NOTICE MANITOBA COURT OF QUEEN'S BENCH MASTERS RE: COVID-19 NOTICE TO THE PROFESSION PROCEDURAL UPDATE MAY 11, 2020

The notices issued by the Manitoba Court of Queen's Bench Masters' Office on March 17, April 7, and April 24, 2020, set out restrictions on matters proceeding during the period from March 17 to May 22, 2020, due to the COVID-19 virus (the suspension period). This notice will address some changes to those directions and more particularly will address how matters may be set and appear before a master before and after May 25, 2020. It will also replace, to the extent stated, the notice issued by the masters on April 24, 2020, concerning Family Division prerequisite motions, and update the masters' notice governing Child Protection proceedings dated April 7, 2020.

Subject to further notice, all currently scheduled civil and family motions, and references set to proceed before the masters on or after May 25, 2020, will proceed, remotely wherever possible, and subject to the following directions.

Maintenance Enforcement Dockets

These dockets remain suspended in all judicial centres until further notice.

WINNIPEG CENTRE

Child Protection Dockets

These dockets were suspended until April 14, 2020. On April 7, 2020, the masters issued directions for the reconvening of these dockets remotely in the Judicial Centres in Manitoba serviced by the masters. That process will continue after May 22, 2020, until further notice. However, while the 60 day docket rule had been suspended from strict application during the suspension period, the masters will be moving gradually back towards its application over the next month. This is in keeping with the Queen's Bench direction of May 4, 2020, addressing the re-start of the regular weekly remote Intake dockets on Thursday June 4, 2020.

Family Division Prerequisite Motions

The April 24, 2020, notice relating to prerequisite motions was to be in effect until May 25, 2020. However, the regular masters' uncontested lists will resume daily operation effective Tuesday May 19, 2020, for previously adjourned motions, and May 25, 2020, for new motions. See in particular the section Masters' Civil and Family Motions Uncontested Lists.

The masters will hear prerequisite motions already scheduled in accordance with the procedures set out in the Notice dated April 24, 2020, until and including May 21, 2020. Any prerequisite motions not yet scheduled shall now be made returnable on the daily uncontested lists. This includes all without notice motions as these will no longer be heard as desk motions effective May 19, 2020.

Masters' Civil and Family Motions Uncontested Lists

The masters' uncontested lists were suspended through and including May 22, 2020. All matters previously scheduled during this suspension were adjourned *sine die*. Commencing the week of May 11, 2020, these adjourned matters can be scheduled to appear returnable on the masters' daily uncontested lists which will resume Tuesday, May 19, 2020, at 9:30 a.m., as set out below.

New civil and family motions may be scheduled on the uncontested lists, based on availability, as of May 25, 2020, in the manner set out below.

Any proposed consent order may be submitted with the required material for consideration as a desk motion.

Until further notice, the masters' daily uncontested lists in Winnipeg will operate commencing at 9:30 a.m. by way of teleconference. All counsel and self-represented litigants will be required to call in and the presiding master will address the matters on the basis of their chronological place on the daily list.

The call-in number and details for those matters on the daily uncontested lists are as follows:

Toll-free dial-in number: 1-855-342-6455 Conference ID: 5589296 All affidavits of service are required to be filed before 2:00 p.m. on the day preceding the hearing. The affidavits must prove that proper notice of the call-in number and details for the hearing were served along with the motion materials. This can be effected by serving the attached notice of hearing that is appropriate to your circumstances.

As was the practice of the masters prior to the interruption in service, for family prerequisite motions, if the motion can be reasonably dealt with on the daily list, it will be. If not, the presiding master will issue directions, including timelines, and may grant leave to set a contested hearing date, to be held remotely, if the master feels the matter is properly prepared to proceed. If the parties involved with these prerequisite motions wish to have the master consider proceeding on the list, when called upon in chronological order of appearance on the list, they should confirm their intention, and will be asked to stand down pending completion of all other matters.

The normal procedure will be followed to obtain a date for the uncontested list. To obtain a date for a contested hearing, once leave of the court has been granted, motions are to be booked through the master presiding at the uncontested list or by sending an email to the masters' coordinator's general email address <u>MastersCoordinator@gov.mb.ca</u> or by phoning the masters' coordinator at 204-945-0994. Your email or phone message will be responded to promptly and a hearing time will be assigned. The parties' availability and time required must be provided in the email or phone message to assist with scheduling. Parties should also include a number that they can be reached at on the date and time of the hearing in the event the parties need to be called by the court rather than to call in. Details of the call-in number and/or other instructions will be provided along with the date and time of the hearing.

To the extent possible, contested motions involving a maximum of two parties will be heard by the masters in their chambers in which case the master will call the parties at the numbers provided.

Multiparty hearings will be heard in a teleconference courtroom and parties will be required to call in to a designated number which will be provided in advance of the hearing.

Bankruptcy Dockets

Bankruptcy dockets will resume after May 25, 2020. These dockets will be proceeding remotely until further direction from the court, although the trustee's representative may appear in person if preferred. If personal appearance is desired, the trustee and court will follow all appropriate social distancing guidelines.

Although proceeding remotely, with trustees and other parties calling in, the lists will operate every Tuesday and on scheduled Wednesdays with the presiding Registrar present in courtroom 115 and addressing the Tuesday matters on the record. The call-in number and details are as follows:

Toll-free dial-in number: 1-800-974-5902 Conference ID: 5148840

Trustees must serve all involved parties in the normal course, and must ensure proper service evidence has been filed in advance of the hearing. However, during this period of remote hearings, service of the notice of hearing must also be accompanied by the attached notice (revised as necessary), which includes the call-in number and details, for any party that the trustee is expecting to be present and/or participating in the hearing.

All matters adjourned during the suspension period from March 16 through and including May 25, 2020, and any new matters for hearing may be scheduled through the Bankruptcy clerk in the normal course for the first available time.

All other matters

Any other hearings that had been scheduled before a master during the suspension period were adjourned *sine die.* This includes contested motions, passing of accounts, hearings for directions on references, lawyers' fee assessments, and any other type of hearing including viva voce reference hearings.

With the exception of any scheduled viva voce reference hearings that had been adjourned, all adjourned matters, including hearings for directions, may be rescheduled to proceed remotely by contacting the masters' coordinator after May 22, 2020, by email or telephone as set out above.

For any viva voce reference hearings that were adjourned *sine die*, the party with carriage must immediately contact the masters' coordinator by phone or email to arrange for a further hearing for directions. This hearing for directions will proceed remotely and must be scheduled prior to June 30, 2020, in order to reschedule the viva voce hearing in a timely way, and set the process to be followed.

As noted above, all matters that had been scheduled to proceed on or after May 25, 2020, will proceed at the time scheduled. However, other than reference hearings, the matters will now proceed remotely, except with leave of the court. The parties involved will need to contact the masters' coordinator by email or phone, as set out above, to obtain the call-in details or instructions for each scheduled hearing.

With respect to viva voce reference hearings that have been set to proceed on or after May 25, 2020, it is expected that those matters will proceed as scheduled. For in person hearings, the parties will be expected to limit the presence in court of anyone not directly required, and to follow appropriate social distancing at all times. If desired, parties involved in a currently scheduled family reference hearing may contact the masters' coordinator by email or phone to set up one further hearing for directions to address any challenges or concerns arising from the current restrictions.

The normal procedure will be followed to obtain a date for any new matter not returnable on the uncontested lists such as passing of accounts, lawyers' fee assessments and Law of Property references.

As set out above, for any with notice matters set to proceed during this restricted time, the affidavits of service must confirm service of the attached Notice of Hearing (choose appropriate Notice for your matter), and must be filed before 2:00 p.m. the day before the scheduled hearing.

Brandon and other regions

The above noted directions and procedure for the Winnipeg Centre concerning without notice motions as well as with notice motions shall also apply to the Brandon Centre as well as the Dauphin, Portage la Prairie and Morden Centres, subject to the following modifications:

Brandon

Matters that had been scheduled to appear upon the weekly masters' uncontested list (Family and Civil) but did not proceed because of the suspension period were adjourned on a *sine die* basis. Counsel are now responsible for requisitioning such matters back to the masters' uncontested list, with the earliest returnable date such matters can appear being on Tuesday, May 19, 2020, at 9:00 am (all such matters shall be requisitioned by counsel to be returnable upon the masters' uncontested list no later than Monday, June 15, 2020).

With respect to matters which had been scheduled for hearing before the master but had to be subsequently adjourned *sine die* as a result of the suspension period, the Queen's Bench Trial Coordinator in Brandon (Michelle Brown) has administratively arranged for these matters to appear on the masters' uncontested list to be held on Monday, May 25, 2020, at 9:00 am for rescheduling, unless the matter has already been rescheduled by counsel through the Trial Coordinator. Counsel do not need to wait until May 25, 2020, to confirm a new hearing date, and are encouraged to email the Trial Coordinator using the contact particulars set forth below.

In the event there are any questions with respect to scheduling of the foregoing matters for the masters' uncontested list, counsel may contact the Trial Coordinator:

BrandonQBTrialCoordinator@gov.mb.ca (Michelle Brown's telephone number is 204-726-7430).

Otherwise, for all new matters which counsel wish to be scheduled for an appearance on the masters' uncontested list, effective May 25, 2020 and going forward (such as motions and applications), all pleadings shall be filed with the Queen's Bench Registry in Brandon as has always been the practice.

Aside from the masters' uncontested list (which is resuming effective Tuesday, May 19, 2020, at 9:00 am, and continuing thereafter on Monday each week at 9:00 am as had been the regular schedule prior to the suspension period), the Trial Coordinator recently distributed a Memo to the

Profession dated April 30, 2020, which confirmed the dates and times going forward with respect to the weekly Child Protection List and the monthly Bankruptcy List. Until further notice from the Court, the Maintenance Enforcement Docket in Brandon will continue to be suspended.

As set out earlier in this notice, all matters will be handled remotely via teleconference, unless otherwise provided herein or with leave of the Court.

<u>Dauphin</u>

With respect to matters which were to appear upon the monthly masters' uncontested list (Family and Civil) but did not proceed, as well as matters where a hearing date had been scheduled before the master but did not proceed due to the suspension period, all such matters were adjourned administratively by the Queen's Bench Trial Coordinator in Dauphin (Shauna Kachur), and will be added to the masters' uncontested list to be held on Thursday, June 11, 2020, at 10:00 am for rescheduling (immediately following the Child Protection List).

In the event there are any questions with respect to scheduling of the foregoing matters for the masters' uncontested list, counsel may contact the Trial Coordinator:

Shauna.Kachur@gov.mb.ca (Shauna Kachur's telephone number is 204-622-2100).

Otherwise, for all new matters which counsel wish to be scheduled for appearance upon the masters' uncontested list, effective Thursday, June 11, 2020, and going forward (such as motions and applications), all pleadings shall be filed with the Queen's Bench Registry in Dauphin as has always been the practice.

Separate and apart from the monthly masters' uncontested list (which is resuming effective Thursday, June 11, 2020, at 10:00 am, and continuing thereafter on a monthly basis as had been the regular schedule prior to the suspension period), the Child Protection List in Dauphin has been operating on a monthly basis during the suspension period, subject to certain restrictions, with the next date being at 10:00 a.m. on Thursday, May 14, 2020. The Maintenance Enforcement Docket in Dauphin has been suspended and will not resume until further notice from the Court.

As set out earlier in this notice, all matters will be handled remotely via teleconference, unless otherwise provided herein or with leave of the Court.

Portage la Prairie

As to matters which were to appear upon the monthly masters' uncontested list (Family and Civil) but did not proceed, as well as matters where a hearing date had been scheduled before the master but could not proceed due to the suspension period, all such matters have been adjourned administratively by the Queen's Bench Trial Coordinator in Portage la Prairie (Sherry Moffit), and will be added to the masters' uncontested list to be held at 11:00 a.m. on Thursday, May 28, 2020, for rescheduling.

In the event there are any questions with respect to scheduling of the foregoing matters for the masters' uncontested list, counsel may contact the Trial Coordinator:

Sherry.Moffit@gov.mb.ca (Sherry Moffit's telephone number is 204-239-3383).

Otherwise, for all new matters which counsel wish to be scheduled for an appearance on the masters' uncontested list, effective Thursday, May 28, 2020 and going forward (such as motions and applications), all pleadings shall be filed with the Queen's Bench Registry in Portage la Prairie as has always been the practice.

The monthly masters' uncontested list is resuming effective Thursday, May 28, 2020, at 11:00 a.m. (and continuing thereafter on a monthly basis, as had been the regular schedule prior to the suspension period). Until further notice from the Court, the Maintenance Enforcement Docket in Portage la Prairie remains suspended.

As set earlier in this Notice, all matters will be handled remotely via teleconference, unless otherwise provided herein or with leave of the Court.

<u>Morden</u>

Concerning matters which were to appear upon the masters' uncontested list (Family and Civil) but did not proceed, as well as matters where a hearing date had been scheduled before the master but could not proceed due to the suspension period, all such matters have been adjourned by the Administrator in Morden (Jan Moody), and will be added to the masters'

uncontested list to be held on Friday, June 19, 2020, at 10:00 a.m. for rescheduling.

In the event there are any questions with respect to scheduling of the foregoing matters for the masters' uncontested list, counsel may contact the Trial Coordinator:

<u>Janett.Moody@gov.mb.ca</u> (Jan Moody's telephone number is 204-822-2880).

Otherwise, for all new matters which counsel wish to be scheduled for an appearance on the masters' uncontested list, effective Friday, June 19, 2020 and going forward (such as motions and applications), all pleadings shall be filed with the Queen's Bench Registry in Morden as has always been the practice.

The masters' uncontested list is resuming effective Friday, June 19, 2020 at 10:00 a.m. (and continuing thereafter in accordance with the regular schedule prior to the suspension period). The Maintenance Enforcement Docket in Morden remains suspended, until further notice from the Court.

As set out earlier in this Notice, all matters will be handled remotely via teleconference, unless otherwise provided herein or with leave of the Court.

<u>Other</u>

With respect to matters in Dauphin, Portage la Prairie and Morden (as well as **Swan River**, such as for Child Protection) which a party believes is urgent and should reasonably be heard sooner than the next available dates, a party may, with advance approval of the master, schedule a without notice motion or with notice motion for a hearing returnable upon the weekly masters' uncontested list in Brandon.

In addition, with respect to the Maintenance Enforcement Docket held before the master by video conference on a bi-monthly basis in **The Pas**, it shall continue to be suspended, until further notice from the Court.

ISSUED BY:

<u>"Original signed by Senior Master Lee"</u> Senior Master F.A. Lee May 11, 2020

NOTICE OF HEARING UNCONTESTED LIST/BANKRUPTCY/ HEARING FOR DIRECTIONS/APPLICATION FOR PASSING OF ACCOUNTS

IMPORTANT NOTICE TO DEFENDANT/RESPONDENT/BANKRUPT MANITOBA COURT OF QUEEN'S BENCH GENERAL/FAMILY/BANKRUPTCY DIVISION (WINNIPEG CENTRE) amend as required for your circumstances

You are being served with court document relating to (*insert appropriate brief explanation*). If you are opposed to the relief being sought by the moving party, or wish to participate at the hearing, you are required to attend this hearing via teleconference on the date and time set out in the attached motion. The call in number and details for your matter is as follows:

INSERT DETAILS FOR UNCONTESTED LIST/BANKRUPTCY DOCKET/APPOINTMENT FOR PASSING ESTATE ACCOUNTS/MOTION FOR PASSING COMMITTEE ACCOUNTS/NOTICE OF HEARING FOR DIRECTIONS

Matters on the uncontested list will proceed on the basis of their chronological place on the day's list.

IMPORTANT NOTICE TO DEFENDANT/RESPONDENT MANITOBA COURT OF QUEEN'S BENCH GENERAL/FAMILY DIVISION (WINNIPEG CENTRE) amend as required for your circumstances

You are being served with court documents relating to (insert brief description of matter). This matter has been set to proceed on the _____ day of _____, 2020. If you are opposed to the relief being sought by the moving party or wish to participate at the hearing, you are required to the Masters' Coordinator provide an email to email address. MastersCoordinator@gov.mb.ca, providing a telephone number at which you will be available at the assigned time of the hearing as shown on the Notice of Motion. You will be contacted by telephone at that time by the presiding master. If you cannot email, you may contact the Masters' Coordinator at 204-945-0994 to provide telephone contact information. If you are opposing the relief sought you are expected to file responding material within the time periods prescribed by the Court of Queen's Bench Rules.

NOTICE OF HEARING UNCONTESTED LIST/BANKRUPTCY/ HEARING FOR DIRECTIONS/APPLICATION FOR PASSING OF ACCOUNTS

IMPORTANT NOTICE TO DEFENDANT/RESPONDENT/BANKRUPT MANITOBA COURT OF QUEEN'S BENCH GENERAL/FAMILY/BANKRUPTCY DIVISION (BRANDON CENTRE) amend as required for your circumstances

You are being served with court document relating to (*insert appropriate brief explanation*). If you are opposed to the relief being sought by the moving party, or wish to participate at the hearing, you are required to attend this hearing via teleconference on the date and time set out in the attached motion. The call in number and details for your matter is as follows:

INSERT DETAILS FOR UNCONTESTED LIST/BANKRUPTCY DOCKET/APPOINTMENT FOR PASSING ESTATE ACCOUNTS/MOTION FOR PASSING COMMITTEE ACCOUNTS/NOTICE OF HEARING FOR DIRECTIONS

Matters on the uncontested list will proceed on the basis of their chronological place on the day's list.

IMPORTANT NOTICE TO DEFENDANT/RESPONDENT MANITOBA COURT OF QUEEN'S BENCH GENERAL/FAMILY DIVISION (BRANDON CENTRE) amend as required for your circumstances

You are being served with court documents relating to (insert brief description of matter). This matter has been set to proceed on the _____ day of ______, 2020. If you are opposed to the relief being sought by the moving party or wish to participate at the hearing, you are required to provide an email to the QB Trial Coordinator's email address, BrandonQBTrialCoordinator@gov.mb.ca providing a telephone number at which you will be available at the assigned time of the hearing as shown on the Notice of Motion. You will be contacted by telephone at that time by the presiding master. If you cannot email, you may contact the QB Trial Coordinator at 204-726-743 to provide telephone contact information. If you are opposing the relief sought you are expected to file responding material within the time periods prescribed by the Court of Queen's Bench Rules.

NOTICE OF HEARING UNCONTESTED LIST/ HEARING FOR DIRECTIONS/APPLICATION FOR PASSING OF ACCOUNTS

IMPORTANT NOTICE TO DEFENDANT/RESPONDENT MANITOBA COURT OF QUEEN'S BENCH GENERAL/FAMILY (DAUPHIN CENTRE) amend as required for your circumstances

You are being served with court document relating to (*insert appropriate brief explanation*). If you are opposed to the relief being sought by the moving party, or wish to participate at the hearing, you are required to attend this hearing via teleconference on the date and time set out in the attached motion. The call in number and details for your matter is as follows:

INSERT DETAILS FOR UNCONTESTED LIST/APPOINTMENT FOR PASSING ESTATE ACCOUNTS/MOTION FOR PASSING COMMITTEE ACCOUNTS/NOTICE OF HEARING FOR DIRECTIONS

Matters on the uncontested list will proceed on the basis of their chronological place on the day's list.

IMPORTANT NOTICE TO DEFENDANT/RESPONDENT MANITOBA COURT OF QUEEN'S BENCH GENERAL/FAMILY DIVISION (DAUPHIN CENTRE) amend as required for your circumstances

You are being served with court documents relating to (insert brief description of matter). This matter has been set to proceed on the _____ day of ______, 2020. If you are opposed to the relief being sought by the moving party or wish to participate at the hearing, you are required to provide an email to the QB Trial Coordinator's email address, Shauna.Kachur@gov.mb.ca providing a telephone number at which you will be available at the assigned time of the hearing as shown on the Notice of Motion. You will be contacted by telephone at that time by the presiding master. If you cannot email, you may contact the QB Trial Coordinator at 204-622-2100 to provide telephone contact information. If you are opposing the relief sought you are expected to file responding material within the time periods prescribed by the Court of Queen's Bench Rules.

NOTICE OF HEARING UNCONTESTED LIST/ HEARING FOR DIRECTIONS/APPLICATION FOR PASSING OF ACCOUNTS

IMPORTANT NOTICE TO DEFENDANT/RESPONDENT/ MANITOBA COURT OF QUEEN'S BENCH GENERAL/FAMILY DIVISION (PORTAGE LA PRAIRIE CENTRE) amend as required for your circumstances

You are being served with court document relating to (*insert appropriate brief explanation*). If you are opposed to the relief being sought by the moving party, or wish to participate at the hearing, you are required to attend this hearing via teleconference on the date and time set out in the attached motion. The call in number and details for your matter is as follows:

INSERT DETAILS FOR UNCONTESTED LIST/APPOINTMENT FOR PASSING ESTATE ACCOUNTS/MOTION FOR PASSING COMMITTEE ACCOUNTS/NOTICE OF HEARING FOR DIRECTIONS

Matters on the uncontested list will proceed on the basis of their chronological place on the day's list.

IMPORTANT NOTICE TO DEFENDANT/RESPONDENT MANITOBA COURT OF QUEEN'S BENCH GENERAL/FAMILY DIVISION (PORTAGE LA PRAIRIE CENTRE) amend as required for your circumstances

You are being served with court documents relating to (insert brief description of matter). This matter has been set to proceed on the _____ day of ______, 2020. If you are opposed to the relief being sought by the moving party or wish to participate at the hearing, you are required to provide an email to the QB Trial Coordinator's email address, <u>Sherry.Moffit@gov.mb.ca</u> providing a telephone number at which you will be available at the assigned time of the hearing as shown on the Notice of Motion. You will be contacted by telephone at that time by the presiding master. If you cannot email, you may contact the QB Trial Coordinator at 204-239-3383 to provide telephone contact information. If you are opposing the relief sought you are expected to file responding material within the time periods prescribed by the Court of Queen's Bench Rules.

NOTICE OF HEARING UNCONTESTED LIST/ HEARING FOR DIRECTIONS/APPLICATION FOR PASSING OF ACCOUNTS

IMPORTANT NOTICE TO DEFENDANT/RESPONDENT/ MANITOBA COURT OF QUEEN'S BENCH GENERAL/FAMILY DIVISION (MORDEN CENTRE) amend as required for your circumstances

You are being served with court document relating to (*insert appropriate brief explanation*). If you are opposed to the relief being sought by the moving party, or wish to participate at the hearing, you are required to attend this hearing via teleconference on the date and time set out in the attached motion. The call in number and details for your matter is as follows:

INSERT DETAILS FOR UNCONTESTED LIST/APPOINTMENT FOR PASSING ESTATE ACCOUNTS/MOTION FOR PASSING COMMITTEE ACCOUNTS/NOTICE OF HEARING FOR DIRECTIONS

Matters on the uncontested list will proceed on the basis of their chronological place on the day's list.

IMPORTANT NOTICE TO DEFENDANT/RESPONDENT MANITOBA COURT OF QUEEN'S BENCH GENERAL/FAMILY DIVISION (MORDEN CENTRE) amend as required for your circumstances

You are being served with court documents relating to (insert brief description of matter). This matter has been set to proceed on the _____ day of ______, 2020. If you are opposed to the relief being sought by the moving party or wish to participate at the hearing, you are required to provide an email to the QB Trial Coordinator's email address, Janett .Moody@gov.mb.ca providing a telephone number at which you will be available at the assigned time of the hearing as shown on the Notice of Motion. You will be contacted by telephone at that time by the presiding master. If you cannot email, you may contact the QB Trial Coordinator at 204-822-2880to provide telephone contact information. If you are opposing the relief sought you are expected to file responding material within the time periods prescribed by the Court of Queen's Bench Rules.