

# Case Planning Conferences (CPC)

## CPC Preparing

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## Preparing for a Case Planning Conference

The purpose of a Case Planning Conference (sometimes called a “CPC”) is to bring the parties together early in the litigation to talk about how the case will proceed.

A Case Planning Conference is not mandatory but may be requested by the Court or either party when the pleadings are completed (that is, once the Notice of Civil Claim, Response to Civil Claim, any counterclaim, and any reply have been filed). They help ensure that cases keep moving forward in a reasonable way towards trial or resolution. They can be held by a judge or master. Often they are held by a master.

After a Case Planning Conference, the judge or master will make a “case plan order”. This will cover things like:

- Possible **steps** that might be taken to resolve the dispute (for information on how a case might be settled, see **Alternatives to Court**)
- Dates to complete discovery (see **Discovery**)
- Timelines for expert reports (see **Experts**)

Parties who are represented by a lawyer do not have to personally attend the Case Planning Conference unless ordered to do so by the Court. If you are self-represented, you must attend the Case Planning Conference.

## Requesting a Case Planning Conference

Any party to an action may, at any time after the pleadings are completed, request a Case Planning Conference. **Rule 5-1** sets out the procedure for requesting a Case Planning Conference. You can do this by contacting the court registry and advising them that you would like to schedule one. You then file and serve a notice of case planning conference (**Form 19**).



### Read the Rules

#### **Rule 5-1** Request a Case Planning Conference

At any point in your lawsuit (after the pleadings are complete), the Court may direct that a Case Planning Conference take place. If that happens, the Court will direct that one of the parties request a Case Planning Conference. If you are going to schedule a Case Planning Conference, make sure to confirm that the other parties are available. If you set one when they cannot attend it may lead to unnecessary cost and delay.

The notice of the **first** Case Planning Conference must be served on the other party at least 35 days before the date set for the conference.

If there is **more than one** Case Planning Conference, you do not need 35 days notice anymore. Instead, notice for later Case Planning Conferences needs only seven days notice.

The notice period can be shortened if you apply to the Court (by requisition in **Form 17**) and explain the reasons why you want to hold the Case Planning Conference right away. For more information on requisitions, see **Requisitions**.



### Find the Form

#### **Form 19** Notice of Case Planning Conference and **Form 17** Requisition

## Preparing a Case Plan Proposal

Before the Case Planning Conference, you must prepare a Case Plan Proposal. This sets out how you propose that the case will proceed.

The plaintiff files its Case Plan Proposal first, and then the other party or parties must file theirs. The timing is:

- **Plaintiff:** Files a Case Plan Proposal within **14 days** after the notice of the Case Planning Conference was served or received by the plaintiff
- **Other Parties:** File a Case Plan Proposal within **14 days** after the plaintiff's Case Plan Proposal is received

The case plan proposal must be in **Form 20** and indicate the party's proposal with respect to:

- Discovery of documents
- Examinations for discovery
- Dispute resolution procedures
- Expert witnesses
- Witness lists and
- Trial type, estimated trial length, and preferred periods for the trial date



### Find the Form

**Form 20** - Case Plan Proposal

## Attending the Case Planning Conference

The Case Planning Conference will be held in a courtroom or meeting room, with a judge or master. It may (but probably will not) be heard the same judge who hears your case if it goes to trial. The conference is recorded, but the recording is not available to you unless you have a court order allowing you access.

**Rule 5-2** tells you how the conference will be conducted. If you are representing yourself in the lawsuit, you must attend the **first** conference in person. If the other party is represented by a lawyer, only the lawyer must attend in person, unless the Court orders otherwise.



### Read the Rules

#### **Rule 5-2** Conduct of Case Planning Conference

If there is more than one Case Planning Conference held, then you can attend later Case Planning Conferences by telephone.

If you want to be exempted from attending the Case Planning Conference, or do not want to attend in person, you can make an application to court about that issue by filing a requisition (**Form 17**). The Court may excuse you from attending if:

- It isn't reasonably possible for you to attend, given the distance you must travel and the cost
- You have health or compassionate grounds for not attending or
- Some other extraordinary circumstances justify your non-attendance



### Find the Form

#### **Form 17** Requisition

If the judge has not excused you from attending the Case Planning Conference and you do not show up, the Case Planning Conference may go ahead without you, it may be adjourned, or you may be ordered to pay the costs of the other party who did attend.

The judge or master will review the progress of your case, including topics like whether you have or may want to explore other dispute resolution options (such as mediation), whether there are any issues concerning the exchange of documents, if examinations for discovery have been conducted, and so on.

While attending a Case Planning Conference ought not to be as stressful as some other court appearances may be, it is still a serious matter. You should dress

appropriately, be on time, act respectfully, and know how to address court staff. For more information on what to expect see **At Court**.

## CPC Case Plan Order

There are a range of orders a judge may make at a case planning conference, whether or not one of the parties applied for such an order. The types of orders allowed are set out in **Rule 5-3**. There are a very wide range available, including orders:

- Settling a timetable for the steps to be taken
- Amending a previous case plan order
- Extending or shortening the time to take any steps under the rules
- Requiring that pleadings be amended
- Respecting all discovery issues (e.g., discovery of documents; examinations for discovery of parties or witnesses; interrogatories)
- Respecting third party claims
- Respecting witness lists
- Respecting experts
- Respecting admissions
- Respecting offers to settle
- Respecting the conduct of any application to court
- Requiring attendance at a mediation or other dispute resolution process
- Authorizing the parties to separate the issues at trial
- Fixing the length of trial
- Respecting the place at which any step in the action is conducted



### Read the Rules

#### **Rule 5-3** Case Planning Conference Orders

The judge or master will make an order that summarizes the decisions that were made at the Case Planning Conference. The judge cannot make an order at the Case Planning Conference that is in the nature of a final judgment in the case, unless the parties agree or if a party fails to comply with the case planning rules or a Case Planning Conference order.

Either you or the other party will draft the order and file it at the court registry (**Form 21**). If the judge or master approves the order, it does not need to be approved by the other party.

If you fail to comply with the Case Planning Conference order, you may be liable to pay costs or have your action dismissed (**Rule 5-3(6)**). You can apply to amend a case plan order under **Rule 5-4**.



## Read the Rules

**Rule 5-4** Amendment of Pleadings