**NOTE: STANDARD DIRECTIONS ONLY – ADAPT AS APPROPRIATE. ORDER WILL REFLECT COURT NOMINATED DATES AS REQUIRED**

**\*\*APPLICATIONS FOR ORDERS 1 AND/OR 2 ARE TO BE MADE ON SUMMONS**

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE

COMMON LAW DIVISION

DUST DISEASES LIST

S CI 201[ ]

**BETWEEN:**

|  |  |
| --- | --- |
| [ ] | Plaintiff |
|  |  |
| - and - |  |
|  |  |
| [ ] | Defendant |

**REQUEST FOR ORDERS**

**FIRST DIRECTIONS**

The parties seek the following orders:

**\*\*Nunc Pro Tunc**

1. The plaintiff have leave to proceed nunc pro tunc pursuant to sub-section 135BB(3)(a) of the *Accident Compensation Act 1985* (Vic).

**Trial and trial fee**

1. The proceeding be granted an expedited trial.\*\*
2. The proceeding be fixed for trial not before[ ]before a judge [and jury] on an estimate by the parties that the trial will occupy[ ]sitting days.
3. In order to secure the trial date, parties pay the setting down for trial fee [and first day jury fee] on or before a date to be nominated by the Court. If the fee is not paid by that date, the trial date may be vacated by the Court. The setting down [and first day jury] fee must be paid even if the matter does not proceed to trial.
4. Any application to adjourn or vacate the trial date must be made as soon as it is known that the trial is not ready to proceed on the date fixed.

**Pleadings and particulars**

1. [The Defendant file and serve a defence on or before .]
2. The Defendant make any request for further and better particulars of the statement of claim on or before[ ].
3. The Plaintiff file and serve any further particulars required on or before[ ].
4. The Defendant file and serve any third party notices on or before[ ].
5. The Defendant file and serve any notices of contribution on or before[ ].

**Discovery & interrogatories**

1. All parties make discovery (including full inspection) in accordance with the Rules and file and serve an affidavit of documents on or before[ ].
2. If parties wish to interrogate, they must serve interrogatories for the examination of another party on or before[ ].
3. Answers to interrogatories must be filed and served in accordance with the Rules.

**Evidence**

1. Any subpoena under Order 42A be issued and served on or before[ ].
2. On or before[ ], the parties are to exchange any medical and/or expert reports concerning damages and liability, including those required to be served under Order 33 or Order 44.
3. On or before [ ], the Plaintiff is to serve particulars of special damage, loss of earnings and loss of earning capacity along with supporting documentation.
4. No later than[ ]:
   1. the parties are to exchange any supplementary medical and expert reports concerning damages and liability, along with supporting documentation; and
   2. the Plaintiff must serve any final particulars of special damages, loss of earnings and loss of earning capacity.
5. The Plaintiff be granted leave to be examined on oath before an examiner to be nominated by the Court. Such examination to occur at a time and place to be agreed upon by the parties, subject to the Plaintiff’s health condition and whereabouts. The examination be videotaped and the admissibility of the videotape be reserved for the direction of the trial judge. At the time the Plaintiff is examined, the Defendant be granted leave to cross examine the Plaintiff.

**[FOR REGIONAL MATTERS SUBSTITUTE THE FOLLOWING FOR “PRE-TRIAL CONFERENCE AND FINAL DIRECTIONS HEARING” SECTION]**

**Mediation**

19. The parties are to have attended a mediation of the proceeding by [ ].

20. The mediator and parties are to notify the Court of the status of the proceeding within 7 days of the mediation.

**Pre-trial conference and final directions hearing [DELETE THIS SECTION FOR REGIONAL MATTERS]**

1. The parties are to attend a pre-trial conference not before[ ]and, in any event, no later than a date to be nominated by the Court.
2. The parties are to attend a final directions hearing at 9.30am on a date to be fixed by the Court.
3. At the final directions hearing each party should be in a position to:
4. confirm that the proceeding is ready for trial;
5. confirm the estimated number of sitting days;
6. confirm whether the proceeding is to be heard by judge alone, or by jury;
7. confirm the name and contact details of the practitioner with conduct of the proceeding and advise whether counsel has been briefed for trial;
8. confirm payment of the trial fee and jury fee (if the trial is to be heard before a jury);
9. provide a list of proposed expert and lay witnesses to be called at trial;
10. advise whether any witnesses will require an interpreter or will need to give evidence via video-link;
11. advise whether a view is likely to be required during the trial;
12. advise whether any witnesses have special needs;
13. identify any outstanding interlocutory issues; and
14. identify the main issues in dispute.

**Costs**

1. Costs in the proceeding.

DATED: [ ]

………………………………………… ………………………………………………

|  |  |
| --- | --- |
| [ ]  Solicitors for the Plaintiff: | [ ]  Solicitors for the Defendant |