



CIVIL PRACTICE NOTE 1

JUSTICE AND MASTERS' CHAMBERS

A. APPLICATIONS WITHOUT PERSONAL APPEARANCE AND CONSENT APPLICATIONS

As contemplated by R. 6.9(1)(c), a party may apply for applications without notice or Consent Orders without personal appearance. Applications so made will be placed before a Judge by the Clerk and returned by the Clerk to the party with the Order signed or a note setting forth the grounds for rejection. The following practice rules will apply to such applications:

1. In this Practice Note, "Duty Judge" means a judge designated by the Chief Justice or Associate Chief Justice as a duty judge for the appropriate day or week as the case may be.
2. Where in this Practice Note reference is made to a Judge, such reference includes a Master with respect to any matter that is within Masters' jurisdiction.
3. The parties will file the usual material in support of the application, together with the application form and any other materials that the parties wish to put before the Court, with the Clerk or the Clerk's designate in the Judicial Centre in which the application should be made according to the Rules.
4. The materials should be securely bound together.
5. When the application is made at a Judicial Centre at which a Judge is not then sitting, the Clerk will, on request of the party, forward the material to a Duty Judge sitting in another Judicial Centre.

B. SPECIAL APPLICATIONS

6. (a) Reference in this Practice Note to the Court Coordinator means:

- i. For Justice Special Chambers in Calgary and Edmonton, the Civil Court Coordinator;
- ii. For Masters' Special Chambers in Calgary and Edmonton, the Masters' Special Coordinator;
- iii. For Justice Special Chambers and Masters' Special Chambers in regional centres (outside of Calgary and Edmonton), the appropriate Regional Court Coordinator.

(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.

7. 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.
8. Hearing times for Special Applications will be assigned on request by the Court Coordinator.
9. When filing an Application for a Special Application returnable on the assigned date, counsel or parties filing it shall indicate an estimate of the time required for argument.
10. Counsel or parties applying for adjournment of regular applications to Special Applications or to Trial should first obtain a hearing date from the Court Coordinator. Thereafter, counsel or parties should apply for the adjournment and advise the Court Coordinator forthwith on the granting of the adjournment.
11. If an application in respect of which an Application has been previously filed and served is adjourned to an assigned date, the Applicant or 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/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.
12. (a) If the Applicant's brief required pursuant to paragraph 14 is not filed in time, the application will be struck automatically. The Court Coordinator 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 paragraph 14 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.
13. (a) Short and concise written briefs by all parties must be filed with the Clerk's Office 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 or parties 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.
14. (a) The Applicant's Application, Affidavits, brief and authorities must be filed with the Clerk's Office at or before 12:00 noon, and served on the Respondent at or before 4:30 pm, no more than two weeks following the date that scheduling confirmation is sent to the parties (the "triggering date").
(b) A Respondent's brief and authorities must be filed with the Clerk's Office and served on the Applicant at or before 12:00 noon, and served on the Respondent at or before 4:30 p.m. no more than four weeks following the triggering date.

(c) If the day on which a brief and authorities are required by this paragraph to be filed and served is a holiday, the filing and service of the brief and authorities must be done the day before the holiday.

(d) In the event that the materials filed by the Applicant or Respondent are defective or deficient, the Clerk's Office will return the materials to the Counsel or Party filing them with a direction to correct the deficiency and re-file the materials by 4:00 p.m. If the materials can be corrected and re-filed by that time, they will be accepted by the Clerk's Office and a fiat will not be necessary.

15. 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.

16. Notwithstanding paragraph 15, 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 or email from the Court Coordinator but must be confirmed by fax or by letter, copied to all other counsel.

17. 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 14.

C. ADJOURNMENTS BY TELEPHONE/FAX/ONLINE

18. Adjournments for matters scheduled for Justice or Masters' Chambers will not be accepted via telephone, fax, or online, after 3:30 p.m. on the day prior to the hearing. Parties seeking to adjourn after that time will be required to attend in person to speak to the adjournment, or the application will be struck.