

How to Request a Summary Judgment Hearing

Instructions

A **summary judgment hearing** can help to resolve some or all of your family law issues faster than if you went through a formal trial. A summary judgment hearing is simpler than a trial because most of the evidence is presented as sworn statements and oral evidence is limited.

You can request a summary judgment hearing by using a **Request for a Summary Judgment Hearing (Form F28.02A)**. You can only request a summary judgment hearing if you are seeking determination on an issue that does not require a trial.

Before you can file a Request for a Summary Judgment Hearing, you must already 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 Summary Judgment Hearing

You can fill out this form by hand or you can download and fill out this form electronically at <https://www.court.nl.ca/supreme/rules-practice-notes-and-forms/family/general/> (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 Summary Judgment Hearing

You must make **2 extra copies** of your signed Request for a Summary Judgment Hearing. To file your Request, 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 Summary Judgment Hearing

You must give a copy of this Request 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 can respond by filing their own Request for a Summary Judgment Hearing form.

More Information

Questions? Go to <https://www.court.nl.ca/supreme/family-division/> 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 Summary Judgment Hearing

Instructions

You have been served with a **Request for Summary Judgment Hearing (Form F28.02A)**.

This means that the other party is asking the Court to make a summary judgment on a specific issue. At your next case management hearing date, the judge will decide whether you should go to a summary judgment hearing.

A summary judgment hearing can help to resolve some or all of your family law issues faster than if you went through a formal trial. A summary judgment hearing is simpler than a trial because most of the evidence is presented as sworn statements and oral evidence is limited.

A summary judgment hearing may be requested where a party is seeking determination of an issue that does not require a trial. The Court will decide at a case management hearing how your family law matter will proceed.

Responding to a Request for a Summary Judgment Hearing

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

<https://www.court.nl.ca/supreme/rules-practice-notes-and-forms/family/general/> (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 Summary Judgment Hearing

You must make **2 extra copies** of your signed Request for a Summary Judgment Hearing. To file your Request, 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 Summary Judgment Hearing

You must give a copy of this Request 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 F28.02A: Request for a Summary Judgment Hearing (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: _____
(Print full name)

NOT APPLICABLE
 SECOND APPLICANT
 SECOND RESPONDENT

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

- am requesting a summary judgment hearing. *(Fill out Parts A, B, C, D, and E)*
- am responding to a request for a summary judgment hearing.
 - I agree to the request for a summary judgment hearing.
(Fill out Parts A, B, C, D, and E)
 - I reject the request for a summary judgment hearing because:

Part A Reasons for Summary Judgment

*Fill in the reason(s) why a summary judgment hearing is appropriate and why there is no genuine issue for trial
OR fill in the reason(s) why the issue(s) raised by the other party requires a trial:*

Part B Time Required for Summary Judgment Hearing

How much time do you estimate the summary judgment (including summations) will require?

_____ day(s)

Part C Affidavits

I will be filing one or more affidavit(s) in support of or in response to the summary judgment hearing.

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 D Undertakings

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

<input type="checkbox"/>	I will file and serve a summary judgment hearing brief (setting out the concise set of facts and law) no later than 2 days before the summary judgment hearing.
<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 summary judgment hearing.
<input type="checkbox"/>	I will promptly advise the Court if a settlement has been reached prior to the summary judgment hearing date.
<input type="checkbox"/>	I will provide the Court and the other party with all documents I intend to rely on in the summary judgment hearing.

Part E 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 summary judgment hearing.
<input type="checkbox"/>	I will be represented by a different lawyer for the summary judgment hearing: (Name of lawyer) _____.
<input type="checkbox"/>	I will be representing myself for the summary judgment hearing.
<input type="checkbox"/>	I am not currently represented by a lawyer.
<input type="checkbox"/>	I anticipate having a lawyer for the summary judgment hearing: (Name of lawyer) _____.
<input type="checkbox"/>	I will be representing myself for the summary judgment 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>