

COURT OF QUEEN'S BENCH OF ALBERTA

CIVIL PRACTICE NOTE 2

SPECIAL APPLICATIONS

1. (a) Reference in this Practice Note to the Special Applications Clerk means such court official(s) as the court clerk shall designate to handle Special Applications.

(b) A Special Application is a contested application before a judge or master other than a family law matter likely to take longer than 20 minutes to argue but not longer than a half day. Matters likely to require more than a half day for argument before a judge shall be filed in accordance with Part 8: Trial, and when before a master shall be set down on application to a master.
2. Pursuant to R. 6.11(1)(g), *viva voce* evidence may be adduced on the hearing of a Special Application only with the prior leave of the Court on notice, if appropriate, to the other parties involved.
3. Hearing times for Special Applications will be assigned on request by the Special Applications Clerk.
4. When filing an Application for a Special Application returnable on the assigned date, counsel filing it shall indicate an estimate of the time required for argument.
5. Counsel applying for adjournment of regular applications to Special Applications or to Trial should first obtain a hearing date from the Special Applications Clerk. Thereafter, counsel should apply for the adjournment and advise the Special Applications Clerk forthwith on the granting of the adjournment.
6. If an application in respect of which an Application has been previously filed and served is adjourned to an assigned date, the Applicant's counsel must forthwith serve all interested parties with written advice of the fact that the matter has been converted to a Special Application and give the assigned date. If no previous Application has been filed and served, the Applicant's counsel must forthwith file the materials required by R. 6.3 and serve a copy of all filed materials on all interested parties, returnable on the assigned date.
7. (a) If the Applicant's brief required pursuant to para. 8 is not filed in time, the application will be struck automatically. The Special Applications Clerk may then replace the struck matter with another application which does comply with the filing requirements.

(b) If a Respondent's brief required pursuant to para. 8 is not filed in time, the

application may proceed and the Court may order costs against the Respondent, or impose such other penalty as is deemed appropriate.

- (c) If an Applicant wishes an application reinstated which has been struck because of non-compliance with the filing requirements and no other matter has been scheduled in its place, and in any Special Application in which the Respondent wishes to file a brief late, an application may be made for leave to reinstate or to file late.
- 8.
- (a) Short and concise written briefs by all parties must be filed with the Special Applications Clerk as hereinafter set forth.
 - (b) The brief of the Applicant must contain a written summary of the relevant facts involved in the application and the main points of law that will be argued. The brief of the Respondent will respond in like manner.
 - (c) Counsel should only reproduce those authorities that are expected to be referred to on the application, and should not reproduce a full authority when a headnote or extract will suffice. Any portions of authorities which counsel intend to rely on shall be hi-lighted.
- 9.
- (a) The Applicant's Application, Affidavits, brief and authorities must be filed with the Special Applications Clerk and served on the Respondent(s) at or before 4:00 p.m. on the third Friday before the week in which the assigned hearing date falls. A Respondent's brief and authorities must be filed with the Special Applications Clerk and served on the Applicant at or before 4:00 p.m. on the second Friday before the week in which the assigned hearing date falls;
 - (b) If the Friday on which a brief and authorities are required by this paragraph to be served is a holiday, the filing and service of the brief and authorities must be done the day before the holiday.
10. Applications for adjournment after the Applicant's brief has been filed should be made to the judge or master assigned to the application or, in the absence of or failing the assignment of that person, to another judge or master.
11. Notwithstanding paragraph 10, an adjournment sought more than 3 weeks prior to an assigned hearing date may, with the prior agreement of all parties, be obtained by telephone from the Special Applications Clerk but must be confirmed by fax or by letter, copied to all other counsel.
12. Without leave of the judge or master assigned to the application or, in the absence of that person, another judge or master, counsel may not rely on briefs filed in respect of previous applications in lieu of new briefs, or file supplemental briefs or other materials after the deadline for filing and service of the party's materials set out in paragraph 9.