

**SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
TRIAL DIVISION**

Rules of the Supreme Court, 1986

**PRACTICE NOTE
P.N. (TD) No. 2015-03**

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RULES AFFECTED: 56A.08(2), Form 56A.16A

EFFECTIVE DATE: Upon publication

PREVIOUS PRACTICE
NOTES REVISED: N/A

The following Practice Note is published pursuant to Rule 4.04 of the *Rules of the Supreme Court, 1986*.

STYLE OF CAUSE IN FAMILY PROCEEDINGS

Background and Purpose

1. Concern has been raised pertaining to problems with counsel and litigants changing the style of cause on court documents in family proceedings in the Trial Division.
2. Rule 56A.08(2) states that the “description of the parties in the style of cause shall remain the same in any subsequent pleadings in that cause of action”. This means that the party listed as the applicant on the originating application must be listed as the applicant on all subsequent documents filed with the Court. This is so even where the applicant is responding to a subsequent application.
3. Parties are, with increasing frequency, failing to abide by rule 56A.08(2) and changing the designations of the parties on subsequent filings. This problem arises particularly where parties file interim and interlocutory applications in an ongoing matter.
4. On any subsequent application where it is not immediately obvious which party is filing a document, the applying party can be fully identified, as contemplated by the opening paragraph of Form 56A.16A, which states, "TAKE NOTICE that an application will be made to the presiding judge in chambers... on behalf of the applicant (or respondent, as the case may be) for an order that..."

5. To achieve consistency in the use of the style of cause on court documents and to clarify the practice and procedure in relation thereto, it is considered appropriate to issue the following practice note.

Practice Note

6. All pleadings and other documents filed in family proceedings subsequent to the originating application shall bear the original unchanged style of cause before being accepted by the Registry of the Trial Division for filing.
7. This practice note does not apply to civil or criminal proceedings and does not alter the practice set out in Practice Note P.N.(TD) No. 2004-01.

Authorized by:

[Signed]

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