**LITIGATION PLAN OF [NAME]**

[*SUPREME/DISTRICT/MAGISTRATES*] **Delete all but one** COURT OF SOUTH AUSTRALIA

CIVIL JURISDICTION

[*NAME OF LIST*] LIST **If applicable**

**Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one party of the same type.**

First Applicant

First Respondent

First Interested Party

|  |  |  |
| --- | --- | --- |
| Lodging Party |  | |
| **Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))** | |
| Name of law firm / solicitor  **If any** |  |  |
| **Law Firm** | **Solicitor** |

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| **Note to parties**   1. This Litigation plan should contain modifications or additions as necessary to provide a complete statement of interlocutory steps contemplated before trial. 2. The length and detail of this Litigation Plan should be proportionate to the amount in dispute and the nature and extent of the issues involved. |

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| **LITIGATION PLAN** | | | | |
| PART A: INFORMATION | | |  |  |
| Party title and name | Party title and name |
| **1. Case Overview**  **What the case is about** | | |  |  |
| **Comment** | **Comment** |
| **2. Key issues**  **Key issues in the case in separate numbered paragraphs** | | |  |  |
| **Comment** | **Comment** |
| **3. Parties** | | | | |
| 1. Have all persons who should be parties been joined? | [ ] Yes [ ] No | |  |  |
| **Comment** | **Comment** |
| 1. If not, the [*Party title and name*] seeks to join [*name*] because [*why*] | | |  |  |
| **Comment** | **Comment** |
| **4. Pre-Action Protocols** | | | | |
| 1. Has the applicant complied? | [ ] Yes [ ] No | |  |  |
| **Comment** | **Comment** |
| 1. Has the respondent complied? | [ ] Yes [ ] No | |  |  |
| **Comment** | **Comment** |
| 1. Has the third party complied? **If applicable** | [ ] Yes [ ] No | |  |  |
| **Comment** | **Comment** |
| **5. Alternative dispute resolution** | | | | |
| 1. Do the parties seek to attempt to resolve their dispute through alternative dispute resolution (ADR)? | [ ] Yes [ ] No | |  |  |
| **Comment** | **Comment** |
| **If yes** [*form of ADR proposed and who is to be the neutral party* **if any**] | | |  |  |
| **Comment** | **Comment** |
| 1. Should interlocutory steps be suspended pending the ADR? | [ ] Yes [ ] No | |  |  |
| **Comment** | **Comment** |
| 1. What interlocutory steps, if any, need to be taken before ADR? |  | |  |  |
| **Steps to be taken** | | **Comment** | **Comment** |
| 1. When will/should the ADR be held? |  | |  |  |
| **Time plan** | | **Comment** | **Comment** |
| 6. Pleadings | | | | |
| 1. Have the pleadings closed? | [ ] Yes [ ] No | |  |  |
| **Comment** | **Comment** |
| 1. If no, the further or amended pleadings which are intended by [*name*] are:   **Details** | | |  |  |
| **Comment** | **Comment** |
| 1. Does any party intend to make any application to strike out or for further particulars in relation to another party’s pleading? | [ ] Yes [ ] No | |  |  |
| **Comment** | **Comment** |
|  | | | | |
| 1. If yes, the [*name*]proposes to apply:   [ ] to strike out paragaphs [*paragraph numbers*]  [ ] for further particulars of the paragraphs [*paragraph numbers*] of[*name of party’s*] [*title of pleading*]. | | |  |  |
| **Comment** | **Comment** |
| 7. Discovery of Documents | | | | |
| 1. Should discovery proceed other than by reference to direct relevance to the issues arising from the pleadings?   **Examples:**   1. **Discovery only of particular categories of documents.** 2. **Discovery of only those documents to which reference has been made in a pleading, upon which a party itself intends to rely at trial, which may be detrimental to a party’s case, or which may be of assistance in proof of another party’s case.** 3. **Discovery by reference to a statement of issues.** | [ ] Yes [ ] No | |  |  |
| **Comment** | **Comment** |
| 1. If yes, the criterion for disclosure proposed is [*details*]   because [*reasons*] | | |  |  |
| **Comment** | **Comment** |
| 1. Should the complex electronic protocol or simple electronic protocol apply in lieu of the default hard copy protocol? | [ ] Yes [ ] No | |  |  |
| **Comment** | **Comment** |
| 1. Should the applicable protocol be modified? | [ ] Yes [ ] No | |  |  |
| **Comment** | **Comment** |
| 8. Expert Reports | | | | |
| 1. Have expert reports already been obtained? | [ ] Yes [ ] No | |  |  |
| **Comment** | **Comment** |
| 1. If yes, a report has been obtained from:   **Duplicate as required**  Name:  An expert in [*field*]  In Relation to [*details*] | | |  |  |
| **Comment** | **Comment** |
| 1. Does any party intend to obtain a (further) report from an expert? | [ ] Yes [ ] No | |  |  |
| **Comment** | **Comment** |
| 1. If yes, a report is expected from:   **Duplicate as required**  Name:  An expert in: [*field*] in relation to [*details*]  By: [*date*] | | |  |  |
| **Comment** | **Comment** |
| 9. Other Interlocutory Steps | | | | |
| 1. Are any other interlocutory steps needed to prepare for trial? | [ ] Yes [ ] No | |  |  |
| **Comment** | **Comment** |
| 1. If yes, steps proposed by [*name*] are [*details of*] because [*reasons*] | | |  |  |
| **Note 1.** As many interlocutory steps as possible should be undertaken concurrently. | | |
| **Note 2.** The parties should invoke only those procedures, and take only those steps, that are reasonably necessary to prepare for trial. | | |
|  | | | **Comment** | **Comment** |
| 10. Trial | | | | |
| 1. What is the likely length of trial? [*estimated length*] | | |  |  |
| **Comment** | **Comment** |
| 1. Should the trial be listed for a date earlier or later than in the ordinary course? | [ ] Yes [ ] No | |  |  |
| **Comment** | **Comment** |
| 1. If yes, it should be listed to commence on or [*before/after*] [*date*] because[*reasons*] | | |  |  |
| **Comment** | **Comment** |
| PART B: PROPOSED DIRECTIONS | | | | |
| The proposed directions for the progress of the matter through to trial are: | | |  |  |
| **Step** | | **Date** |  |  |
|  | |  |  |  |
| **Comment** | **Comment** |
|  | |  |  |  |
| **Comment** | **Comment** |

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| **Note**  If a party disagrees that a step should be taken or about the date by which it should be taken, show in each party’s column any objection or modified date for a step proposed by another party. |