

SUPERIOR COURT OF JUSTICE



50 Eagle Street West
Newmarket, Ontario
L3Y 6B1

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Date: July 9, 2009
To: [Click here and type names]
And To: [Click here and type names]
From: Civil Trial Coordinator
RE: [Click here and type subject]

The above-noted Construction Lien action has been scheduled for pre-trial before a judge at the Newmarket Courthouse located at 50 Eagle Street West on:

, at 9:30 a.m.

Please see the attached Notice to the Profession Re: Procedure for Construction Lien Pre-Trials in the Central East Region.

If yours is a Home Building or Renovator case, you should come with your schedules prepared and completed as described in the enclosed instructions. This will require you to consult with opposing counsel to complete the schedules.

If yours is other than a Home Building or Renovator case, counsel for the largest lien claimant should prepare, in consultation with opposing counsel, a similar schedule.

If you have any questions, please do not hesitate to call our office at the telephone number above.

Yours truly,

Civil Trial Coordinator.

Attachments

NOTICE TO THE PROFESSION

PROCEDURE FOR CONSTRUCTION LIEN PRE-TRIALS IN THE CENTRAL EAST REGION

Commencing January 1, 2005, Construction Lien Pre-Trials will be scheduled in 3-month cycles at Newmarket, Barrie and Whitby judicial centres. To ensure continuity and efficient management, the pre-trials will be assigned to designated Judges at each of the court centres.

In order to accommodate counsel, the pre-trials in construction lien matters will be scheduled on different weeks at each of the court centres. Attached to this notice is a *Specific Information* notice, which details the scheduled dates for the pre-trials, the designated Judge and the name and telephone number of the Trial Coordinator for each judicial centre.

Please note that at the Construction Lien Pre-Trials, the following guidelines will apply:

(1) First Pre-Trial Conference

It is preferred that counsel who will appear at trial and their clients, attend the first pre-trial conference. Every effort will be made to discuss a resolution of the proceeding at this first appearance. In the event that a settlement cannot be achieved at this stage, then the pre-trial Judge shall order:

- (a) *The exchange of Affidavits of Documents together with a copy of each document referred to in Schedule A.*
- (b) *The date for examinations, as well as the answering of undertakings;*
- (c) *The date for a motion relating to refusals on examinations and any other contemplated motions;*
- (d) *That a "Scott" Schedule and any responding Schedule be prepared and delivered prior to the next appearance date;*
- (e) *The next pre-trial date;*
- (f) *That Plaintiff's counsel take out an order incorporating the above-noted terms*

(2) Second Pre-Trial Conference

It is mandatory that all counsel who will appear at trial and their respective clients attend the second (and if necessary, any subsequent) pre-trial conference.

The Pre-Trial Judge will discuss and assess the progress of the proceeding and will consider an appropriate award of costs for non-compliance with the First Appearance Order.

At the Second Pre-trial Conference, the parties will be required to detail their respective positions with supporting documentation.

In the event that the proceeding is not settled at the conclusion of this Second or subsequent Pre-Trial Conference, the matter will be referred to a Trial Scheduling Court to fix a date for trial.

Peterborough, Cobourg & Lindsay

Construction Lien Pre-Trials will be scheduled on an “as needed basis” with the Trial Coordinator.

Bracebridge

Construction Lien Pre-Trials will be scheduled to be heard in Barrie.

Regional Senior Justice