

Court of Queen's Bench (Family Division)
Winnipeg Centre
Case Management Practice Directives
(Consolidated as of October 23, 2006)

	Date Last Revised
<p><u>Scheduling Case Conference Hearings:</u></p> <ol style="list-style-type: none"> 1. Please contact the Family Trial Coordinator at (204) 945-2539 if calling: <ul style="list-style-type: none"> • to set time for a seized case conference, or • to adjourn a seized case conference hearing. 2. Please contact the Case Management Coordinator at (204) 945-7853 if calling: <ul style="list-style-type: none"> • to schedule an initial case conference hearing date where no judge is seized. • to adjourn an initial case conference. • for general case management inquiries. 3. If the case conference is to be held by teleconference, counsel must advise the coordinator when the case conference date is set. 4. First case conferences are scheduled for one hour at 10:00, 11:00, 2:00 and 3:00 Monday through Thursday. 5. Subsequent case conferences can be scheduled for varying lengths of time as determined by the judge or counsel, Monday through Friday (excluding Friday p.m.) and may commence at 9:15 a.m. 	
<p><u>Contested Family Motions:</u></p> <ol style="list-style-type: none"> 1. Please contact the Family Motion Coordinator at (204) 945-4209 if calling to set time for all contested family motion (including seized) 2. When a Notice of Motion is filed, it is not to be direct dated to a previously arranged case conference time, but must appear on the Tuesday Uncontested Family Motions List. The exception is on a Notice of Motion where counsel is withdrawing. 3. Anytime a case conference date is set, a contested motion date can be set simultaneously, but the motion takes place after the case conference except in cases of urgency or hardship with leave of a judge. At the case conference, the need for the motion will be reviewed. 	
<p><u>Documents to be filed:</u></p> <ol style="list-style-type: none"> 1. Case Management Information Statements are to be filed by 2:00 p.m. at least two days prior to the case conference hearing date. <i>Faxes are not accepted.</i> 2. The party requesting a case conference hearing must file a requisition and serve the other party at least 14 days before the date of the case conference unless the parties agree to a shorter period of notice. The requisition must include the date and time of the case conference hearing, opt-in clause if applicable and the teleconference phone number if applicable. Requisitions must be filed upon setting of every case conference date (including those by consent). 	
<p><u>Court-generated Documents:</u></p> <ol style="list-style-type: none"> 1. Under Rule 70.24(32) to 70.24(38), if 200 days after the originating process was filed there have been no proceedings (ie. case conference date set; final documents filed; default noted and uncontested hearing set), the Case Management Coordinator issues a Notice of Dismissal. Within 30 days of the 	Oct 23/06

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<p>Notice's mailing date, if no action is taken, an Order of Dismissal is generated</p> <p>The Order of Dismissal would affect the original Petition or Notice of Motion to Vary, any Interim Orders arising from the Petition, and Prevention Orders made by the Court of Queen's Bench. CPIC would be advised by the Court in the appropriate circumstances.</p> <p>However, a Designated Justice of the Peace Without Notice Protection Order, and any variations thereof, remains unaffected by the Order of Dismissal.</p> <p>2. To set aside the Order of Dismissal, a Notice of Motion is filed on the Tuesday Uncontested Family Motions List.</p>	
<p><u>Requests for Adjournment:</u></p> <p><u>More than 14 days</u></p> <p>1. The Request for Adjournment Form 70T is used when adjourning all case conference hearing dates.</p> <ul style="list-style-type: none"> • Both parties must consent to the adjournment. • If initial case conference date to be adjourned, an alternate hearing date must be obtained. • If subsequent case conference date to be adjourned, an alternate hearing date may not be required. <p>2. Prior to filing a Request, counsel is to call the case management coordinator to obtain alternate hearing dates and times. After receiving consent of the other party, counsel must file a Request (fax accepted) including current and alternate case conference hearing dates, and the reason for the adjournment, 14 days prior to the current case conference date. The Court will grant or deny the request and notify the party. <i>Party requesting the adjournment is responsible for advising the other party of the decision.</i></p> <p>3. When a case conference date is set by Requisition <u>without consent</u> of other party Rule 70.24(12) at least 14 days before the date of hearing, and counsel are unable to agree to the adjournment, both counsel are to fax to the Court their positions and each copied respectively. The duty judge or case conference judge will determine whether the case conference date is adjourned.</p> <p><u>Less than 14 days</u></p> <p>4. In the event a Request for Adjournment is received less than 14 days from the case conference date, the Court may grant the adjournment if any of the following circumstances apply:</p> <ul style="list-style-type: none"> • illness, death • Assessment reports not ready • Appraisal reports not ready • Matter is close to settlement • New counsel <p>5. When canceling a case conference hearing date, correspondence is required. (i.e. settlements)</p>	<p>Feb 15/05</p>
<p><u>Miscellaneous:</u></p> <p>1. When a Notice of Motion to Vary (Form 70H) is filed, the matter is heard by the original case conference judge as a case conference, if available.</p>	

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<ol style="list-style-type: none"> 2. Counsel will prepare orders made under Rule 70.24(25) (Failure to Follow Rules). 3. Counsel is reminded to file a Record when trial dates are set. 4. To view available first case conference dates go to Manitoba Courts' web site at http://www.manitobacourts.mb.ca to <i>Accessing Case Information from the Court Registry System</i>. When considering dates, choose several possible options in the event the first choice is not available. Please note the web site is updated at the end of the business day and changes are not automatically updated throughout the day. 5. Inactive status no longer applies effective February 15, 2005. 	
<p><u>Notice of Motion to Expunge:</u></p> <ol style="list-style-type: none"> 1. When an expunge motion triggers case management, the respondent counsel may wish to ask moving counsel for an extension of time to file their response to the Notice of Motion to Expunge until after the case conference is held to avoid unnecessary costs. 2. If a Notice of Motion to Expunge is filed on a non-case management file, this does not trigger case management and the motion to expunge will be dealt with in the ordinary way. 	
<p><u>Opt-In:</u></p> <ol style="list-style-type: none"> 1. If a non-case management file has been dealt with by way of pretrial, the pretrial judge is automatically the case conference judge if available. 2. If a motion is set and counsel are opting in, the motion date and time can be adjourned by consent of both parties. 3. For non-case management files, if counsel wish to opt-in, there must be current pleadings on file. Counsel cannot <u>only</u> file a Requisition and a Case Conference Information Statement without outstanding pleadings. <p>When counsel file a Requisition to opt in to Case Management only (with no date), the onus is on counsel to call and arrange a case conference hearing date. The preferred practice is to obtain a date prior to filing the document, and include opt-in clause and the case conference hearing date on the same Requisition. If serving Requisition on opposing party/counsel without consent, you must give at least 14 days notice of the hearing date.</p>	
<ul style="list-style-type: none"> ▪ <u>Regional Files</u> <p>Counsel may opt-in by consent by the following process:</p> <ol style="list-style-type: none"> a) call the case management coordinator for case conference dates; b) file a Requisition at the court office where the file is located and include the following on the Requisition: <ul style="list-style-type: none"> ▪ to transmit to Winnipeg Centre ▪ to opt-in to case management pursuant to Q.B. Rule 70.24(5)(b) and indicate the case conference date and time 	
<p><u>Files prior to November 1, 2002:</u></p> <ul style="list-style-type: none"> ▪ If a file is a non-case management file and a <u>Notice of Motion to Vary</u> is 	

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filed post November 1, 2002, the file is automatically brought in to the case management process. The Notice of Motion to Vary is always filed initially on the Tuesday Uncontested Family Motions List, and once contested, a case conference hearing date can be booked. A Case Management Information Statement can be filed rather than an Affidavit.	
<p><u>Status of Files prior to February 15, 2005 (Transitional period)</u></p> <p>1. If your matter has a BF date outstanding as of February 15, 2005 and a case conference has taken place, the Case Management Coordinator will no longer monitor the status of the file.</p>	Feb 15/05

ISSUED BY:

The Honourable Associate Chief Justice Mercier
Court of Queen's Bench (Family Division)

REVISED DATE: October 23, 2006