournments, extensions, or the waiver of procedural formalities and similar matters that do not prejudice their rights. Enhanced costs may be sought for failure to agree to such requests without good reason.
2. Except for steps in Stage 5, if any party has not complied with their deadlines or direction is reasonably sought by this Honourable Court, the parties may temporarily suspend these deadlines until such issue is resolved. To do so, they must promptly file a Notice to Attend Family Docket to address such non-compliance or direction, and advise in writing that they consider this Litigation Plan temporarily suspended. Enhanced costs may be sought against parties who fail to comply without reasonable excuse, or use the ability to suspend timelines for an improper purpose.
3. The parties shall promptly notify each other when a step herein is not required, so that deadlines may be accelerated (for example, if they do not intend to respond with a Rebuttal Expert Report).
4. Costs for this Litigation Plan shall be in the cause.

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Justice of the Court of Queen’s Bench of Alberta

**CONSENTED TO BY: AND BY:**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

################# KEN PROUDMAN

Solicitor for the Defendant Solicitor for the Plaintiff

OR

[Where the opposing party is self-represented:]

**CONSENTED TO BY:**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Solicitor for the Plaintiff

**AND BY:**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The Defendant Witness to the signature of

**[for self-represented litigants]**

**AFFIDAVIT OF EXECUTION**

CANADA ) I, **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**, of the \_\_\_\_\_\_\_\_\_\_ of

PROVINCE OF ALBERTA ) \_\_\_\_\_\_\_\_\_\_, in the Province of Alberta,

TO WIT: ) **MAKE OATH AND SAY THAT:**

1. I was personally present and did see       named in the within (or annexed) instrument who is personally known to me to be the person named therein, duly sign and execute the same for the purpose named therein.

2. The same was executed at the \_\_\_\_\_\_\_\_of\_\_\_\_\_\_\_\_\_\_\_\_\_\_, in the Province of Alberta, and that I am the subscribing witness thereto.

3. I know the said      and she is in my belief of the full age of eighteen (18) years.

|  |  |
| --- | --- |
| **SWORN BEFORE ME** at the \_\_\_\_\_\_\_\_\_\_ of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in the Province of Alberta, this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_.  **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  **A COMMISSIONER FOR OATHS** in and for Alberta. | )  )  )  )  )  ) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  ) *Witness to the signature of*  )  ) |
|  |  |