

DRAFT CHANCERY CASE MANAGEMENT DIRECTIONS CH 1 (Amended February 2017)

This form is suitable for the most usual case management directions. Additional directions, less commonly used, are available in form CH 2

Claim No.

NOTE: *the court will not normally be able to make case management directions based upon an agreed order unless all costs budgets are agreed or the claim is outside the scope of costs management.*

IT IS ORDERED that

1. Allocation

(a) Allocation to Multi-Track

() This Claim is allocated to the multi-track.

And

(b) Allocation to Management Track

() This claim is allocated to the following management track:

- (i) Case management by Master and trial by Judge
- (ii) Case management and trial by Judge (full docketing)
- (iii) Case management and trial by Master
- (iv) Case Management by Judge and Master and trial by Judge.

2. Alternative dispute resolution

() This claim be stayed until [one month] for the parties to try to settle the dispute by alternative dispute resolution or other means. The parties shall notify the Court in writing at the end of that period whether settlement has been reached.

() The parties shall at the same time lodge *either*:

(a) (if a settlement has been reached) a draft consent order signed by all parties; *or*

(b) (if no settlement has been reached)

- (i) a statement of agreed directions signed by all parties or (in the absence of agreed directions) statements of the parties' respective proposed directions;
- (ii) the parties' disclosure reports; and
- (iii) the parties' costs budgets.

() The parties may agree to extend the stay for the purpose granted for periods of up to three months from the date of this order without reference to the Court and shall notify the Court in writing of the expiry date of any such extension. Any request for a further extension after three months must be referred to the Court.

() Any party has permission to apply in relation to the extension.

3. Trial date

[for use only where it is reasonably certain that (a) the trial time estimate is unlikely to be exceeded; (b) the case will remain in the High Court in London; and (c) the listing category is clear]

() The trial of the claim/issue(s) take place between (date)
and (date) (“the trial window”).
[Master to fix a 3 month window in accordance with weekly sheet from the Listing Officer].

() The(party) shall make an appointment to attend on the Listing Officer (The Rolls Building, 7 Rolls Buildings, Fetter Lane, London EC4A 1NL; Tel. 020 7947 6690; email rcjchancery.judgeslisting@hmcts.gsi.gov.uk) to fix a trial date within the trial window, such appointment to be not later than.....(date) and give notice of the appointment to all other parties and *[the trial being estimated to last more than 5 days]* to fix a date for a Pre Trial Review on..... *[a date approximately 4 weeks before the trial]* with a time estimate of half a day. (Where the trial is expected to last more than 9 days the Pre-Trial review shall if possible be held in front of the Judge who will be conducting the trial). At the Pre-Trial Review, the Court will not hear other applications unless it has proved impracticable for them to have been heard previously.

() The Claim be entered in the [Trial List][General List], with a listing category of [A][B][C], with a time estimate of days/weeks to include [day(s)/hours] judge's pre-reading time and [where appropriate] an interval between close of evidence and final submissions of [day(s)] [or if (state basis of variable) then days/weeks]

() The trial shall take place in London

[If the Master wishes the time estimate to be reviewed at a later date]

() The Claimant shall by (a date normally within 4 weeks of exchange of witness statements, but variable depending on the timetable), having consulted the other parties, notify the Listing Officer whether the time estimate should be varied

4. Disclosure of documents

() Disclosure is dispensed with.

() By (date)

(i) [party] shall disclose the documents on which it relies and at the same time request any specific disclosure that it requires from any other party.

(ii) [Each party shall give disclosure on an issue by issue basis.]

(iii) [Each party shall disclose any documents which it is reasonable to suppose may contain information which enables that party to advance its own case or to damage that of any other party, or which leads to an inquiry which has either of those consequences.]

(iv) [[party] shall give standard disclosure.]

() [such other order in relation to disclosure as the Court is asked to consider appropriate, including if appropriate in relation to electronic documents] **Please set out the order proposed**

Notes:

(a) The Court will consider the disclosure reports provided by the parties and decide which of the disclosure options set out in CPR 31.5(7) should apply to this claim. Proposals put forward by the parties will be taken into account in making that decision.

(b) **A list of issues**, preferably agreed, should be attached to the draft directions so as to assist the Court in determining any order to be made in relation to disclosure

5. Inspection of documents

() Any requests for inspection or copies of disclosed documents shall be made within _____ days after service of the list and shall be responded to within [7] days of receipt of the request.

6. Witness Statements

() Each party serve on every other party the witness statement of the oral evidence which the party serving the statement intends to rely on in relation to [any issues of fact][the following issues of fact _____ (*define issues*) to be decided at the trial, those statements [and any notices of intention to rely on hearsay evidence] to be

(a) exchanged by _____ (*date*) or
(b) served by _____ (*party*) by _____ (*date*) and
by _____ (*party*) by _____ (*date*)

provided that before exchange the parties shall liaise with a view to agreeing a method of identification of any documents referred to in any such witness statement.

() The _____ (*party*) has permission to serve a witness summary relating to the evidence of _____ (*name*) of _____ (*address*) [on every other party by][to be served on _____ (*party*)/exchanged at the same time as exchange of witness Statements].

(Note: The parties should consider the court's power in CPR 32.2(3)) and must comply with the provisions of the Chancery Guide paragraphs 19.16-17 concerning exhibits to witness statements)

7(a). Experts: permission to apply

() The parties have permission to apply for directions as to expert evidence (if necessary).

7(b). Single expert

() Evidence be given by the report of a single expert in the field _____ (*define field*) instructed jointly of _____ by the parties, on the issue of _____ (*define issue*) [and [his][her] fees shall be limited to £ _____].

() If the parties are unable to agree [by _____ (*date*)] who that expert is to be and about the payment of [his][her] fees any party may apply for further directions.

- () Unless the parties agree in writing or the Court orders otherwise, the fees and expenses of the single expert shall be paid to [him][her] by the parties equally.
- () Each party give [his][her] instructions to the single expert by (date).
- () The report of the single expert be filed and served by [him][her] on the parties by (date).
- () No party may recover from another party more than £ for the fees and expenses of the expert.
- () The evidence of the expert be given at the trial by [written report][oral evidence] of the expert.

7(c). Separate experts

- () Each party has permission to adduce [oral] expert evidence in the field of (specify) to address issues relating to (specify) at an estimated cost of £ (specify) [limited to expert(s) [per party][on each side].
- () (where practicable) that the experts shall be (specify name) and (specify name)
- () The experts shall, before they exchange their reports, discuss and narrow the issues between them
- () The experts' reports shall be exchanged by (date).
- () The experts shall hold a further discussion for the purpose of:
 - (a) identifying and further narrowing the issues, if any, remaining between them; and
 - (b) where possible, reaching agreement on those issues.
- () The experts shall by [specify date after discussion] prepare and file a statement for the Court showing:
 - (a) those issues on which they are agreed; and
 - (b) those issues on which they disagree and a summary of their reasons for disagreeing.
- () No party shall be entitled to recover by way of costs from any other party more than £ for the fees or expenses of an expert.

*Note: to assist the Court in determining what order should be made in relation to expert evidence, the parties should attach a **list of issues**, preferably agreed.*

8. Trial bundle and skeleton arguments.

() No later than [4] weeks before the date fixed for trial the claimant shall send the defendant a draft bundle index for the trial bundle for the use of the Judge, in accordance with Chapter 21 of the Chancery Guide.

() The defendant shall send any comments on the draft index no later than [3] weeks before the trial date.

(3) The claimant shall provide the trial bundle to the defendant no later than [2] weeks before the trial date.

() Not earlier than 7 days or later than 3 days before the date fixed for trial the claimant shall file with the Chancery Listing Office a trial bundle for the use of the Judge,

()The parties shall exchange skeleton arguments and chronologies, in accordance with Chapter 21 of the Chancery Guide, [and bundles of photocopied legal authorities] 7 days before the trial date.

() Skeleton arguments and chronologies [and bundles of photocopied legal authorities] shall be filed not less than 2 clear days before the trial date.

Note: Where the trial is before a Master, the draft directions should be amended accordingly.

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9. Settlement

() If the Claim or part of the Claim is settled the parties must immediately inform the Court, whether or not it is then possible to file a draft Consent Order to give effect to the settlement.

10. [Case and] Costs Management

() [where budgets have been agreed] The parties having agreed and filed budgets, the Court makes a Case and Costs Management Order which records that agreement.

(Note: If budgets are not agreed the Court may direct a Case and Costs Management Conference)

11 Extension of time limits

() The parties may, where CPR rule 2.11 applies, agree to extend any time period to which the proceedings may be subject for a period or periods of up to 28 days in total without reference to the court, provided that this does not affect the date given for any case or costs management conference or pre-trial review or the date of the trial. The parties shall notify the court in writing of the expiry date of any such extension.

12. Costs

() The costs of this application be [costs in the case].