

Commercial list – all orders

Pleadings

1. by [date] the plaintiff file and serve its statement of claim;
2. by [date] the defendant file and serve its defence and any counterclaim;
3. by [date] the plaintiff file and serve any reply and defence to counterclaim;
4. by [date] the plaintiff [*and the defendant if there is a counter claim*] serve on each other party particulars of damages complying with DCR rule 45C;
5. the time within which the parties may make any of the following applications be extended to 7 days after the mediation conference listed in paragraph []:
 - (a) an application for summary judgment; and
 - (b) an application to strike out any pleading.

Discovery

6. by [date] each party:
 - (a) make a list of the documents which are or have been in that party's possession, custody or power relating to any matter in question in the action in the form of RSC Form 17;
 - (b) file and serve a copy of the document in paragraph (a); and
 - (c) serve on each other party a legible photocopy (or PDF image) of each document referred to in Part 1A of the list in paragraph (a), which is not the subject of an objection as set out Part 1B of the list, the cost of provision of which is to be in the cause;

Or

7. by [date] each party:
 - (d) make a list of the documents which are or have been in that party's possession, custody or power relating to any matter in question in the action in the form of RSC Form 17;
 - (a) swear an affidavit verifying the list in paragraph (a) in the form of RSC Form 18;
 - (b) file and serve a copy of the documents in paragraphs (a) and (b);
 - (e) serve on each other party a legible photocopy (or PDF image) of each document referred to in Part 1A of the list in paragraph (a), which is not the

subject of an objection as set out Part 1B of the list, the cost of provision of which is to be in the cause;

Or

8. a party must complete their inspection of documents discovered by another party within 10 working days following the date on which it was served with that party's list of discoverable documents;

Mediation conference

9. the parties attend a mediation conference before a Registrar on a [*date*] at [*time*];
10. each party must attend the mediation conference in person or, if the party is a body corporate, by an agent who is authorised by the body corporate to conduct settlement negotiations and to settle the case;
11. not less than 7 days before the mediation conference, the lawyer for each party provide the party with notice in writing of the issues as to costs set out in DCR rule 36;
12. not less than 7 days before the mediation conference, the plaintiff [*and the defendant if there is a counter claim*] serve on each other party a without prejudice schedule of damages complying with DCR rule 45C;
13. not less than 3 working days before the mediation conference, each party may send to the Registrar presiding at the mediation conference a bundle of documents comprising a copy of any:
 - (a) schedule of damages served pursuant to paragraph 12;
 - (b) documents that would be useful for the Registrar to have to facilitate the mediation;
14. unless otherwise ordered at the mediation conference, the costs of each party of, and incidental to, the mediation conference be in the cause;

Expert evidence

15. the parties have leave to adduce expert evidence at the trial of this action;
16. by [*date*], the plaintiff:
 - (a) serve on each other party a copy of the report of any expert witness, the substance of which it intends to rely on at the trial; or
 - (b) disclose in writing to each other party the substance of any expert evidence that it intends to adduce at the trial.

17. by [*date*], the defendant:
 - (a) serve on each other party a copy of the report of any expert witness, the substance of which it intends to rely on at the trial; or
 - (b) disclose in writing to each other party the substance of any expert evidence that it intends to adduce at the trial;

Ongoing case management

18. [*If there has been a mediation*] unless otherwise ordered, on entering the action for trial, the requirement on the parties to attend a pre trial conference be waived, and the action be listed for a listing conference;
19. the action be listed for a directions hearing on [*date*] at [*time*];
20. in the event of default by any party for 3 working days in complying with any paragraph of this order, the party in default shall either:
 - (a) file and serve a consent order adjusting the timetable set out in this order; or
 - (b) request the court to list the action for a directions hearing;
21. there be liberty to apply in relation to these orders;
22. the time within which the plaintiff must enter the action for trial be extended to [*date*];
and
23. the costs of the hearing today be in the cause.