

How to Request a Pre-Trial Determination

Instructions

You can ask a judge to make a determination on a specific question of fact or law before you go to trial. For example, you may ask a judge to determine a payor's income or ask a question on the admissibility of a piece of evidence.

A judge must agree that your question is appropriate for a pre-trial determination hearing. If a judge gives you an answer to your question of fact or law, you and the other person may be able to resolve some or all of your family law issues faster than if you went straight to trial.

You can request a pre-trial determination of a question of fact or law by using a **Request for a Pre-Trial Determination (Form F27.02A)**.

Before you can make a Request for a Pre-Trial Determination, you must have a scheduled date for a case management hearing. A judge will consider your request at that case management hearing.

Completing a Request for a Pre-Trial Determination

You can fill out this form by hand or you can download and fill out this form electronically at www.court.nl.ca/supreme/family/forms.html (If you fill out the form electronically, you must still print the form, file it with the Court, and serve a copy on the other person).

You must fill out the entire form. If you need more space to fill out any section of this form, attach an extra page and indicate which section is continued on the extra page.

Filing a Request for a Pre-Trial Determination

You must make **2 extra copies** of your signed Request for a Pre-Trial Determination. To file your Request for a Pre-Trial Determination, bring the original Request form to the Supreme Court location where your family law file is or mail the Request to that Supreme Court location.

Serving a Request for a Pre-Trial Determination

You must give a copy of this Request form to the other person **at least 7 days** before your case management hearing date. This is called *service*. You can serve the other person by: personal service (an adult, who is not you, can hand-deliver the document), leaving a copy with the other person's lawyer, leaving a copy at the other person's address, registered mail/courier, or regular mail. You can also serve the other person using fax, email, or electronic document exchange, if the other person has provided that information.

The other person may respond by filing their own Request for a Pre-Trial Determination form.

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227

Grand Falls-Windsor: (709) 292-4260

Gander: (709) 256-1115

Happy Valley-Goose Bay: (709) 896-7892

Grand Bank: (709) 832-1720

St. John's: (709) 729-2258

--- It is highly recommended that you get advice from a lawyer ---

If you need help finding or getting a lawyer, you can contact:

Public Legal Information Association of NL (PLIAN): www.publiclegalinfo.com or 1 (888) 660-7788

Legal Aid: www.legalaid.nl.ca or 1(800) 563-9911

--- REMOVE THIS PAGE BEFORE FILING YOUR REQUEST ---

How to Respond to a Request for a Pre-Trial Determination Instructions

You have been served with a **Request for a Pre-Trial Determination (Form F27.02A)**.

This means that the other person in your family law case is asking a judge to answer a specific question of fact or law before you go to trial. For example, the other person may ask a judge to determine your income or ask a question on the admissibility of a piece of evidence.

The Court will decide at your next scheduled case management hearing if the question is appropriate for a pre-trial determination. If a judge gives an answer to the question of fact or law, you and the other party may be able to resolve some or all of your family law issues faster than if you went straight to trial.

Responding to a Request for a Pre-Trial Determination

To respond to the other person's request, you must fill out your own Request for a Pre-Trial Determination form. You can get this form at any Supreme Court location or online:

www.court.nl.ca/supreme/family/forms.html (If you fill out the form electronically, you must still print the form, file it with the Court, and serve a copy on the other person).

Filing a Request for a Pre-Trial Determination

You must make **2 extra copies** of your signed Request for a Pre-Trial Determination. To file your Request for a Pre-Trial Determination, bring the original Request form to the Supreme Court location where your family law file is or mail the Request to that Supreme Court location.

Serving a Request for a Pre-Trial Determination

You must give a copy of this Request form to the other person **at least 2 days** before your case management hearing date. This is called *service*. You can serve the other person by: personal service (an adult, who is not you, can hand-deliver the document), leaving a copy with the other person's lawyer, leaving a copy at the other person's address, registered mail/courier, or regular mail. You can also serve the other person using fax, email, or electronic document exchange, if the other person has provided that information.

More Information

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Form F27.02A: Request for a Pre-Trial Determination (Family Law)



**In the Supreme Court of
Newfoundland and Labrador
(General/Family)**

FOR COURT USE ONLY
COURT FILE NO: _____
CENTRAL DIVORCE REGISTRY NO: _____
Filed at _____, Newfoundland and Labrador, this _____ day of _____, 20____.
_____ Registry Clerk of the Supreme Court of Newfoundland and Labrador

BETWEEN: _____ APPLICANT
(Print full name)

AND: _____ RESPONDENT
(Print full name)

AND: _____ NOT APPLICABLE
(Print full name) SECOND APPLICANT
 SECOND RESPONDENT

I, _____ the Applicant Respondent Other:
(Print your name)

- am requesting a pre-trial determination of a question of fact or law. *(Fill out Parts A, B, C, D, E, and F)*
- am responding to a request for a pre-trial determination of a question of fact or law.
 - I agree to the request for a pre-trial determination of a question of fact or law. *(Fill out Parts A, B, C, D, E, and F)*
 - I reject the request for a pre-trial determination of a question of fact or law because:

Part A Issue(s) for Pre-Trial Determination

If you are requesting a pre-trial determination, fill in the issue(s) that you are asking the judge to decide:

Part B Reason(s) for a Pre-Trial Determination

Fill in the reason(s) why a pre-trial determination of a question of fact or law is appropriate.

Part C Time Required for a Pre-Trial Determination

How much time do you estimate the pre-trial determination hearing (including summations) will require?

_____ day(s)

Part D Affidavits

I will be filing one or more affidavit(s) in support of or in response to the pre-trial determination.

Fill out the names of the person(s) providing affidavits:

You may be required to discuss the content of each of the affidavits at the case management hearing.

Requests for oral evidence can be made at the case management hearing.

Part E Undertakings

You must indicate that you will do all of the following:

- | | |
|--------------------------|---|
| <input type="checkbox"/> | I will keep my financial information current by filing with the Court and delivering to the opposing party the updated financial information no later than 7 days before the pre-trial determination hearing. |
| <input type="checkbox"/> | I will promptly advise the Court if a settlement has been reached prior to the pre-trial determination hearing. |
| <input type="checkbox"/> | I will provide the Court and the other party with all documents I intend to rely on in the pre-trial determination hearing. |

Part F Legal Representation

Fill in the details of your legal representation below:

- | | |
|--------------------------|---|
| <input type="checkbox"/> | I am currently represented by (Name of lawyer) _____. |
| <input type="checkbox"/> | The above named lawyer will represent me for the pre-trial determination hearing. |
| <input type="checkbox"/> | I will be represented by a different lawyer for the pre-trial determination hearing:
(Name of lawyer) _____. |
| <input type="checkbox"/> | I will be representing myself for the pre-trial determination hearing. |
| <input type="checkbox"/> | I am not currently represented by a lawyer. |
| <input type="checkbox"/> | I anticipate having a lawyer for the pre-trial determination hearing:
(Name of lawyer) _____. |
| <input type="checkbox"/> | I will be representing myself for the pre-trial determination hearing. |

Signature and Date

DATED at _____, this _____ day of _____, 20_____.	
_____ <i>Signature</i>	_____ <i>Signature of Lawyer (if any)</i>
	_____ <i>Print Name of Lawyer (if any)</i>