

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER

January 7, 2008

Supreme Court Crownside in Halifax will be held on the following dates: January 3, 10, 17, 24 and 31, 2008.

Appearance Day will be held EVERY Friday during the months of January and February, 2008. In March 2008, there will be NO Appearance Day on Friday, March 21st as that is Good Friday.

SUPREME COURT

1. Counsel are reminded that when they are applying to confirm a Sheriff's sale that pursuant to Practice Memorandum # 13, section 2.9, confirmation of delivery of the Notice of Public Auction to any subsequent encumbrancer is required. Counsel are now only providing the copy of their Canada Post receipt confirming the letter was sent but are NOT providing proof of delivery. The proof of delivery can be printed from the Canada Post website using the number on the mailing receipt and that printout is to be added to the solicitor's Affidavit.
2. Counsel are advised that when they are filing an interlocutory notice (application inter partes) and making the application returnable at Chambers on either a Monday or a Friday on the basis that it IS NOT CONTESTED, that a letter directed to the presiding justice must accompany the documents stating clearly that the although an interlocutory notice (application inter partes) is filed that the matter IS NOT CONTESTED by opposing counsel.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER

February 4, 2008

Supreme Court Crownside in Halifax will be held on the following dates: February 7, 14, 21 and 28th, March 6, 13, 20 and 27th, 2008.

Appearance Days will be held weekly on Fridays at 12 noon during the month of February, 2008. Please note that there will be NO Appearance Day held in March on March 21st (Good Friday), 2008.

SUPREME COURT

1. A Consolidated index by **topic** of all the issues of the Hints and Tips from December 2002 to December 2007 is being prepared and will be distributed with the **next** issue of the Hints and Tips. I am confident that this consolidated index will make searching topics in the issues of the Hints and Tips much easier for lawyers, self-represented litigants and court staff.
2. I am receiving many inquiries on how to locate the issues of the Hints and Tips on the courts website. Go to the main page of the courts website: www.courts.ns.ca - on the left hand side of the page there are boxes under the heading Resources. The 5th box from the bottom is titled: Notices to the Bar. Click on this box and scroll down to the heading in orange entitled Practical Tips. They are listed from the most recent down to the oldest issue.
3. I remind counsel who are submitting applications to the Prothonotary to confirm Sheriff sales on foreclosure proceedings to pay particular attention to Practice Memorandum # 13, Section 2.9©. Confirmation of delivery of the Notice of Public Auction to any subsequent encumbrancer is required - counsel are only providing the copy of their Canada Post receipt confirming that the letter was sent to the subsequent encumbrancer but are not providing proof of delivery. The proof of delivery can be printed from the Canada Post website using the confirmation number on the mailing receipt. This matter was raised in the last issue of the Hints and Tips on January 7, 2008.
4. In order to secure a Special Time Chambers date, counsel for the Applicant, are submitting only an interlocutory notice and supporting affidavit (s). While this is acceptable, the outstanding filings must be made in time. You are reminded that the remaining outstanding documentation **MUST** be filed at least four (4) clear days prior to the date of the hearing by the Applicant and the Respondent **MUST** file their

response material no later than two (2) clear days before the hearing.

5. A Certificate of Lis Pendens can only be obtained when a Statement of Claim is filed with the Supreme Court pursuant to the ***Builders' Lien Act*** to perfect a Claim for Lien registered at the Registry of Deeds. In recent detailed discussions, the Registry of Deeds office has confirmed that a Certificate of Lis Pendens in Form E (which is prescribed under the ***Builders' Lien Act***) is to be used for registrations against properties which have not been migrated into the new land registry system. On the other hand, a Certificate of Lis Pendens in Form 19 under the ***Regulations*** made pursuant to the ***Land Registration Act***, is to be used for registrations against properties which have been migrated into the new land registry system. No other certificate of Lis Pendens is contemplated for recording at the Registry of Deeds office.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER

February 18, 2008

Supreme Court Crownside in Halifax will be held on the following dates: February 21 and 28th, March 6, 13, 20 and 27th, April 3, 8, 17th and 24th, 2008.

Appearance Days will be held weekly on Fridays at 12 noon during the month of February, 2008. Please note that there will be NO Appearance Day held in March on March 21st (Good Friday), 2008 nor on April 11, 2008.

SUPREME COURT

- 1.** A Consolidated index by **topic** of all the issues of the Hints and Tips from December 2002 to December 2007 inclusive is attached to this issue. The index will also be posted on the courts website. It is hoped that this index will make searching topics in the issues of the Hints and Tips much easier for lawyers, self-represented litigants and court staff. The index will be updated annually.
- 2.** Counsel are asked to take note that briefs filed for both Regular Chambers and Special Time Chambers are removed from the court file by the judge when the hearing is concluded or otherwise disposed. Counsel seem to believe that briefs are kept in the court file following the hearing of the application or even in the instances where the application is adjourned or withdrawn. This is not the case.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER

April 14, 2008

Supreme Court Crownside in Halifax will be held on the following dates: April 17, 24, May 1, 8, 15, 22, 29 and June 5, 12, 19 and 26, 2008.

Appearance Days will be held weekly on Fridays at 12 noon during the months of April, May and June, 2008. Please note that there will be NO Appearance Day held in June on June 6th, 2008.

Effective April 1, 2008, court filing fees have increased. The new fees are posted on the courts website under the heading COSTS AND FEES under the Resources boxes on the left hand side of the main page.

COURT OF APPEAL

1. For counsel who are preparing Warrants to Convey for self represented Appellants who are in custody, please note that there has been a change to the Warrants to Convey for prisoners held in federal institutions. The new Warrant to Convey for prisoners held in federal institutions has been posted on the courts website.

SUPREME COURT

1. A Consolidated index by **topic** of all the issues of the Hints and Tips from December 2002 to December 2007 inclusive is attached to this issue. The index is posted on the courts website.
2. I continue to receive inquiries on how to locate the issues of the Hints and Tips on the courts website. Go to the main page of the courts website: www.courts.ns.ca - on the left hand side of the page there are boxes under the heading Resources. The 5th box from the bottom is titled: Notices to the Bar. Click on this box and scroll down to the heading in orange entitled Practical Tips. They are listed from the most recent down to the oldest issue.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER

May 9, 2008

Supreme Court Crownside in Halifax will be held on the following dates: May 15, 22, 29 and June 5, 12, 19, 26, 2008.

Appearance Days will be held weekly on Fridays at 12 noon during the months of April, May and June, 2008. Please note that there will be NO Appearance Day held in June on June 6th, 2008.

COURT OF APPEAL

1. For counsel who are preparing Warrants to Convey for self represented Appellants who are in custody, please note that there has been a change to the Warrants to Convey for prisoners held in federal institutions. The new Warrant to Convey for prisoners held in federal institutions has been posted on the courts website.
2. The following is a list of practical reminders for counsel making an application to the Court of Appeal for release of the Appellant pending the hearing of their appeal.
 - A Notice of Appeal must be filed prior to or at the same time as the application for release.
 - The following material must be filed along with your Notice of Application for release: transcribed sentencing remarks of the lower court, the pre-sentence report submitted to the sentencing judge, if any, a supporting affidavit (s), a brief of law and a draft Order for release.
 - The application must be set down for Court of Appeal Chambers. Chambers is held every Thursday at 10:00 am on three (3) days clear notice. This means that all the documentation needs to be filed AND served on the Crown doing the appeal (Kenneth (Butch) Fiske for provincial matters) no later than 4:30 pm on the Friday preceding the scheduled hearing date for the application.
 - You must set the appeal down for hearing at the same time as you bring the application for release. The setting down application will NOT be heard if the Certificate Respecting Preparation of Appeal Book is not properly completed and filed three (3) clear days prior to the hearing.

- You need to speak to the Crown to determine whether any proposed sureties need to be available to give evidence at the application for release and to solicit the position of the Crown on the application.
- The Appellant will need to be brought to court for the hearing of the application for release. You are responsible to file the application for the Warrant to Convey and the draft Warrant to Convey. This material should be included in the package you file with the court no later than the Friday preceding the hearing at 4:30 pm. The forms that you must use for this application for the Warrant and the Warrant itself are located on the courts website. Please note that there are two different forms of Warrant one to be used when the Appellant is in custody in a provincial institution and the other when the Appellant is in custody in a federal institution.
- If bail is granted the Registrar (or Deputy) of the Court of Appeal will prepare the Recognizance and have it signed by the Appellant and the sureties who need to be available at the conclusion of the hearing for this purpose.

SUPREME COURT

1. A Consolidated index by **topic** of all the issues of the Hints and Tips from December 2002 to December 2007 inclusive is attached to this issue. The index is posted on the courts website.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER

May 26, 2008

Supreme Court Crownside in Halifax will be held on the following dates: May 29, June 5, 12, 19, 26, July 10 and 24th, and August 7th and 21st, 2008.

Appearance Days will be held weekly on Fridays at 12 noon during the months of June, July and August, 2008. Please note that there will be NO Appearance Day held in June on June 6th, 2008.

COURT OF APPEAL

1. When counsel are successful on an application for release pending the hearing of the appeal, the court directs that the following clause be incorporated into the draft Order:

That he/she surrender into custody of the Keeper of the Central Nova Scotia Correctional Facility at Dartmouth in the Halifax Regional Municipality, by one o'clock p.m. of the day preceding the day on which the appeal decision will be released. The appellant will be advised at least 24 hours before the time by which he or she must surrender into custody. In the event the appeal is sooner dismissed, quashed or abandoned he/she shall surrender into custody of the Keeper of the Central Nova Scotia Correctional Facility at Dartmouth in the Halifax Regional Municipality within 24 hours of the filing with the Registrar of this Court of the order dismissing or quashing the appeal or the notice of abandonment of the appeal, as the case may be.

2. Notwithstanding that no appeals will be heard from June 20th to September 8th, 2008, counsel are reminded that regular Chambers will continue to be held each Thursday at 10:00 am while telephone Chambers will be held each Wednesday at pre-arranged times.

SUPREME COURT

1. Counsel are reminded that the summer Chambers schedule will come into effect on July 2nd and will continue until August 31st, 2008. During this time period Chambers will only be held in Halifax on Tuesday, Wednesday and Thursday. There will be NO regular Chambers heard on Monday and Friday at 9:30 pm. Counsel are also reminded that this does not affect the Appearance day schedule listed above - Appearance day will continue to be held each Friday.
2. Counsel who are seeking to have the Prothonotary issue a Certificate of *Lis Pendens* for recording pursuant to s. 58 of the **Land Registration Act** are referred for guidance, to the recent written decision of Justice Wright in Dempsey et al v. Dempsey, 2008 NSSC 137, which can be found on the courts website under Court Decisions.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER

June 23, 2008

Supreme Court Crownside in Halifax will be held on the following dates: June 26th, July 10th and 24th and August 7th and 21st, 2008.

Starting on July 2nd, 2008 and continuing until August 31, 2008, Regular 9:30 am Supreme Court Chambers in Halifax will only be held three (3) days a week - Tuesday, Wednesday and Thursday. There will be NO regular Chambers on Mondays and Fridays.

Appearance Days will CONTINUE to be held each Friday at 12 noon during the months of July and August, 2008.

Please note that there will be NO Appearance Day on Friday, September 19, 2008.

Counsel are reminded that telephone Appearance Days are available when one or more counsel reside outside of the metro Halifax area. The telephone Appearance Days are pre-booked at either 11 am or 11:30 am on the Friday and the call is set up at the expense of the party requesting the appearance by telephone.

NEW CIVIL PROCEDURE RULES AND FORMS which have been adopted by the courts and will be effective January 1, 2009 are available on the courts website. The address is www.courts.ns.ca, under the heading RESOURCES (left hand side on home page) - box entitled Civil Procedure Rules. Parts 1 to 22 with the exception of Part 13 are adopted and posted - Part 22 are the Forms.

COURT OF APPEAL

1. During July and August, 2008, Court of Appeal Chambers will continue to be held as follows: telephone Chambers on Wednesday at a pre-booked time and regular Chambers at 10 am on Thursday. **Please note the following changes for the month of September: week of September 15th - telephone Chambers will be held on September 16th (Tuesday) and regular Chambers will be held on September 17th (Wednesday) AND for the week of September 22nd there will be NO Telephone Chambers and regular Chambers will be held on September 23rd (Tuesday).**
2. During the past term we have noticed that counsel have not been filing Appeal

Books and Facts on time. Filing extensions are not being sought from the Registrar as required. When appeals are set down the judges of the court accommodate counsel by setting filing dates which are agreed to by counsel. It is thus expected that the filings will be on time. If there is a problem in meeting the set filing date, counsel are to contact the Registrar, in advance of the due date, to seek an extension of time for the filing.

SUPREME COURT

1. Counsel are reminded that they must contact the Commissionaire at The Law Courts, in the evenings or on weekends, when a case has settled and will not be proceeding to either a scheduled hearing or a scheduled trial. The Commissionaire will contact the judge to inform them of the settlement by following the established internal protocol for this purpose. The telephone number for the Commissionaire is 424-8988.
2. Counsel are also reminded that after regular business hours, in the evening after 4:30 pm and before 8:30 am in the morning as well as on weekends and holidays, should an emergency arise which requires judicial attention, counsel are to call the Commissionaire at The Law Courts at 424-8988. Counsel must identify the nature of the emergency which requires judicial intervention. The Commissionaire will then contact the judge "on call" by following the established internal protocol for this purpose. (Previously appeared in the December 4, 2006 Hints and Tips).

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER

September 2, 2008

Supreme Court Crownside in Halifax will be held on the following dates: September 4, 11, 16 and 25th 2008.

Regular 9:30 am Supreme Court Chambers in Halifax is now being held daily with non-contested matters ONLY on Monday and Friday. Both contested and non-contested matters are heard on Tuesday, Wednesday and Thursday.

Appearance Days will be held at 12 noon on September 5, 12 and 26, October 3, 10, 17, 24 and 31st, November 7, 14 and 21st, 2008.

Please note that there will be NO Appearance Day on Friday, September 19, 2008, or on Friday, November 28, 2008.

Counsel are reminded that telephone Appearance Days are available when one or more counsel reside outside of the metro Halifax area. The telephone Appearance Days are pre-booked at either 11 am or 11:30 am on the Friday and the call is set up at the expense of the party requesting the appearance by telephone.

NEW CIVIL PROCEDURE RULES AND FORMS which have been adopted by the courts and will be effective January 1, 2009 are available on the courts website. The address is www.courts.ns.ca under the heading RESOURCES (left hand side on home page) - box entitled Civil Procedure Rules. Parts 1 to 22 with the exception of Part 13 are adopted and posted - Part 22 are the Forms.

COURT OF APPEAL

1. **Please note the following changes for the month of September to the Court of Appeal Chambers schedule: week of September 15th - telephone Chambers will be held on September 16th (Tuesday) and regular Chambers will be held on September 17th (Wednesday) AND for the week of September 22nd there will be NO Telephone Chambers and regular Chambers will be held on September 23rd (Tuesday).**

SUPREME COURT

1. Counsel are reminded that they must contact the Commissionaire at The Law Courts, in the evenings or on weekends, when a case has settled and will not be proceeding to either a scheduled hearing or a scheduled trial. The Commissionaire will contact the judge to inform them of the settlement by following the established internal protocol for this purpose. The telephone number for the Commissionaire is 424-8988.
2. Counsel are also reminded that after regular business hours, in the evening after 4:30 pm and before 8:30 am in the morning as well as on weekends and holidays, should an emergency arise which requires judicial attention, counsel are to call the Commissionaire at The Law Courts at 424-8988. Counsel must identify the nature of the emergency which requires judicial intervention. The Commissionaire will then contact the judge "on call" by following the established internal protocol for this purpose. (Previously appeared in the December 4, 2006 and June 23, 2008 Hints and Tips).

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER

October 27, 2008

Please be advised that commencing with this article and continuing for several weeks, I will be putting out the Hints and Tips weekly and will be addressing one topic per week from the new Civil procedure Rules under the heading: NEW RULES NUGGET.

COURT DOCKETS

Supreme Court Crownside in Halifax will be held on the following dates: November 6, 13, 20 and 25th (note this is a Tuesday rather than a Thursday), December 4, 11 and 18th, 2008.

There will be NO Regular 9:30 am Supreme Court Chambers in Halifax on November 26th, 27th or 28th, 2008.

Appearance Days will be held at 12 noon on November 7th, 14th, 21st, December 5th, 12th and 19th, 2008. There is NO Appearance Day on Friday, November 28th, 2008.

Counsel are reminded that telephone Appearance Days are available when one or more counsel reside outside of the metro Halifax area. The telephone Appearance Days are pre-booked at either 11 am or 11:30 am on the Friday and the call is set up at the expense of the party requesting the appearance by telephone. Counsel are reminded they cannot wait until the morning of the scheduled Appearance Day to request that a conference call be set up to participate by telephone that day.

The Law Courts will be close at 12 noon on Wednesday December 24th, be closed on December 25th and be closed on December 26th, re-opening at 8:30 am on Monday, December 29th, 2008.

COURT OF APPEAL

1. Please note the following changes for the month of November and December, 2008 to the Court of Appeal Chambers schedule: week of November 24th, 2008 - telephone Chambers will be held on Monday, November 24th, and regular Chambers will be held on Tuesday, November 25th AND for the week of

December 22nd, there will be NO telephone Chambers and NO Regular Chambers that week. For the week of December 29th, 2008 - Regular Chambers will be held on Monday, December 29th in the MORNING ONLY at 10:00 am and telephone Chambers will be held on Monday, December 29th in the AFTERNOON ONLY at a pre-booked and arranged time.

2. Since August of this year it has been noticed that counsel are habitually filing their Appeal Books and Factums **LATE**. When dates are set for filings in Chambers, counsel are expected to agree to realistic filing dates which they can in turn respect. Please ensure when you are setting filing dates that they are realistic and that you are indeed filing your material on the due dates. When filings are late, this creates turmoil in the preparation of appeals by judges of the court.
3. The new Civil Procedure Rules provide for the use of 12 point font for **BOTH** the Appeal Book and the Factum. Counsel are asked to commence implementing this practice **IMMEDIATELY**. It has been noted that counsel are habitually using point font of less than 12 which make the material excessively difficult for the judges of the court to read.
4. The Court of Appeal has updated the list of Supreme Court of Canada cases that may be referred to in Facta **WITHOUT** being included in Books of Authority - there are now 21 cases and they are attached in a separate document.

SUPREME COURT

1. Counsel are reminded to pay particular attention to the filing information for a Defence which they include on their Originating Notices. Counter staff have been instructed to verify the Statement of Claim to identify the "location" of the Defendant, then verify the front page of the Originating Notice to insure that the filing deadline indicated does in fact apply to the location noted for the Defendant. By way of example, if there is but one Defendant and in the Statement of Claim it is noted that the defendant resides in Nova Scotia AND the Originating Notice indicates that the time for filing the defence is 60 days, the document will NOT be accepted for filing as the current Rules clearly indicate that the time for filing a defence when served in Nova Scotia is 20 days. Likewise, if there are several defendants located in several jurisdictions, then the front page of the Originating Notice needs to include the times for filing the defences for EACH of the jurisdictions in which service will take place.

NEW RULES NUGGET

Civil Procedure Rule 4.06 introduces a new feature: the filing of a Demand for Notice on FORM 4.06, where a defendant, who does not have a defence to an action, or does not choose to defend an action, demands notice **of all steps in the proceeding.**

The defendant MUST file the Notice for Demand for Notice with the court and provide it to the other parties to the action, as follows (and as set out in Rule 31.12):

- within 15 days, if notification of the action is by personal service in Nova Scotia;
- within 30 days, if notification of the action is by personal service elsewhere in Canada; and
- within 45 days, if notification of the action is by personal service elsewhere in the world.

The person who files a Notice for Demand will be required, by staff, to file a Designation of Address for Delivery, Form 31.18. The effect of this is that the onus is placed on the person filing the Demand for Notice to provide all the required information to designate an address for delivery and the other party and the court can then rely on this designation to prove delivery pursuant to Rule 31.26.

This will likely have an impact on motions for default judgment as notice will be required to the defendant who has filed a Demand for Notice by the Prothonotary prior to the motion for default being considered.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

**ANNETTE M. BOUCHER
December 19, 2008**

COURT DOCKETS

Supreme Court Crownside in Halifax will be held on the following dates: January 8, 15, 22 and 29th, 2009.

Appearance Days will be held at 12 noon on January 2, 9, 16, 23 and 30th, 2009.

Counsel are reminded that telephone Appearance Days are available when one or more counsel reside outside of the metro Halifax area. The telephone Appearance Days are pre-booked at either 11 am or 11:30 am on the Friday and the call is set up at the expense of the party requesting the appearance by telephone. Counsel are reminded they cannot wait until the morning of the scheduled Appearance Day to request that a conference call be set up to participate by telephone that day. For January, 2009 there will be NO telephone Appearance Day on January 30, 2009.

PLEASE NOTE that the new Rules require filing the Appearance Day notice on five (5) days notice calculated in accordance with Rule 94 elaborated upon below.

The Law Courts will close at 12 noon on Wednesday December 24th, be closed on December 25th and be closed on December 26th, re-opening at 8:30 am on Monday, December 29th, 2008.

NEW CIVIL PROCEDURE RULES

Effective January 1, 2009 all court filings must be on the forms prescribed in the new rules. The official version of the rules is posted on the courts website. Please note that amendments have been made to the Rules as follows: October 24 and 27th, 2008 Court of Appeal and October 31, 2008 Supreme Court. These are found at: http://courts.ns.ca/Rules/rules_table_of_contents_08_06_20.htm. Also note that additional changes to the Court of Appeal rules are expected to be published in the Royal Gazette on December 31st and posted on the courts website subsequent to publication.

COURT OF APPEAL

1. For the week of December 22nd, there will be **NO** telephone Chambers and **NO** Regular Chambers that week. For the week of December 29th, 2008 - Regular Chambers will be held on **Monday, December 29th in the MORNING ONLY at 10:00 am** and telephone Chambers will be held on **Monday, December 29th in the AFTERNOON ONLY** at a pre-booked and arranged time. The regular Chambers schedule will resume with telephone Chambers on Wednesday January 7, 2009 and Chambers on Thursday, January 8, 2009.
2. Since August of this year it has been noticed that counsel are habitually filing their Appeal Books and Factums **LATE**. When dates are set for filings in Chambers, counsel are expected to agree to realistic filing dates which they can in turn respect. Please ensure when you are setting filing dates that they are realistic and that you are indeed filing your material on the due dates. When filings are late, this creates turmoil in the preparation of appeals by judges of the court.

SUPREME COURT

1. There has been an increase in recent weeks of the applications being made to the Prothonotary to renew Originating Notices (Action) and Statement of Claim, as a result be advised:

All applications filed for renewals of Originating Notices under the current Civil Procedure Rules BEFORE December 31st for writs that expire after January 1, 2009 will be processed as staff are able and thus there will be no immediate returns on such filings.

Any applications filed for renewals of Originating Notices under the current Civil Procedure Rules BEFORE December 31st for writs which expire prior to December 31, 2008 will be processed and returned to counsel on the date they are filed.

Counsel are reminded that renewal Motions after January 1, 2009 are subject to the new Civil Procedure Rules and must be docketed for Chambers as they are no longer processed by the Prothonotary.

2. At the direction of the court, counsel are being requested by letter, to file duly completed Forms 4.13 and 4.15 in advance of January 1, 2009 for Date Assignment Conferences which have been scheduled in 2008 for 2009. The judges want to insure that the Date Assignment Conferences are as productive as possible and

have determined that the filing of these Forms will insure this occurs. Counsel are thanked in advance for their cooperation.

NEW RULES NUGGET

TIME - Counsel are reminded that Civil Procedure Rule 94 sets out the manner to calculate time under the new rules. **ALL** time references in the rules are based on counting days as follows: you do not include the day the period begins; you do not count the day on which the thing is required or first permitted to be done; **AND** you do not count any Saturday or Sunday or any week day the office of the Prothonotary is closed during the period of days.

I can advise that for the calendar year 2009 - the Prothonotary's office will be closed on the following dates:

- January 1, 2009 (New Year's Day)
- April 10, 2009 (Good Friday)
- April 13, 2009 (Easter Monday)
- May 18, 2009 (Victoria Day)
- July 1, 2009 (Canada Day)
- August 3, 2009 (Natal Day)
- September 7, 2009 (Labour Day)
- October 12, 2009 (Thanksgiving Day)
- November 1,, 2009 (Remembrance Day)
- December 25, 2009 (Christmas Day)
- December 28, 2009 (in lieu of Boxing Day)

PLACE OF PROCEEDING - commencing January 1, 2009 all documents filed with the court on either a new or an existing court file **MUST** have the new place designation pursuant to Rule 32. **FOR EXAMPLE:** all filings at The Law Courts must be designated as: **Hfx No. (The numerical six digit number assigned by the court)**. Documents with the SH No designation will not be accepted for filing.

A.M.B.