

SUMMARY OF PROCEDURE IN A SUPERIOR COURT REGULAR ACTION

Major steps only are included, not necessarily in chronological order and only up to trial.

| Who Does It | What to Do | When |
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| Plaintiff | Issue statement of claim | Within limitation period. |
| Plaintiff | Serve statement of claim | Within 6 months after the statement of claim or notice of action is issued. |
| Defendant | Deliver statement of defence | Within 20, 40, or 60 days of being served, depending on where defendant was served. |
| Defendant | Counterclaim by defendant | See time for delivery of statement of defence above. |
| Defendant | Crossclaim by defendant against a co-defendant | Statement of defence and crossclaim is to be delivered within the time for delivery of the statement of defence. |
| Defendant | Third party claim by defendant | To be issued within 10 days of the time prescribed by rule 18.01 for delivery of statement of defence or at any time before defendant is noted in default or subsequently with leave. |
| Plaintiff | Note the defendant in default | See times for delivery of statement of defence. |
| Plaintiff or defendant | Motion for summary judgment may be made where it appears there is no genuine issue for trial with respect to the claim or defence. | Plaintiff may move after defendant has delivered a statement of defence or served a notice of motion. |

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| Plaintiff and Defendant | Service of affidavit of documents | Within 10 days after close of pleadings. |
| Plaintiff and Defendant | Service of notice of examination for discovery of parties adverse in interest Alternatively a party may serve written questions on the person to be examined and on every other party. | A person seeking to examine a plaintiff must have delivered a statement of defence. A defendant may be examined only after delivery of a statement of defence or he or she has been noted in default. |
| Plaintiff or Defendant | Set the action down for trial by serving and filing with proof of service a trial record. | After the close of pleadings by any party who is not in default and who is ready. |
| Registrar | Place on trial list | 60 days after the action was set down or immediately after the filing of the consent of all parties other than the one who set the action down. |
| Plaintiff or Defendant | Serve an offer to settle with a view to either settling the action or obtaining the more favourable cost consequences. | At any time, but after the offer must be made at least 7 days before the trial commences to obtain the cost consequences. |
| Judge or parties | Pre-trial conference | When the action has been placed on a trial list. |
| Plaintiff or Defendant | Serve a request to admit | At any time. |
| Party Served | Serve a response to the request to admit | To be served within 20 days after the request is served. |