

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER, Q.C.
August 27, 2010

COURT DOCKETS

Supreme Court Crownside in Halifax will be held on the following dates: September 2, 9, 14 (NOTE this is a Tuesday), 23 and 30, 2010.

Appearance Days will be held at 12 noon on September 3, 10, 24, October 1, 8, 15, 22 and 29, 2010. There is NO Appearance Day on September 17, 2010.

Regular 9:30 a.m. chambers in Halifax: starting September 7th, daily at 9:30 a.m. THERE WILL BE NO CHAMBERS ON SEPTEMBER 16TH AND 17TH, 2010.

The Court of Appeal Chambers docket is unchanged - in person on Thursday at 10:00 a.m. and by pre-arranged telephone conference on Wednesday.

SUPREME COURT

1. The court has asked that I remind counsel of their notification obligations to other parties when documents are filed with the court. Rule 31.15 requires a party who files a document with the court to deliver a copy of the document to each other party **IMMEDIATELY BEFORE OR IMMEDIATELY AFTER** it is filed with the court. It is clear that many of the filing issues which have arisen over the last several months are as a result of counsel not providing court filed documents to the other parties in a timely fashion as required by the rule. **It has been noted that counsel are, in particular, filing the Request for Date Assignment Conference with the court but are omitting to provide it to opposing counsel.**
2. When counsel are preparing their affidavits in support of a motion to confirm sheriff sale, I would ask that the newspaper ads be legible. The print is being shrunk on counsel's photocopier to the point it is not legible. I will be returning affidavits and not accepting them for filing where the newspaper ads are not legible.
3. Backers and blue corners are not required on court documents - it is surprising how many we still receive.
4. As counsel are aware Civil Procedure Rule 5.08 (1) was amended to provide for the filing of the Notice of Contest no more than 15 days after the day the respondent is notified of the application. Form 5.07 has not yet been amended to reflect this change and counsel are being asked to insure they make the change to the form

under the heading: **You may participate**, so that the respondent is clear on the time frame for filing the Notice of Contest. The Form will be amended in due course by the court.

5. Counsel are advised that an *Ex Parte* Application must have the heading set out in Form 82.09B - please see Rule 82.09. All *Ex Parte* Applications whose heading does not conform will be rejected and not accepted for court filing.
6. *Ex Parte* Motions are to conform with Rule 23.14 and Form 23.24 is to be used by counsel to bring such a motion before the court. Please note the required heading for such a motion. I have been directed to refuse any *Ex Parte* motion where the heading does not conform with that shown on Form 23.14.
7. Affidavits of Service continue to be the subject of much discussion for the Chambers judges, for the court, for counsel and for court administration staff. It is possible that a Practice Memorandum may serve as a solution, however, in the interim and especially in the the interest of having some acceptable compromise, I would ask counsel to follow these guiding helpful hints when preparing your affidavits of service:
 - use a style of cause on Form 31.05;
 - list and particularize the documents served in the affidavit itself;
 - reproduce and attach to the affidavit as an exhibit the entire notice document certified by the Prothonotary's signature, which was served;
 - reproduce and attach to the affidavit as a second exhibit the first page of each document served which has been stamped by the court administration office (for example for a Notice of Motion in Chambers, the second exhibit to the affidavit of service will consist of the first page of each and every supporting affidavit, the first page of the brief and a copy of the draft order) (this means that the first exhibit is the entire Notice of Motion document).
8. Although there have been many reminders to counsel regarding the filing of only one Book of Authorities with briefs, this continues to be an issue for the court. **Please note: where a brief filed with the court references case law, only ONE COPY of the Book of Authorities is to be filed.** Duplicate briefs are to be filed but only one copy for the Book of Authorities is to be filed.
7. Counsel are reminded that exhibits to any type of affidavit are not to be paper clipped together - the exhibits must be attached by stapling them to the affidavit or having the entire affidavit and exhibits bound together.

A.M.B.