

Practice Notice Concerning May 2022 Civil Trial Sittings in Central East Region

With the recent reopening announced by the Provincial Government and the Direction of the Chief Justice concerning the resumption of jury trials, Notice is given to all litigants and the Bar that there will be a three-week civil trial sittings commencing May 16, 2022. The sittings will include both jury and non-jury trials, as well as long motions. The ability of the Court to conduct either a jury or a non-jury trial will, however, be entirely dependent on judges and court rooms becoming available. Due to the backlog in both criminal and civil, there is limited number of judges to deal with the backlog of both criminal and civil cases. As matters progress, the reassignment of judges will be determined.

Counsel and parties who are on the trial list will, therefore, be expected to be ready when called. Adjournments for trial will only be granted in exceptional circumstances by the trial judge or triage judge.

ELIGIBILITY FOR THE MAY SITTINGS

1. All cases that are on the Civil Running List for Trials and Long Motions will automatically be placed on the May sittings trial list unless all parties consent not to be added to the May list. Such consent is to be emailed to CErunninglist@ontario.ca and must include the following information:
 - a. Email subject line must indicate: Request to be Removed from the May Sittings (CONSENT) – Style of Cause, File Number, Originating Court
 - b. Jury/Non-Jury or Long Motion
 - c. Trial Time Estimate as indicated in pre-trial endorsement or Long Motion Time Estimate
 - d. Consent to include the most-recent judge's pre-trial endorsement form
2. All cases that were not reached in the November 2021 sittings list shall be placed on the May sittings list.
3. All cases that have been pre-tried since the November 2021 sittings are eligible to be placed on the May sittings on consent of all parties are to be emailed to CErunninglist@ontario.ca and must include the following information:
 - a. Email subject line must indicate: Request to be Added to the May Sittings (CONSENT) – Style of Cause, File Number, Originating Court
 - b. Jury/Non-Jury
 - c. Trial Time Estimate in pre-trial endorsement
 - d. Consent to include the most-recent judge's pre-trial endorsement form
4. Any case where a pre-trial judge has indicated the case will be placed on the May sittings list will be tried during the May sittings.
5. Any other case that does not fall within the aforementioned eligibility criteria can apply to be added to the May sittings trial list by emailing a request on consent of all parties with CErunninglist@ontario.ca and must include the following information:
 - a. Email subject line must indicate: Request to be Added to the May Sittings (CONSENT) – Style of Cause, File Number, Originating Court
 - b. Jury/Non-Jury
 - c. Trial Time Estimate in pre-trial endorsement
 - d. Consent to include most-recent judge's pre-trial endorsement form

6. For any matter where one or more party/ies opposes the case being added to the trial list, the party shall request attendance at the Central East Trial Scheduling Court (CETSC).

TRIAL SCHEDULING – CENTRAL EAST TRIAL SCHEDULING COURT

The Central East Trial Scheduling Court (CETSC) will resume its monthly sitting commencing April 28, 2022, on the last Thursday of each month, and depending upon need, additional dates may be made available. The CETSC will be conducted via Zoom, with tiered, assigned appointments at:

9:00 a.m.
10:00 a.m.
11:30 a.m.
12:30 p.m.
1:30 p.m.
2:30 p.m.
3:00 p.m.

Once the pre-trial conference judge has endorsed that the case is ready for trial, the case will be listed for appearance in the CETSC. It will be presided over by the Regional Senior Judge or his designate.

The purpose of the CETSC is to deal with any contested and or consent requests to be added to the civil sittings trial list that have not previously been decided by the triage judge.

The purpose of the CETSC is to confirm the length of the trial and to ensure that the case is ready for trial. Civil cases will be listed to be tried at the twice-yearly regional Civil Trial Sittings. The judge presiding at the CETSC will canvass with counsel on which Civil Trial Sittings list the action will be placed. If counsel has more than one case on a particular Civil Trial Sittings list, the presiding judge must be informed of all other cases counsel has on that list and their present status. The purpose of such enquiry is to avoid the adjournments that result when counsel set multiple cases for trial at the same Civil Trial Sittings.

If a trial is estimated to take longer than three weeks, the judge presiding at the CETSC will decide whether the case can be tried within the twice-yearly Civil Trial Sittings, or whether the Regional Senior Judge should be asked to assign a fixed trial date.

A further purpose of the CETSC is to canvass whether there is any reason why a case cannot be tried at any of the courthouses in the region, so that courtroom and judicial resources can be maximized. Counsel and the parties will be required to show good reason why a case must be tried at a particular courthouse.

Prior to the attendance, counsel shall file a one-page memorandum with the court at least three days before the CETSC, setting forth the history of the action and the order being sought from the presiding Justice. This is to be emailed to: CErunninglist@ontario.ca and must include the following information: email subject line must indicate: CETSC - *DATE OF TSC* – Style of Cause, File Number, Originating Court