

SECOND EXPANSION OF MATTERS TO BE HEARD IN THE ONTARIO SUPERIOR COURT – SOUTHWEST REGION

The urgent matters we have already been hearing will, of course, continue to be a priority and will be triaged to ensure urgency.

All urgent requests for hearings are to include an e-mail (maximum 2 pages) stating the relief requested and why it is urgent.

On April 6, 2020 the Southwest Region expanded in several areas subject to available technology and the direction of the Regional Senior Judge.

On May 19, 2020 the Southwest Region will further expand in several areas subject to the same qualifications.

For convenience, the areas of expansion added on April 6, 2020 and on May 19, 2020 are set forth below.

The Court expects parties will only submit brief materials to allow for a fair, timely and summary disposition. E-mailed filings cannot exceed 35MB. If the size of electronically filed material exceeds 35MB, further e-mails may be sent within the 35MB maximum. Every effort must be made, however, to limit filed materials to 35MB.

CRIMINAL

1. Judicial pre-trials

Judicial pre-trials (JPTs) for both in-custody and out-of-custody cases. Priority will be given to:

- (a) Matters adjourned since March 16, 2020;
- (b) Those that can resolve the case;
- (c) Those that can substantially narrow the issues in the case.

Note – JPTs will not be scheduled until all sides have filed their completed Form 17 Reports and all counsel have certified to the trial co-ordinator they are fully informed and in a position to discuss all areas of the prosecution. The Form 17's and the certification is to be e-mailed directly to the trial co-ordinators at the appropriate location. The e-mail addresses are set out below.

2. Guilty pleas

Guilty pleas and sentencing hearings for in-custody cases. Guilty pleas for out-of-custody cases where there are joint submissions for non-custodial sentences. Contact to be made as above with the trial co-ordinators.

3. *Habeas corpus* applications

4. Summary conviction appeals and *certiorari* applications

Provided the requirements of the Criminal Proceedings Rules have been satisfied, counsel may request that summary conviction appeals or *certiorari* applications be heard. Priority will be given to hearings that have been adjourned since March 16, 2020. All requests for hearings are to be made by e-mail (maximum 2 pages) sent to the trial co-ordinator at the appropriate location and shall confirm that the matter is ready to be scheduled for argument. If scheduled for hearing:

- a. All documents for the hearing must be filed electronically with the trial co-ordinator at the appropriate location;
- b. Wherever possible, case authorities are to be hyperlinked in the factum. If that is not possible, books of authorities to be filed electronically with highlighting;
- c. Wherever possible, parties shall file an electronic "compendium for argument" before the hearing, containing passages from transcript, documents and case extracts that will be referenced during the hearing.

5. Certain criminal motions

If a motion does not require hearing by the trial judge, counsel may request that it be considered before setting of a trial date. All requests for hearings are to be made by e-mail (maximum 2 pages) sent to the trial co-ordinator at the appropriate location. If scheduled for hearing:

- a. All documents for the hearing must be filed electronically with the trial co-ordinator at the appropriate location;
- b. Wherever possible, case authorities are to be hyperlinked in the factum. If that is not possible, books of authorities to be filed electronically with highlighting.

Requests for hearing of matters referred to in sections 4 and 5 above will also be triaged to assess suitability for hearing at this time.

6. Inquiries about other matters

Inquiries about any matters not otherwise addressed in this Notice should be made to Ms. Judy Smith, at judy.a.smith@ontario.ca, who will bring the inquiry to the attention of the Regional Senior Judge or his designate.

Note re: motions requiring the hearing of *viva voce* evidence, and judge alone trials

Pre-trial motions requiring the hearing of *viva voce* evidence that were scheduled to be heard in the period May 16 through July 10, 2020:

The Court is making efforts to arrange for the hearing of such motions by remote means, where the defendant consents to proceed by remote means. Notice will be posted on the Court's website as soon as it is possible to schedule such motions for hearing by remote means.

Judge alone trials that were scheduled to proceed in the period May 16 through July 10, 2020:

The Court is making efforts to arrange for such trials to proceed by remote means, where the defendant consents to proceed by remote means. Notice will be posted on the Court's website as soon as it is possible to schedule such trials to proceed by remote means.

FAMILY

- 1. 14B consent motions.**
- 2. 14B motions for procedural issues and disclosure.**
- 3. Issuance of new applications and motions to change.**
- 4. Case conferences without issue restrictions. Case conference briefs limited to 10 pages.**
- 5. Requests for consent, uncontested or default divorce orders may proceed as follows:**
 1. Divorces may proceed in accordance with Rule 36(6.0.1) and 36(6.1). Any document required that is not filed electronically must be scanned and e-mailed;
 2. With respect to all other divorce proceedings, all documents must be scanned and e-mailed. The request for divorce order shall include a copy of the application and proof of service along with the marriage certificate. The justice will not have access

to the court file so if there are dependent children, attach a copy of the court order or separation agreement dealing with custody, access and child support. If there is no court order or agreement, details of custody, access and child support arrangements must be set out in the affidavit and proof of income of the support payor must be provide.

6. Settlement conferences may proceed for settlement purposes only:

1. A settlement conference brief with an offer to settle to be filed by e-mail (briefs limited to 15 pages);
2. No TSEF is required and no trial dates will be offered;
3. Parties/counsel must certify in the brief that the case is ready for settlement discussions, that disclosure is complete and that there are no impediments to settlement (such as an undelivered OCL report).

Case conference and settlement conference briefs to be e-mailed directly to the trial co-ordinators. The addresses are set out below.

Motion materials and divorce materials to be e-mailed to CSD at the generic drop box addresses set out below.

CIVIL

Urgent and emergency civil matters set out in the Notice to the Profession released by the Superior Court of Justice on March 15, 2020 will continue to be heard. Starting on May 19, 2020, the court will be accepting additional civil filings by e-mail to the addresses indicated below, subject to technology and the direction of the Regional Senior Judge:

1. **Pre-trial conferences for settlement purposes only** – For civil trials or pre-trial conferences that were cancelled in March, April, May or June 2020, parties may file request for pre-trial conference and pre-trial conference brief. The parties must:
 - (a) Provide a teleconference line for the pre-trial conference (where parties are represented by counsel);
 - (b) Certify in the pre-trial conference brief or otherwise if directed by the local administrative judge that:
 - (i) the case is ready for settlement discussions;

- (ii) there are no impediments to a full discussion of resolution such as outstanding expert reports or productions, and
 - (iii) the parties will attend with full authority to settle;
- (c) Limit the pre-trial conference brief to ten (10) pages or fewer in length (no trial management sections are to be included); and
- (d) Provide hyperlinks in the pre-trial conference brief to expert reports, case law, and any other pertinent documents.

Requests for pre-trial conferences and pre-trial conference briefs must be e-mailed to the trial co-ordinator at the e-mail address set out below. No trial management discussions will take place during the pre-trial conferences at this time.

- 2. In-writing motions or applications under Rule 7 of the *Rules of Civil Procedure*** (parties under disability).
- 3. In-writing consent or unopposed motions.**
- 4. Short opposed motions (excluding motions for summary judgment) and applications** where the issues of fact and law are not complex. All requests for hearings of such matters are to include an e-mail (maximum 2 pages) stating (i) the relief requested; (ii) why the issues of fact and law are not complex; and, (iii) the names and e-mail addresses for all opposing counsel and any self-represented person. Requests for hearing will also be triaged to assess suitability for hearing at this time. If scheduled for hearing by teleconference, the moving party, if represented by counsel, must provide a teleconference line for the hearing.
- 5. Case conferences under Rule 50.13.** All requests for case conferences are to include an e-mail (maximum 2 pages) stating (i) the purpose of the conference, and (ii) names and e-mail addresses for all opposing counsel and any self-represented persons.
- 6. Class actions** – case conferences may be scheduled in the discretion of the case management judge.

For civil matters, in-writing motions and applications listed in paragraphs 2 and 3 above must be e-mailed to the generic CSD drop box at the address set out below. All other requests for hearings, including requests for pre-trial conferences, case conferences

under Rule 50.13 and case conferences in class actions, are to be e-mailed to the applicable trial co-ordinator e-mail address set forth below.

COURT FILING FEES:

Depending on the circumstances, court filing fees may have to be paid electronically, by courier, or by an undertaking to pay when the current restrictions on attending at the court house are lifted.

For emergency and urgent matters scheduled through the trial coordinator, fees will have to be paid later and an undertaking will be required.

For documents filed through the Ontario Government portal, fees are collected as part of the filing process.

For new civil or family motions you may be directed by the court to courier a cheque to the court house at the time of scheduling or else you will have to pay the fee when it is possible to do so. An undertaking may be required.

FILING ADDRESSES:

CSD DROP BOXES
<u>Chatham.Courthouse@ontario.ca</u>
<u>Goderich.Courthouse@ontario.ca</u>
<u>London.Courthouse@ontario.ca</u>
<u>Sarnia.Courthouse@ontario.ca</u>
<u>Stratford.Courthouse@ontario.ca</u>
<u>StThomas.Courthouse@ontario.ca</u>
<u>Windsor.Courthouse@ontario.ca</u>
<u>Woodstock.Courthouse@ontario.ca</u>
TRIAL CO-ORDINATOR E-MAIL ADDRESSES
<u>Chatham.SCJ@ontario.ca</u>
<u>Goderich.SCJ@ontario.ca</u>

<u>London.SCJ@ontario.ca</u>
<u>London.Family.SCJ@ontario.ca</u>
<u>Sarnia.SCJ@ontario.ca</u>
<u>St.Thomas.SCJ@ontario.ca</u>
<u>Stratford.SCJ@ontario.ca</u>
<u>Windsor.SCJ@ontario.ca</u>
<u>Woodstock.SCJ@ontario.ca</u>

Dated: May 12, 2020.

**Regional Senior Justice Bruce Thomas,
Southwest Region**