

**Form 40.04A**  
(rule 40.04)

**File number: 20** \_\_\_\_\_ **G** \_\_\_\_\_

**IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR  
GENERAL DIVISION**

**BETWEEN:**

*(Plaintiff's name)*

**PLAINTIFF**

**AND:**

*(Defendant's name)*

**DEFENDANT**

*(Modify title of proceeding as necessary.)*

**Certificate of Readiness**

1. The parties hereby jointly certify that, as of this date, this proceeding is ready for trial and that
  - pleadings have closed
  - no amendments to pleadings are contemplated
  - all relevant parties are before the court
  - all examinations for discovery have been completed, or are hereby waived
  - all interrogatories have been delivered and answered, or are hereby waived
  - lists of documents have been exchanged in accordance with the rules
  - all appropriate pre-trial applications have been taken
  
2. Current estimates of the number of witnesses to be called are as follows (*insert additional lines as necessary*):

<b>Party</b>	<b>Number of Witnesses</b>
First Plaintiff:	
Second Plaintiff:	
Third Plaintiff:	
First Defendant:	
Second Defendant:	
Third Defendant:	

3. (a) Current estimates of the total of documents to be presented at trial are as follows (*insert additional lines as necessary*):

<b>Party</b>	<b>Number of Documents</b>
First Plaintiff:	
Second Plaintiff:	
Third Plaintiff:	
First Defendant:	
Second Defendant:	
Third Defendant:	

(b) A joint Book of Documents will/will not (*choose one*) be entered in evidence by consent.

(c) It is anticipated that (*check as required*):

- audio recordings may be entered/played in evidence
- video recordings may be entered/played in evidence
- a view of \_\_\_\_\_ may be required

- a \_\_\_\_\_ language interpreter may be required for the evidence of \_\_\_\_\_.

And the party or parties proposing same hereby undertake to make all necessary arrangements to facilitate such activities at trial.

- 4. Current estimates of the number and area of expertise of expert witnesses to be called to give evidence are as follows:

<b>Party</b>	<b>Number of Experts</b>	<b>Area of Expertise</b>
First Plaintiff:		
Second Plaintiff:		
Third Plaintiff:		
First Defendant:		
Second Defendant:		
Third Defendant:		

- 5.  It has been agreed that not more than \_\_ sitting days is a reasonable time for the hearing of all evidence and argument in this proceeding.

**OR**

- The parties are not in agreement as to their estimate of a reasonable time for the hearing of all evidence and argument in this proceeding. The estimates of each party of the time involved in presentation of that party's case are as follows:

<b>Party</b>	<b>Estimate of Time Required to Present Case</b>
First Plaintiff:	
Second Plaintiff:	
Third Plaintiff:	

First Defendant:

Second Defendant:

Third Defendant:

6. The parties do/do not [delete one] request a settlement conference in which case they estimate \_\_\_\_\_ hours for its completion.
7. The parties do/do not [delete one] request a mini-trial in which case, they estimate \_\_\_\_ hours for its completion.
8. The trial record has been filed pursuant to Rule 40.04(1)(c).
9. (*Check box if applicable*)

- Pursuant to the *Jury Act* we hereby jointly request that this proceeding be tried by a Judge with a Jury

**OR**

- This proceeding involves an action of defamation, malicious prosecution, false imprisonment, seduction or breach of promise of marriage and the \_\_\_\_ hereby requests, pursuant to subsections 32(1) and (2) of the *Jury Act*, that the issues of fact be tried by a judge with a jury.

**OR**

- The \_\_\_\_\_ hereby requests, pursuant to section 32(3) of the *Jury Act*, that this proceeding be tried by a judge with a jury, for the reasons that:
10. The parties hereby request, or if a settlement conference or mini-trial is requested, anticipate they will ultimately request:

the earliest available position on the General List;

**OR**

a position that will result in trial not before \_\_\_\_\_, on the General List;

**OR**

a fixed date, for the reasons that: (*Set out reasons.*)

**OR**

an early fixed trial date, for the reasons that: (*Set out reasons.*)

**OR**

The parties cannot agree on the manner and times of setting down of this proceeding for trial:

**Party**  
First Plaintiff:

**Party's position and reasons**

Second Plaintiff:

Third Plaintiff:

First Defendant:

Second Defendant:

Third Defendant:

11. If the proceeding is settled before trial, we will give the Registrar prompt notice of the settlement by filing a Memorandum of Settlement or Notice of Discontinuance pursuant to Rule 39.03.
12. If we undertake to give promptly to the Registrar notice in writing of any information that may affect the estimated duration of trial or any changes in contemplated procedure or any circumstance that may result in delay of trial.

13. The counsel who shall have carriage of the proceeding at trial and/or who are authorized and will be fully briefed to attend and participate in any pre-trial or other conference are:

<b>Party</b>	<b>Name of counsel (you may list more than one)</b>
First Plaintiff:	

Second Plaintiff:

Third Plaintiff:

First Defendant:

Second Defendant:

Third Defendant:

14.  The parties jointly estimate that \_\_\_\_\_ hours is a reasonable time for the conduct of the pre-trial conference in this proceeding.

**OR**

The parties cannot agree as to the estimate of a reasonable time for the conduct of the pre-trial conference. The longest estimate of any party is \_\_\_\_\_ hours.

15. \_\_\_\_\_ Practices outside of the judicial centre in which the pre-trial conference will likely be held and therefore requests permission to participate in any pre-trial conference by telephone/teleconference and hereby agrees to be responsible for the actual costs of such telephone call or teleconference.

**DATED** at \_\_\_\_\_ (city/town), \_\_\_\_\_ (province or, if outside of Canada, country), on the \_\_\_\_\_ (day) of \_\_\_\_\_ (month), \_\_\_\_\_ (year).

\_\_\_\_\_  
(Signature)  
First Plaintiff/Solicitor for First Plaintiff

**DATED** at \_\_\_\_\_ (city/town), \_\_\_\_\_ (province or, if outside of Canada, country), on the \_\_\_\_\_ (day) of \_\_\_\_\_ (month), \_\_\_\_\_ (year).

\_\_\_\_\_  
(Signature)  
Second Plaintiff/Solicitor for Second Plaintiff

**DATED** at \_\_\_\_\_ (city/town), \_\_\_\_\_ (province or, if outside of Canada, country), on the \_\_\_\_\_ (day) of \_\_\_\_\_ (month), \_\_\_\_\_ (year).

\_\_\_\_\_  
(Signature)  
Third Plaintiff/Solicitor for Third Plaintiff

**DATED** at \_\_\_\_\_ (city/town), \_\_\_\_\_ (province or, if outside of Canada, country), on the \_\_\_\_\_ (day) of \_\_\_\_\_ (month), \_\_\_\_\_ (year).

\_\_\_\_\_  
(Signature)  
First Defendant/Solicitor for First Defendant

**DATED** at \_\_\_\_\_ (city/town), \_\_\_\_\_ (province or, if outside of Canada, country), on the \_\_\_\_\_ (day) of \_\_\_\_\_ (month), \_\_\_\_\_ (year).

\_\_\_\_\_  
(Signature)  
Second Defendant/Solicitor for Second Defendant



**DATED** at \_\_\_\_\_ (city/town), \_\_\_\_\_ (province or, if  
outside of Canada, country), on the \_\_\_\_\_ (day) of \_\_\_\_\_ (month),  
\_\_\_\_\_ (year).

\_\_\_\_\_  
(Signature)

Third Defendant/Solicitor for  
Third Defendant