

COURT FILE NUMBER            4803 XXXXXX Y.Y.

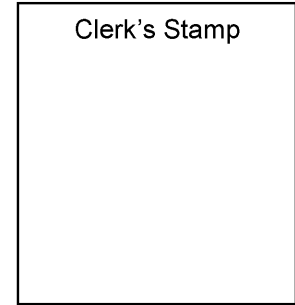
COURT                            COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE               EDMONTON

PLAINTIFF / APPLICANT        **XXXXXXXX**

DEFENDANT / RESPONDENT      **XXXXXXXX**

DOCUMENT                       **LITIGATION PLAN**



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 File No.: XXXXX/TCB

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DATE ON WHICH ORDER WAS PRONOUNCED: \_\_\_\_\_

LOCATION OF HEARING: EDMONTON, ALBERTA

NAME OF JUSTICE WHO GRANTED THIS ORDER: \_\_\_\_\_

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UPON THE MATTER coming before the Court in Case Management on application of the Plaintiff mother;

AND UPON THE COURT BEING ADVISED that the parties began cohabiting on XXXXXX, 1997, married on XXXXXX, and separated on XXXXXX;

AND UPON THE COURT BEING ADVISED there are two children of the marriage, namely:

XXXXXX, born XXXXXX; and  
 XXXXXX, born XXXXX;

AND UPON THE COURT BEING ADVISED that the child XXXXX resides in the primary care of the Defendant father and the child XXXXX resides in the primary care of the Plaintiff mother;

AND UPON THE COURT BEING ADVISED that substantial financial disclosure has been exchanged by the parties since 2006 through various Applications, Questioning, Undertakings, and a 2007 Trial on property division.

AND UPON THE COURT BEING ADVISED that the parties have been unable to resolve their disputes and require the assistance of the Court;

## **IT IS HEREBY ORDERED THAT:**

1. This Litigation Plan is directed to ensure that this Matrimonial matter proceeds to an 8-day Trial in an orderly fashion and in accordance with Rules 1.4(2)(e), 4.1 and 4.2 of the *Alberta Rules of Court*.
2. The 8-day Trial shall commence on \_\_\_\_\_, 2016, and continue on \_\_\_\_\_.
3. The issues for determination at Trial shall include:
  - a) Custody and parenting of the two children of the marriage, and specifically the Defendant father's claim for Shared Parenting of XXXXX;
  - b) The Plaintiff mother's and the Defendant father's *Guideline* incomes for the years 2011, 2012, 2013, 2014, 2015, 2016 and 2017;
  - c) Child Support payable and paid from February 2011 to the date of Trial, and a determination of any underpayment or overpayment;
  - d) Section 7 Expenses to be apportioned;
  - e) Ongoing Child Support payable;
  - f) Spousal Support payable and paid from February 2011 to December 2015;
  - g) Entitlement to Spousal Support from January 2016 to Trial and ongoing, and if found entitled, quantum and duration;
  - h) Division of Matrimonial Property;
  - i) Costs.

### **Financial Disclosure**

4. The parties shall exchange the following outstanding financial disclosure on or before **September 30, 2015**:
  - a) T1 Tax Returns for 2011, 2012, 2013, and 2014;
  - b) Notices of Assessment for 2011, 2012, 2013 and 2014;
  - c) Documentation evidencing all income from stock investments and real estate for 2011, 2012, 2013 and 2014.
5. The parties shall exchange the following updated financial disclosure by on or before **14 days prior to Trial**:
  - a) T1 Tax Return for 2015;
  - b) Notice of Assessment for 2015;
  - c) Documentation evidencing all income from stock investments and real estate for 2015.

### **Questioning**

6. No further Questioning of the parties or Questioning on Undertakings in relation to the Child Support matter shall occur prior to Trial, except with leave of the Court.

### **Court-Required Trial Scheduling Forms**

7. **Form 37 – Request to Schedule a Trial Date** shall be prepared by Counsel for the Plaintiff mother and filed with the Court by **August 25, 2015**, accompanied by a Case Management

Order permitting the Trial date to be scheduled notwithstanding Rule 8.4(3)(c) - that all expert reports have not yet been exchanged.

8. **Form 39 – Confirmation of Trial Date** shall be prepared by Counsel for the Plaintiff mother, forwarded to the Defendant father, and filed with the Court by **January 29, 2016**.

#### **Affidavit of Records**

9. Each party shall serve on the other party an Affidavit of Records including a listing of every document the parties intend to rely upon in Trial, on or before **November 13, 2015**.
10. There shall be an obligation on both parties to update the Affidavit of Records and serve the other party with an updated version of the Affidavit of Records on or before **February 26, 2016**.

#### **Agreed Statement of Facts**

11. The parties shall finalize and file an *Agreed Statement of Facts* by **December 11, 2015**. Counsel for the Plaintiff mother shall draft the Agreed Statement of Facts to provide to the Defendant father by **November 30, 2015**. The Defendant father shall provide his feedback on the draft by **December 4, 2015**. The Defendant father shall sign the Agreed Statement of Facts on or before **December 8, 2015**.

#### **Expert Reports and Experts at Trial**

12. Pursuant to Rules 5.34 and 5.35 of the *Alberta Rules of Court*, the Plaintiff mother shall obtain and serve the report of any accountant expert she intends to rely upon on or before **January 29, 2016**.
13. The Defendant father shall obtain and serve any Rebuttal Report he intends to rely upon on or before **March 31, 2016**.
14. The Plaintiff mother shall file any Objection to the Rebuttal Report pursuant to Rule 5.36 on or before **April 15, 2016**.
15. The Plaintiff mother shall obtain and serve a Surrebuttal Report, if any, on or before **April 29, 2016**, and/or 10 days before the start of Trial.

#### **Exchange of Witness Lists and “Will-Say” Summaries**

16. Pursuant to Rule 8.8 of the *Alberta Rules of Court*, the parties shall confirm their list of witnesses for Trial on or before **March 31, 2016**, and shall provide to the other party a summary or “will say” statement of the evidence to be given by each witness.

#### **Agreed Book of Documentary Exhibits for Trial**

17. Counsel for the Plaintiff mother shall propose an Agreed Book of Documentary Exhibits for Trial on or before **14 days before Trial**, by providing the Defendant father (or his Counsel) an Index listing the proposed agreed Exhibits.

18. The Defendant father (or his Counsel) shall respond and provide his position on the proposed Agreed Book of Exhibits on or before **7 days before Trial**.

**Case Management hearings to confirm the Litigation Plan**

19. The parties shall appear in Case Management in or about **October 2015** and again in or about **February 2016** to ensure the Litigation Plan is on track and the parties have complied with the timelines.

20. Non-compliance with the time-limits set out herein shall not be cause for an adjournment of the Trial date without leave of the Court.

21. Not having Counsel shall not be cause for an adjournment of the Trial date without leave of the Court.

22. Costs of this Order shall be determined at Trial.

**Summary of Key Litigation Steps and Deadlines**

July 31, 2015	Case Management Order setting the Child Support matter down for Trial and the deadlines included in this Litigation Plan.
August 25, 2015	Form 37 – Request to Schedule a Trial Date – to be filed with the Court by Counsel for the Plaintiff mother.
September 30, 2015	Exchange of Tax Returns and Notices of Assessment for 2011, 2012, 2013, and 2014.
October 2015	Case Management.
November 13, 2015	Affidavit of Records exchanged by the parties.
November 30, 2015	Counsel for the Plaintiff mother to draft an Agreed Statement of Facts to provide to the Defendant father.
December 4, 2015	The Defendant father to provide his feedback on the draft Agreed Statement of Facts.
December 8, 2015	Counsel for the Plaintiff mother to revise the Agreed Statement of Facts for signature by the Defendant father.
December 11, 2015	Counsel for the Plaintiff mother to file the Agreed Statement of Facts.
January 29, 2016	Form 39 – Confirmation of Trial Date to be completed by Counsel for the Plaintiff mother, forwarded to the Defendant father, and filed with the Court.  Any Expert Report of the Plaintiff mother to be served on Defendant father.
February 2016	Case Management.
February 26, 2016	Updated Affidavit of Records to be exchanged.

