**Form 42**

Rule 544(2)(a)

**CERTIFICATE OF READINESS**

**Certified matters**

1. We, [*set out the names of the individual practitioners having the conduct of the matter on behalf of each of the parties and the names of the parties in person*] certify to the Court that –

(a) we are the practitioners having the conduct of the matter on behalf of the parties [*or as the case may be*]; and

(b) the pleadings are closed and complete and no further particulars or amendments are required by any party; and

(c) accompanying this certificate is a set of the pleadings, including the pleadings in any third party or co-defendant proceedings and all further particulars of any pleading; and

(d) no party intends to take any further third party or co-defendant proceedings; and

(e) the provisions of the rules as to discovery have been complied with by the parties; and

(f) no further interrogatories are intended to be delivered by any party; and

(g) any interrogatories which have been delivered have been answered to the extent required; and

(h) on [*specify date(s)*] the parties held a compulsory conference in accordance with the rules and at that conference –

(i) the parties considered the adequacy of the pleadings to raise all necessary issues; and

(ii) the parties considered whether there was a need for any further particulars; and

(iii) the parties considered what documentary evidence will be required for the trial; and

(iv) the parties considered the content of an agreed bundle of documents to be placed before the trial judge without formal proof; and

(v) where relevant, the parties considered whether any expert witnesses retained by different parties ought to be requested to confer before trial; and

(vi) the parties seriously explored the possibility of settlement of the action; and

(vii) the matters, if any, specified in Annexure A were agreed upon, in addition to those specified below; and

(i) the action is in all respects ready for trial.

**Place of trial**

2. \*The parties desire that the action be set down for trial at [*specify*

*place*].

\*The parties cannot agree on the place of trial and request that the matter be dealt with at a pre-trial conference.

\*(Strike out whichever is inapplicable.)

**Mode of trial**

3. \*The parties desire that the action be set down for trial before a

judge without a jury.

\*The action is within rule 557 and the [*specify party*] requires a trial by jury.

\*The [*specify party*] desires, in accordance with rule 556, to invoke the discretion of the judge to order a trial by jury and requests that the matter be dealt with at a pre-trial conference. An affidavit is filed with this certificate.

\*The [*specify party*] desires, in accordance with rule 558, to invoke the discretion of the judge to order a trial without a jury and requests that the matter be dealt with at a pre-trial conference. An affidavit is filed with the certificate.

\*The parties desire that the action be set down for trial before the Associate Judge.

\*The [*specify party*], desires to invoke the discretion of the judge to order a trial before the Associate Judge and requests that the matter be dealt with at the pre-trial conference.

\*(Strike out whichever is inapplicable.)

**Admission of fact**

4. \*The parties specified in the annexed statement marked "B" agree

to admit the facts set out in that statement.

\*The request(s) to admit facts specified in the annexed statement marked "C" have been made by the party or parties specified in that statement but the party or parties to whom the request(s) has or have been directed, as specified in that statement, has or have failed to admit them.

\*No party has made any request for admission of facts.

\*(Strike out whichever is inapplicable.)

**Expert witnesses**

5. \*No party proposes to call any expert witness.

\*The following expert witnesses are proposed to be called:

[*Specify names, general nature of the evidence and by whom to be called*.]

\*Proofs of evidence of expert witnesses have been delivered.

\*Proofs of evidence of expert witnesses have been delivered except those of the witnesses specified below as to which the party proposing to call the witness has agreed to deliver a proof by the date set out against the name of that witness –

[*Specify name and date*.]

\*(Strike out whichever is inapplicable.)

\*The parties agree that all statements of expert evidence delivered comply with rule 516(2) except those specified below –

*[Specify statements in respect of which there is not agreement as to compliance with rule 516(2).]*

\*(Strike out whichever is inapplicable.)

**Hospital records**

6. \*The plaintiff and the defendant agree that the hospital records,

except for the sheets in the records referred to in the annexed list marked "D", relating to the plaintiff's injuries and hospitalisation should be produced at the trial without formal proof as evidence of the matters of fact and opinion recorded in those records.

\*The plaintiff has authorised the defendant to inspect the hospital records relating to the plaintiff.

NOTE – Where there is a counterclaim for personal injuries sustained by a defendant, this paragraph is applicable to the defendant as if he or she were the plaintiff.

\*(Strike out if inapplicable.)

**Agreed documents**

7. \*The [*specify parties*] have agreed to the production and admission

into evidence at the trial without formal proof of the documents described in the list annexed and marked "E".

\*(Strike out if inapplicable.)

**Business records**

8. (a) \*In addition to the documents, if any, agreed to be admitted

into evidence by paragraphs 6 and 7, it is proposed to tender the business records referred to in the annexed list marked "F" in accordance with section 69 of the *Evidence Act* 2001. (The list must indicate particulars of the records and who proposes to tender them.)

(b) \*The other party or parties consent(s) to the admission of those business records into evidence, unless otherwise specified in the annexed list marked "F".

NOTE – Where the parties do not agree under paragraph 6 to production of hospital records, a party intending to rely on section 69 to have such records admitted into evidence must refer to them here.

\*(Strike out if inapplicable.)

**Documents**

9. The parties in their respective lists annexed and marked "G1", "G2", etc., set out all documents numbered seriatim which they intend to produce at the trial. The other party or parties admit(s) the authenticity without formal proof of all those documents except those marked with a cross.

NOTES –

(a) If a party does not intend to produce any documents at the trial, the word "nil" is to be written in the appropriate list; and

(b) Documents referred to in paragraphs 6, 7 and 8 are not to be included in these lists; and

(c) A party acknowledging authenticity of a document may nevertheless object to its admissibility at the trial.

**Applications to be made to a judge at the pre-trial conference**

10. \*[*Specify any application on the party of a party intended to be dealt with at a pre-trial conference*.]

\*(Strike out if inapplicable.)

**Transcript of proceedings**

11. \*The [*specify parties*] request the Registrar to direct that a

transcript be provided to each of them during the course of the proceedings.

\*No party requests the Registrar to direct that a transcript be provided during the course of the proceedings.

\*(Strike out whichever is inapplicable.)

**Date of trial**

12. The parties can be ready for trial for the sittings commencing on [*specify date*].

**Length of trial**

13. \*The parties estimate the length of the trial will be [*specify number*]

days.

\*The parties are not in agreement as to the estimated length of the trial and provide the following separate estimates:

[*Set out the estimate of each party*.]

\*(Strike out whichever is inapplicable.)

Dated

(Signatures)

(NOTE – This certificate is to be signed by the individual practitioners having the control of the litigation and by any party in person.)