

Index

References are to rule numbers unless otherwise indicated; references to the Surrogate Rules are indicated by the prefix “SR”; references to the Criminal Procedure Rules are indicated by the prefix “CPR”.

ABATEMENT OF ACTION

Not after evidence heard, **4.35**

ABSENCE OF CLERK OF COURT

Generally, **13.40, 13.42**

ABUSE OF PROCESS

Generally, **1.4 (annotation)**

ACCOUNTS AND INQUIRIES

Referral to referee, **6.45**

application to accept or vary report of referee, **6.46(2)**

conduct of proceedings, **6.45(4)**

report of referee, **6.46**

ACTION

Category, **4.2**

Commencement, place of, **3.3, 3.4**

transfer, **3.5**

ADDING PARTY

Generally, **3.74, 3.75**

Amending statement of claim when defendant added, **3.76**

Statement of defence of new defendant, **3.76(2)**

ADDRESS FOR SERVICE

Generally, **11.15**

ADJOURNMENT

Trial, of, **1.4(2)**

ADMINISTRATORS

Judgment

against beneficiary, etc., **9.11**

Representing those interested in the property, **2.1**

ADMISSIONS

Judgment on, **7.2**

Notice to admit, **6.37**

costs, **10.33(2)**

deemed admissions if no response, **6.37(3)**

ADMISSIONS—Cont’d

Notice to admit, **6.37—Cont’d**

denial, contents of, **6.37(5)**

serving notice to admit, **6.37(2)**

Offers of compromise are not admissions, **4.27**

Records

deemed admission of, **5.15**

Silence

necessity to plead release, payment, statute of limitations, etc., **13.6(3)**

not an admission, **13.12**

Third party proceedings

deemed admission by third party

not denying liability to defendant, **3.52**

not disputing defendant’s liability to plaintiff, **3.52**

ADVERSE INFERENCE

Failure to call witness, **8.15**

AFFIDAVIT OF RECORDS

Affidavit of records, **5.5 to 5.16**

admission of relevancy and admissibility not made, **5.15(3)**

admissions, deemed unless objected to, **5.15(2)**

confidentiality, **5.33**

cross-examination on affidavit, **5.6**

(**annotation**), **5.11**

failure to comply, **5.12**

further affidavit of records, **5.10**

inspection of records, **5.6, 5.14**

omission of record, **5.10, 5.16**

order for inspection, **5.11**

privilege, **5.6**

AFFIDAVITS

Blind or illiterate deponent, **13.22**

Conflicts between affidavits filed in an application, **13.18**

AFFIDAVITS—Cont'd

Contents

- alterations to be initialed by person administering oath, **13.20**
- formal, **13.19**
- interlocutory motions, **13.18**
- knowledge, **13.18**
- striking out irrelevant etc. contents, **3.68(4)**

Cross-examination, **3.13, 6.7, 6.20**
 Deponent not understanding language, **13.23**

- Execution, **13.19**
- Exhibits, **13.21**
- Filing and service, **6.3**
- Irregularity of form, **1.5**
- More than one deponent, **13.24**
- Requirements, **13.19**
- Use throughout proceedings, **13.25**
- Withdrawal, **3.68**

AGREEMENT BETWEEN PARTIES

- Delay, **4.32, 4.33**
- Service of documents, **11.3**

AMENDMENT OF JUDGMENT

- Default, **9.15(3)**

AMENDMENT OF PLEADINGS

Amendment

- by consent, **3.62(1)**
- of irregularity, **1.5**
- Application to disallow amendment, **3.64**
- Costs, **3.66**
- Disallow, **3.64**
- Endorsement to be made upon pleading when amended, **3.63**
- Failure to amend pleading in response to opposite party's amendment, **3.62(5)**
- Grounds to require other side to amend, **3.68(1)(b)**
- Method of physically effecting amendment, **3.63, 13.17**
- Response pleading, **3.62**
- Trial, at, **3.65(4)**
- Without permission, **3.62(1)**
- With permission, **3.65**

AMENDMENT OF RULES OF COURT

- Generally, **1.6**

APPEAL RECORD

- Contents, **14.18**

APPEAL RECORD—Cont'd

- Format of, **14.21, 14.22**
- Judge may vary compliance with rules regarding, **14.73**
- Registrar may refuse to file, **14.92**
- Service, **14.16(2)**

APPEALS

- Costs, **14.88**
- Court of Appeal, to adjournment hearing, of, **14.73**
- appeal from judge or jury or judge in chambers, **14.4**
- appeal hearing list, placement on, **14.33**
- Chief Justice to preside at sittings, **14.32(5)**
- consent order or judgment, leave required for appeal from, **14.5**
- costs, **14.88**
- costs only, leave required for appeal of, **14.5**
- cross-appeal, **14.6**
- definitions, **14.1**
- discontinuance of appeal, **14.66**
- dismissal for want of prosecution, **14.62, 14.63**
- documents on court file, production of, **14.28**
- fast track appeals, **14.14, 14.16, 14:21, 14.22, 14.24, 14.34**
- interest on judgment reversed or varied, **14.80**
- intervenor status, **14.37, 14.58**
- judgment
 - consent, **14.76**
 - rendering of, **14.73**
- master in chambers, no direct appeal from, **14.4**
- new evidence, **14.75**
- new issue, **14.75 (annotation)**
- new trial, **14.75**
- notice of appeal
 - amendment of, **14.86**
 - content of, **14.12**
 - filing of, **14.8**
 - service of, **14.81**
- oral argument, dispensing with, **14.51**
- orders incidental to appeals, **14.37**
- place of entry of appeal and filing of documents, **14.18**

INDEX

APPEALS—Cont'd

- Court of Appeal, to—Cont'd
 - powers of court, **14.37, 14.40, 14.73, 14.75, 14.86, 14.88**
 - rearguing appeal, **14.38**
 - security for costs, **14.67**
 - stay of execution, **14.48, 14.68**
 - striking matter from general appeal list, **14.64**
 - value under 018625,000, leave to appeal required, where, **14.5(1)(g)**
 - view by court, **14.73**
- Divorce proceedings, **12.59**
- Factums
 - See **FACTUMS**
- Master in chambers
 - Court of Appeal, no direct appeal to, **14.4**
 - Court of Queen's Bench, appeal to, **6.14**
- Motions
 - copies of motion filed and served, **14.40, 14.42**
- Oral argument, transcripts of, **14.32**
- Re-arguing, **14.38**
- Reconsidering previous decisions, **14.46, 14.72**
- Restoring, **14.47, 14.65**
- Standards of review, **14.4 (annotation)**
- Supreme Court of Canada
 - effect of entry of judgment from, **14.79**

APPLICABILITY OF RULES

- Analogy, **1.7**

APPLICATIONS

- See **MOTIONS**

APPOINTMENT

- Litigation representative, **2.15, 2.21**
- Questioning, for, **5.21**

APPROVAL OF SETTLEMENT

- When some persons interested are not parties, **2.18**

ASSESSMENT, APPEALS FROM

- Assessment officer, **10.44, 10.45**
- Review officer, **10.26, 10.27**

ASSESSMENT OF COSTS

- Generally, **10.35 to 10.43**
- Appointment for assessment
 - appointment, filing by, **10.37**

ASSESSMENT OF COSTS—Cont'd

- Appointment for assessment—Cont'd
 - failure to attend, **10.16, 10.40**
 - service, **10.37**
 - Assessment officer
 - defined, **App. A Definitions**
 - powers, **10.38, 10.41**
 - Costs consented to by party's lawyer shall be assessed as is, **10.36(3)**
 - Costs of review, **10.23**
 - Disbursements, **10.35**
 - Form of bill of costs, **10.35**
 - Lawyer and client costs
 - agreement provided to assessment officer, **10.13, 10.14**
 - appointment for assessment, effect of service upon lawyer, **10.14**
 - assessment officer may demand further detail, **10.17(1)(f)**
 - bills of costs
 - not subject to assessment, when, **10.10**
 - "client"; defined, **App. A Definitions**
 - notice, **10.13, 10.18**
 - order compelling lawyer to deliver client's documents, **10.25**
 - order for payment of costs after assessment, **10.20**
 - re-assessment of assessed bill of costs, none unless ordered, **10.17(2)**
 - statement of services rendered, **10.2(3), 10.17(1)(f)**
 - Reference to court by assessment officer, **10.39**
 - Review officer
 - defined, **App. A Definitions**
 - power, **10.17**
 - Set off of costs, **10.31, 10.41**
- ### ASSESSMENTS
- Generally, **3.37**
- ### BREACH OF TRUST
- Generally, **13.7**
- ### BULLOCK ORDERS
- Generally, **10.29**
- ### CALDERBANK OFFERS
- Generally, **4.24**
- ### CASE MANAGEMENT
- Generally, **4.11 to 4.15**

CASE MANAGEMENT—Cont'd
Appeal from case management order, **14.4**

CAUSE OF ACTION
Generally, **3.65**

CHANGE OF INTEREST
Adding as a party, **4.34**

CHOICE OF FORUM
Generally, **11.25**

CIVIL ENFORCEMENT REGULATIONS
Generally, **Reg276/95 App III**

CLASS
Appointment to represent in relation to estate, trust, or construction of written instrument, **2.16**

CLASS ACTIONS
Common interest, **2.6**

CLASS PROCEEDINGS ACT
Generally, (**Annotation, 2.6**) **App I**
Admissions, **6.37**
Case management, **4.12**
Class, questioning, **2.8**
Costs, **10.32**
Disclosure of partners, **2.6**
National database, **App II**
Pleadings
amending, **2.7, 3.62**
specific requirements, **13.11**
Procedure, **2.10**

CLERK OF COURT
Absence, **13.40, 13.42**
Duties, **13.41, 13.44**
Seal, **13.43**

CLOSE OF PLEADINGS
Generally, **3.67**

COMMENCEMENT OF PROCEEDINGS
Documents starting an action, **3.2**
Judicial centre in which action commenced, **3.3**
Originating notice, **3.2**
Statement of claim, **3.2**

COMMON QUESTION
Generally, **3.72**

COMPELLING ATTENDANCE OF WITNESS

Conduct money, **8.8(5)**
Failure of witness to attend, **8.9, 8.11**
Notice to attend
other party, **8.8**
witness, **8.8**
Prisoner, production of, **6.39**

COMPLEX CASES
Generally, **4.5**

CONCURRENT DOCUMENT
Generally, **13.28**

CONDENSED BOOKS
Generally, **14.30**

CONDITION OF MIND
Generally, **13.6(3)**

CONDITIONS PRECEDENT
Pleading, **13.6(2)(b)**

CONDUCT MONEY (WITNESS ALLOWANCE)
Commission evidence taken outside Alberta, **6.22(3)(d)**
Compelling attendance to give evidence, **6.17, 8.8, 8.9**
Cross-examination on affidavit, **3.13(3), 6.17**

CONFIDENTIALITY
Generally, **5.33**

CONSENT
Amendment of pleading by, **3.62**

CONSOLIDATION OF ACTIONS
Common question of law or fact, **3.72(2)(a)**
Proceedings arise out of same transaction, **3.72(2)(b)**
Trial at same time, **3.72(1)(b)**

CONTEMPT
Civil contempt, **10.51, 10.52, 10.55**
grounds, **10.52(3)**
mental disorder, **10.54**
order compelling person to attend court to show cause, **10.51**
punishment, **10.53**
Disobeying court order, **10.52**
Failure to attend for questioning, **10.52**

INDEX

CONTINUATION OF ACTION

Assignment or transfer of interest or liability, **4.34**

Death, **4.34**

CONTRIBUTION OR INDEMNITY

Co-defendant, **3.43**

COSTS

Action by lawyer to recover lawyer-client costs, **10.22**

Actions within jurisdiction of Court of Justice, **10.42**

Affidavit of records
failure to file, **5.12**

Amendment of pleadings, **3.66**

Appeal
facts, late filing, **14.90**
leave required for appeal of costs only, **14.5**

Application for production of records in possession of third party, **5.13**

Between parties

See COSTS BETWEEN PARTIES

Contempt proceedings, **10.53 (annotation)**

Discontinuance, **4.36**

Factors to consider, **10.33**

Failure to beat offer of compromise, **4.29**

Litigation representative, payment by, **10.47**

Medical examination, **5.43**

Must be claimed, **13.6**

Non-compliance with the Rules, **10.49**

Objection to notice of intention not to call witness, **8.15(5)**

Omission to prove fact or document, **8.24**

Questioning more than one person of a party, **5.17(2)**

COSTS BETWEEN PARTIES

Barrister liable for costs, **10.50**

Bullock Orders, **10.29**

Consent orders, **10.31 (annotation)**

Costs, defined, **10.31**

Costs follow event unless otherwise ordered, **10.29**

Determination of amount, **10.29**

Fraud allegations, **10.29**

GST, **10.48**

Interlocutory proceedings, **10.29, 10.30**

Litigation representative, **2.17**

COSTS BETWEEN PARTIES—Cont'd

Pierringer Agreement Annotation, **3.46**

Public interest litigation, **10.29**

Sanderson Orders, **10.29**

Set-off, **10.31(4)**

Settlement of action, **10.30**

Test case, **10.29**

Thrown away costs (annotation), **10.33**

Unrepresented litigant, **10.31(5)**

COUNTERCLAIM

Against person not a party, **3.56**

Amendments, **3.62, 3.74, 3.75**

Judgment for balance after counterclaim, **9.10**

Rules apply, **3.60**

Third party proceedings, **3.56, 3.60**

Time for service, **3.57**

Tried separately, may be, **3.71**

CRIMINAL PROCEDURE RULES

Application of rules, **CPR 2**

Applications

filing

place of, **CPR 5(2)**

supporting documents, **CPR 7**

form, **CPR 5(1)**

hearing, **CPR 6**

failure to appear, **CPR 9**

presence of accused, **CPR 10**

notice, (3), **CPR 5(1)**

service

supporting documents, **CPR 7**

who must be served, **CPR 8**

types of applications

authorization, relating to, **CPR 16, CPR 17**

certiorari, **CPR 11**

challenge for cause, **CPR 15**

Charter remedy, **CPR 14**

detention review, **CPR 13**

habeas corpus, **CPR 11**

judicial interim release, **CPR 12**

mandamus, **CPR 11**

order restricting publication or public access, **CPR 18**

prohibition, **CPR 11**

warrant, relating to, **CPR 16, CPR 17**

Case management and joint hearings, **CPR 28**

CRIMINAL PROCEDURE RULES**—Cont'd**

- Definitions, **CPR 1**
- Discretionary power of court, **CPR 4**
- Pre-trial conferences
 - additional, **CPR 22**
 - cases requiring, **CPR 19**
 - date of first conference, **CPR 20**
 - discussions at
 - parties' commitments, **CPR 26(1)**
 - power of judge, **CPR 26(2)**
 - sentencing issues, **CPR 27**
 - location, **CPR 21**
 - recording and transcripts, **CPR 25**
 - reports, **CPR 24**
 - submissions, **CPR 23**
- Purpose, **CPR 3**
- Summary conviction appeals
 - definitions, **CPR 29**
 - judicial interim release, **CPR 35**
 - memoranda, **CPR 34**
 - notice of appeal
 - form and filing, **CPR 30(1)**
 - prosecutor, sent to, **CPR 31(3)**
 - service, **CPR 31(2)**
 - time for filing, **CPR 31(1)**
 - notice of date of appeal to summary conviction court, **CPR 32(3)**
 - notice of hearing, **CPR 32(2)**
 - place of appeal, **CPR 30(2)**
 - scheduling of hearing, **CPR 32(1)**
 - transcript, **CPR 33**

CROSS-EXAMINATION

- Affidavits, **3.13**

DAMAGES

- Assessing
 - to date of assessment for continuing claim, **9.9**

DEATH

- Compelling continuation of action, **4.34**
- No abatement of action after evidence heard, **4.35**

DECEASED PERSON

- Appoint a representative, **2.16**
- Interested in claim, **2.16**

DEFAMATION ACTIONS

- Particulars, **13.7**

DEFAMATION ACTIONS—Cont'd

- Plaintiff's reputation, evidence as to, **13.6(4)**

DEFAULT

- Claim for recovery of property, **3.38**
- Counterclaims, applies to, **3.60**
- Filing statement of defence or demand of notice but failing to serve, **3.36(3)**
- Judgment, **3.36**
 - action by lawyer to recover solicitor-client costs, only by order, **10.22**
 - against party with litigation representative only with leave, **3.36(2)**
 - application for, **3.37**
 - liquidated demands, **3.39**
 - setting aside, **9.15**
 - some defendants not defending or demanding notice, **3.4**
- Liquidated demands, **3.39**
- Noting in, **3.36**
- Procedure, generally, **3.36 to 3.42**
- Third party
 - failing to defend, **3.53**
 - judgment against third party, **3.53**

DEFENCES

- Discontinuance of action not a defence to subsequent action, **4.36(5)**
- Set-off
 - may plead by counterclaim, **3.59**
- Settlement using Court process rules do not apply, **4.30**
- Tender before action
 - payment into court required, **13.9**

DEFENDANTS

- Delivery of statement of defence, **3.31**
- Failure to defend or demand notice, **3.37**
- Joinder in one action, **3.69**
- Offer by plaintiff to settle, **4.24**
 - failure to beat offer of compromise, **4.29**
 - without prejudice, made, **4.27**
- Offer of judgment by defendant, **4.24**
 - failure to beat offer of compromise, **4.29**
 - without prejudice, made, **4.27**
- Some defendants not defending
 - continue action against defendants who have defended or demanded notice, **3.40**

INDEX

DEFINITIONS

Generally, **Appendix A, 1.10, 14.1**

DELAY

Generally, **4.31 to 4.33, 15.4**
Standstill agreements, **4.33**

DEMAND OF NOTICE

Endorsements
required, **13.13, 13.19**
Entitles defendant to notice, **3.34**
Filing but failing to serve, **3.37(3)**
Time to serve, **3.34**

DENIAL

Contract, promise or agreement
bare denial goes to existence not legal-
ity, **13.6(3)(e)**
Costs
when facts which should have been
admitted are denied, **10.33**
Evasive, shall not be, **13.12**

DISCONTINUANCE

Generally by plaintiff, **4.36**
Before entry for trial by plaintiff, **4.36**
Class proceeding, **4.36**
Consent, by, **4.36**
Costs, **4.36, 4.37**
Defendant withdrawing defence, **4.37**

DISMISSAL OF ACTION

At end of plaintiff's case, **8.20**
Want of prosecution
action, **4.31**
appeal, **14.62, 14.63**

DISOBEYING COURT ORDER

Generally, **10.52**

DISPENSING WITH SERVICE

Generally, **11.29**

DOCUMENTS

Filed, **13.5**

ELECTRONIC SIGNATURES

Generally, **9.2**

ENTRY FOR TRIAL

Generally, **8.4 to 8.7**

EXHIBITS

Generally, **13.26**
Sealing, **6.28 to 6.36**

EXPERT REPORTS

Withdrawal, **5.39**

EXPERTS

Generally, **5.34 to 5.40, 6.40 to 6.43**

EXTENSION OF TIME FOR SERVICE

Generally, **3.26 to 3.29**

FACTS

Deemed denial, **13.12**

FACTUMS

Contents, **14.25**
Dispensing with, **14.25(4)**
Failure to comply with rules relating to
factums, **14.90, 14.92**
Filing and service, **14.23, 14.24**
Rejection by registrar, **14.92**

FAMILY LAW RULES

Generally, **12.1 to 12.71**

FAX

Generally, **11.21**

FIATS

Generally, **13.38**

FILED

When document, **13.15**

FORECLOSURE

Affidavit of value to be filed, **9.30**
Application for order confirming sale,
9.34
Default, noting in before application for
orders, **3.41**
General rules of procedure apply, **1.1**
Judicial sales of land, **9.31 to 9.35**
Order confirming sale or rejecting tenders
application for, **9.34**
assessment officer must check calcula-
tion, **9.35**
Service, method of, **11.23, 11.24**
Service on subsequent encumbrancers,
9.36
Subsequent encumbrancers, not to be a
party unless possession claimed from
them, **3.77**

FORUM CONVENIENS

Generally, **11.25**

FRAUD

Generally, **13.6(3), 13.7**

GENERAL OR OTHER RELIEF

Need not be claimed, **13.8(2)**

GROUND

Third party notice, **3.44**

HAGUE CONVENTION

Generally, **App. VI, 11.26**

INDIVIDUAL

Assistance in court, **2.23**

Representing self, **2.22**

INFANTS

Costs, **2.17, 10.47**

Default judgment

leave of court required, **3.36**

Defending action

litigation representative, **2.11**

INJUNCTIONS

Generally, **1.3**

INSUFFICIENT PARTIES IN ACTION

Judgment of court shall save rights of non-parties, **3.73**

INTEREST

Earned on money in court, **13.54**

INTERPLEADER

Generally, **6.54 to 6.65**

INTERVENORS

Generally, **2.10; 14.37(2)(e); 14.58**

ISSUE MAY BE TRIED SEPARATELY

Generally, **7.1**

JOINDER OF CAUSES OF ACTION

Generally, **3.69 to 3.77**

JUDGMENT

Admissions, based on, **7.2**

Consent

by party personally with affidavit of execution, **3.35**

by solicitor or counsel, **3.35**

Correction of errors, **9.12**

Counterclaim

for balance after counterclaim, **9.10**

Date, **9.1, 9.6**

Default, **3.36**

against infant only with leave, **3.36**

amendment, **9.15(3)**

application for judgment, **3.37**

JUDGMENT—Cont'd

Default, **3.36—Cont'd**

claim for recovery of property, **3.38**

filing statement of defence or demand of notice but failing to serve, **3.36**

liquidated demand, **3.39**

proof of service required, **3.36**

setting aside, **9.15**

Demand of notice filed, when

only granted on motion with notice to defendant, **3.34**

Documents, based on, **7.2**

Emergency, application for judgment in, **6.4**

Entry

after three months with leave, **9.5(2)**

certified copy, **9.7**

further directions after entry, **9.14**

Form

formal content, **9.1(2)**

numbered paragraphs, **9.1(1)**

Granted conditionally

condition not met, **9.18**

Jury, **8.21, 8.23**

Litigation representative

default judgment only with leave of court, **3.36**

dismissal at close of plaintiff's case, **8.20**

inferences court may draw, **8.23(2)**

when resolution of one issue makes resolution of others unnecessary, **7.1(3)**

Preparation, **9.2**

Satisfaction, memorandum of, **9.22**

Setting aside, **9.15**

Settlement of contents, **9.3**

Signing, **9.4**

Summary, **7.2 to 7.4**

Third party proceedings

default, **3.53**

Unsatisfied

motion for new judgment, **9.21**

JUDICIAL DISTRICTS

Generally, **App IV**

JUDICIAL REVIEW

Generally, **3.15 to 3.24**

Standards of review, **3.15**

INDEX

JURY

- Disagreement of jury
action may be re-tried, **8.21**
- Mode of trial, as, **8.1**
- Omission to prove fact or record, **8.24**
- View, **6.26**

LAWYER

- Appointing, **2.24, 2.28, 2.32**
- Change of, **2.28**
 - address for service to be included in notice, **2.28**
 - notice of, **2.24, 2.28, 2.32**
- Leaving practice of law or dying, **2.32**
- Proof of service upon, **11.30**
- Service upon lawyer of record, **11.17**
- Withdrawal after trial date set
 - change by client, **2.28**
 - effective date, **2.24, 2.28 to 2.32**
 - not without leave, **2.31**

LAWYERS' CHARGES

- Action to recover
 - costs of action only by order, **10.22**
 - default judgment only by order, **10.22**
- Charging order against property, **10.4**
- Client abandoning action, **10.24**
- Contingency fee agreements
 - agreement must be in writing, **10.7**
 - change of lawyer permitted notwithstanding, **10.6(2)**
 - confidentiality, **10.15**
 - contents of agreement, **10.7, 10.9, 15.5**
 - death of solicitor, **10.24(1)(a)**
 - failure to comply with, **10.7, 10.8**
 - permitted, **10.5**
 - provisions which are void, **10.6**
 - review of agreement by court, **10.9 to 10.25**
 - settlement or discontinuance, **10.24**
- Discharge of lawyer, **10.24**
- Factors to be considered, **10.2**
- Funds held in lawyer's trust account, charges against, **10.3**
- Future fees, **10.2(2)**
- Lawyer acting in representative capacity, **10.3**
- Lawyer incapable of acting any longer, **10.24**
- Review, **10.9**

LIQUIDATED DEMAND

- Judgment in default, **3.39**

LITIGANTS' ACCOUNT

- Generally, **13.51**

LOST DOCUMENTS

- Generally, **13.27**

MALICE

- Generally, **13.6(3)**

MASTER IN CHAMBERS

- Appeals from, **6.14**
- Applications before, **6.9(2)**
- Defined, **App. A, Definitions**

MATRIMONIAL CAUSES

- General rules apply, **12.3**
- Parties, **12.5**

MEDICAL EXAMINATION

- Generally, **5.41 to 5.44**

MENTAL DISORDER

- Civil contempt, **10.54**

MISJOINDER

- Causes of action, **3.71**
- Parties, **3.73 to 3.75**

MISREPRESENTATION

- Generally, **13.7**

MONEY IN COURT

- Investment of money, **13.54**
- Payment out, **13.53**
- Possession of property by debtor by payment of money into court, **6.25(1)(d)**
- Replevin, **6.50, 6.51**
- Stop order regarding payment out, **6.27**

MONEY RECEIVED AS TENDER ON JUDICIAL SALE

- Generally, **13.50**

MOOTNESS

- Generally, **annotation R. 14.5**

MOTIONS

- Applications
 - consideration of, **6.9(1)**
 - content of notice of application, **6.3**
 - disposed of by judge or master, **6.9(2)**
 - ex parte order, **6.4**
 - judge cannot act or inconvenient to act, **13.1**

MOTIONS—Cont'd

Applications—Cont'd

- length of notice required, **6.3(3)**
- service upon parties affected, **6.3(3)**
- varying orders, generally, **9.13, 9.15, 9.16**
- varying or rescinding order if party has failed to attend through mistake, etc., **9.13, 9.15, 9.16**

Electronic application, **6.10**Evidence, **6.11****NEW EVIDENCE AT APPEAL**Generally, **14.75****NON-COMPLIANCE WITH RULES**Generally, **1.5****NON-SUIT**Generally, **8.20****NOTICE OF INTENTION NOT TO CALL WITNESS**Generally, **8.15****NOTICES TO PROFESSION**Generally, **App II****NOTICE TO ATTEND**Generally, **8.8****NOTICE TO CO-DEFENDANT**Generally, **3.43****NOTICE TO OBTAIN NAMES OF PARTNERS**Generally, **2.4****OFFER TO SETTLE**Generally, **4.24**Acceptance, **4.25**Court not to know of offer, **4.28**Discretionary, failure to comply with, **1.4 (annotation)**Failure to beat offer of compromise, **4.29**Judgment upon acceptance, **4.25**Withdrawal if not accepted, **4.24**Without prejudice, made, **4.27****ORDERS**Consent, **3.35**Correction of errors, **9.12**Date, **9.1, 9.6**Disobeying, **10.52****ORDERS—Cont'd**Enforcement, **9.17**non-party, against, **9.19**Entry, **9.5**certified copy, **9.7**further directions after entry, **9.14**Ex parte order, **6.4**

Form

formal content, **9.1**numbered paragraphs, **9.1(1)**Granted conditionally, **9.18**Issues to be tried, **7.1**

Nullity

cannot be, **9.6**Sale of property transferred to delay or defraud creditors, **9.24**Settlement of contents, **9.3**Signing, **9.4**approval by opposing party, **9.4**Varying or rescinding, **9.15****ORIGINATING APPLICATION**Commencement of action, **3.2**application for judicial review, **3.15 to 3.24**reciprocal enforcement of judgment, **9.50**reciprocal enforcement of United Kingdom judgment, **9.40 to 9.49**Content, **3.8**Directions by court, **3.10, 3.12, 3.14**Form, **3.8**Oral evidence, **3.10, 3.12, 3.14**Service, **3.9, 3.15****PARTICULARS**Further particulars, **3.61**Required if pleading misrepresentation, etc., **13.7****PARTIES**Adding, **3.73 to 3.76**Common interest, **2.6**Listing more than four, **13.13(4)**Misjoinder, **3.73 to 3.75**Striking, **3.74, 3.75**Substituting, **3.75**Third parties, **3.46**Trustees, **2.1**Want of, **3.73**

INDEX

PARTNERSHIP

- Action by or against, **2.2**
- Execution against, **2.3, 9.23**
- Notice to obtain names and residences of partners, **2.4**
- Person denying being a partner, **2.3**

PAYMENT OUT OF COURT

- Generally, **13.53**
- Interest earned, **13.54**

PERSONS INTERESTED BUT NOT PARTIES

- Generally, **3.73**
- Approval of settlement, **2.18**

PIERRINGER AGREEMENT, ANNOTATION

- Generally, **3.46**

PLEADINGS

- See also App. A DEFINITIONS, pleadings
- Amendments
 - See AMENDMENT OF PLEADINGS
- Close of, **3.67**
- Conditions precedent, **13.6(2)(b)**
- Contents
 - damages, amount must be stated, **13.6(2)(c)**
 - material facts, **13.6**
 - misrepresentation, fraud, breach of trust, wilful default, undue influence, **13.6, 13.7**
- Costs, **13.6, 13.8(2)**
- Denial, **13.6, 13.12**
 - costs when facts improperly denied, **10.33(2)(b)**
- Fraud, **13.6, 13.7**
- General or other relief need not be claimed, **13.8(2)**
- Numbered paragraphs, **13.6(1)(b)**
- Particulars, **3.61**
- Pleading
 - claims or defences in the alternative, **13.8(1)(a)**
 - point of law, **13.8(1)(b)**
- Silence
 - not an admission (generally), **13.12(1)**
- Striking, **3.68**

POINT OF LAW

- Generally, **13.8**

POINT OF LAW—Cont'd

- Issue may be tried separately, **7.1**
- Setting question of law by consent, **7.1**

PRACTICE DIRECTIONS

- Generally, **App II**

PRACTICE NOTES

- Generally, **App II**

PRESERVATION AND INSPECTION OF PROPERTY

- Generally, **6.25 to 6.27**

PRESERVING EVIDENCE

- Generally, **6.21**

PRE-TRIAL CONFERENCE

- Generally, **4.10**

PRIVILEGE

- Records, **5.6**

PROCEEDING

- Generally, **12.8 to 12.12**

PROCEEDINGS

- Commencement, **3.2**
- Judicial centre in which carried on, **3.6**

PRODUCTION OF RECORDS

- Generally, **5.5 to 5.16**
- Records in possession of third party, **5.13**

PROOF

- Service upon lawyer, **11.30(1)(b), 11.30(2)(b)**

PROSECUTION OF ACTION

- Timing, **Reg124/2010 4.5, 4.4, 4.32, 4.33**

PUBLIC INTEREST STANDING, ANNOTATION

- Generally, **2.10**

QUESTIONING

- Acknowledgment of corporate witness's evidence, **5.29**
- Affidavit, **6.7**
- Allowance, **6.17**
- Appointment for questioning, **5.21**
- Before hearing, **6.8**
- Continuing duty to disclose, **5.27**
- Costs, **5.17(2); 5.18(5)**
- Exhibits, **5.26(3)**
- Limiting or cancelling questioning, court may, **5.19**

QUESTIONING—Cont'd

- Objections, **5.25**
 - Court, application to, **5.25(4)**
- Oral or written, **5.22; 5.24; 5.28**
- Prepare, witness's obligation to, **5.23**
- Questioning by party for whom person is a witness, **5.25(5)**
 - re-questioning by adverse party, **5.25(6)**
- Rule applies whether person to be questioned is within or outside Canada, **5.17(3)**
- Transcript of oral questioning, **5.26**
 - confidentiality, **5.33**
 - court, when it may be placed before, **5.32**
 - obligation of questioning party to arrange, **5.26(2)**
 - use of, **5.31**
- Undertaking regarding confidentiality, implied, **5.33 (annotation)**
- Undertakings when witness does not have answer, **5.30**
- When questioning may occur, **5.20**
- Who may be questioned, **5.17(1)**
 - adverse in interest, parties which are, **5.17(1)(a)**
 - employees or former employees, **5.17(1)(d)**
 - limitations, **5.18**
 - experts, **5.18(3)**
 - litigation representation, **5.17(1)(c)**
 - parties to a negotiable instrument, **5.17(1)(g)**
 - partners or former partners of an partnership adverse interest, **5.17(1)(f)**
 - relevant and material records and information, **5.17(1); 5.25**
 - written questions, **5.28**

QUESTIONING IN AID OF ENFORCEMENT

Generally, **9.29**

REAL ESTATE

Mode of sale, **9.38, 9.39**

RECEIVER

Generally, **6.47**

RECIPROCAL ENFORCEMENT OF JUDGMENTS ACT

Application, **9.50**

RECIPROCAL ENFORCEMENT OF JUDGMENTS ACT—Cont'd

Notice of registration, content, **9.51**

Setting aside registration, **9.51(c)**

RECIPROCAL ENFORCEMENT OF UNITED KINGDOM JUDGMENTS**Appeal**

order arising from application to set aside ex parte order, **9.46(4)**

order made on notice, **9.48**

order refusing ex parte relief, **9.47**

Application

affidavit in support, **9.43**

ex parte, **9.44**

heading of pleadings, **9.42(3)**

originating notice, **9.42**

service, if application is not ex parte, **9.44(2)**

Definitions, 9.40

Factors to be considered by court, **9.49**

Order, **9.45**

Scope of Pt. 9, Division 7, **9.41**

Setting aside ex parte order, **9.46**

RECORD**Amendments**

manner of physically effecting, **13.17**

trial, at, **3.65(4)**

RECORDED MAIL

Defined, **App. A, Definitions**

Service, **11.5, 11.22**

address for service, upon, **11.15**

deemed date of service, **11.22**

REFEREES, OFFICIAL

Generally, **6.44, 6.46**

List of designated persons, **6.44**

REPLEVIN

Application where action for recovery of personal property, **6.48**

procedure, **6.49**

Bond, **6.50**

Civil enforcement agency, **6.50, 6.51**

Order

application to vary, discharge or modify order, **6.52**

content, **6.50**

ex parte, **6.49**

granted by court, **6.49**

INDEX

REPLEVIN—Cont'd

Property, detention by civil enforcement agency, **6.51**

Respondent's application for relief, **6.52**

REPLY

Amended reply, **3.62**

REPRESENTATION (SELF)

Generally, **2.22, 2.23**

RESTRICTED COURT ACCESS ORDER

Generally, **6.28 to 6.36**

SEALING ORDER

See **RESTRICTED COURT ACCESS ORDER**

SECURITY FOR COSTS

Generally, **4.22**

Appeals, **14.67**

Matrimonial actions, **13.36**

Order

contents of, **4.23**

variation of security ordered, **4.23(4)**

Payment out of security, **4.23(3)**

Security by bond, **4.23(2)**

SERVICE OF DOCUMENTS

Generally, **11.1 to 11.32**

Agreement between parties, **11.3, 11.20**

Business representative, on, **11.19**

Commencing document, **11.3, 11.19**

Contribution or indemnity claim, **3.43**

Corporation, **11.9**

Dispensing with service, **11.29**

Electronic, **11.21**

Evaded, **11.27**

Lawyer, upon, **11.16, 11.17**

Litigation representative, **11.7**

Missing person, **11.8**

Outside Alberta, **11.25 to 11.26**

Personal

corporation, **11.9**

documents commencing action, **11.4**

individual, **11.5**

Proof required

default judgment, **3.36**

Recorded mail, **11.22**

Setting aside service, **3.30, 11.31**

Substitutional service, **11.28**

Third party notice, **3.45**

SERVICE OF DOCUMENTS—Cont'd

Validating, **11.27**

SERVICE OF FOREIGN PROCESS

Generally, **11.32**

SERVICE OUTSIDE ALBERTA

Generally, **11.25 to 11.26**

Third party notice, **3.49(3)**

SETTING ASIDE

Ex parte order or judgment, **9.15**

Judgment

default, **9.15**

Service, **11.31**

Third party proceedings

third party notice, **3.47(a)**

Verdict or judgment

when party does not appear at trial,
9.15(1)(b)

SILENCE

Costs

when facts not admitted but should
have been, **10.33(2)(b)**

Not an admission, **13.12**

necessity to plead performance, release,
payment, limitation, fraud, illegality,
etc., **13.6, 13.7**

SIMILAR FACT EVIDENCE

Generally, **5.6**

SLIP RULE

Generally, **9.12**

SOLE PROPRIETORS

Actions by or against, **2.5**

STANDARD CASES

Generally, **4.4**

STATEMENT OF CLAIM

Commencement of action, **3.2**

Content, required, **3.25, 13.13**

Divorce, **12.7, 12.9**

Serve copy with third party notice, **3.45**

STATEMENT OF DEFENCE

Amended, **3.62**

Divorce actions, **12.11**

Endorsements, required, **13.13**

Filing but failing to serve, **3.36(3)**

New statement of defence after amended
statement of claim, **3.62**

STATEMENT OF DEFENCE—Cont'd

Struck out, **3.36**
Time to serve, **3.31**

STATUTE OF FRAUDS

Generally, **13.6**

STATUTE OF LIMITATIONS

Generally, **13.6**

STAY OF ACTION

Execution
appeals, **14.48, 14.68**
Originating documents falsely identifying
solicitor who commenced action,
2.26(2)
Replevin, **6.52**

STAY OF EXECUTION

Generally, **1.4, 14.68**

STRIKING OUT PLEADINGS

Generally, **3.68**

SUBSTITUTING PARTY

Generally, **3.74**

SUBSTITUTIONAL SERVICE

Generally, **11.28**

SUMMARY JUDGMENT

Generally, **7.2 to 7.4**

SURROGATE RULES

Generally, **App. V**
Accounting, **SR 97**
financial statements, contents of, **SR 98**
ownership of property by estate,
confirmation of, **SR 99**
passing accounts, **SR 107 to 117**
passing accounts, dispensing with, **SR**
103 to 106
Affidavit
may predate filing, **SR 7**
Ancillary grants, **SR 36**
Application of rules, **SR 137**
Applications
additional information requested by
court, **SR 8**
clerk, duties of, **SR 45**
contentious matters, **SR 55**
contested claims, **SR 96**
directions, for, **SR 80, 82, 85**
formal proof of will, **SR 75**
notice of, **SR 26**

SURROGATE RULES—Cont'd

Applications—Cont'd
service, **SR 26(3), (3.1), (3.2), 26(4) to**
26(6)
testamentary document, production of,
SR 68
various Acts, under, **SR 70.1 to 70.9**
wills and codicils, attachment to, **SR 15**
Beneficiary
unknown, **SR 27**
Bonds, **SR 28, 30**
dispensation from, **SR 29, 53**
powers of court, **SR 31**
releases do not cancel, **SR 102**
trusteeship, **SR 52**
Caveat, **SR 71**
frivolous or vexatious, **SR 74**
notice of objection, **SR 73**
warning to caveator, **SR 72**
Claimants
notice by, **SR 39**
notice to, **SR 38**
verification of claim, **SR 40**
Claims
contested, **SR 42, 95, 96**
not yet payable, **SR 43**
Clerk
duties, **SR 44 to 49**
Codicils
attach to application, **SR 15**
Compensation
personal representatives and lawyers,
SR Sched. 1
application respecting, **SR 55, 58**
Contentious matters
chambers, proceedings to be conducted
in, **SR 63**
convict, service in respect of, **SR 59(2)**
costs, **SR 64**
documents to be served, **SR 59(1)**
missing person, service in respect of,
SR 59(2)
notice to be given, **SR 61**
order to accept or refuse probate, **SR 67**
parties, **SR 56**
procedure at hearing of application, **SR**
64
representation, **SR 62**
security for costs, **SR 69**
service of documents, **SR 59(2), 60**

INDEX

SURROGATE RULES—Cont'd

- Contentious matters—Cont'd
 - standing, **SR 65**
 - testamentary documents, application for production of, **SR 68**
 - time for completion, **SR 70**
 - trial of an issue, **SR 66**
- Court fees, **SR Sched. 2**
- Court of Queen's Bench
 - reference to, **SR 3**
- Death, proof of, **SR 94**
- Definitions, **SR 1**
- Directions
 - application for, **SR 4, 80, 82, 85**
- Documents, provision of copies by clerk, **SR 48**
- Double probate, **SR 34**
- Fees, **SR 44**
- Formal proof of will
 - appeal, **SR 92**
 - application, **SR 23, 75**
 - court, duties of, **SR 86**
 - directions, application for, **SR 80, 82, 85**
 - documents to commence application, **SR 77**
 - evidence at hearing, **SR 84**
 - hearing in chambers, when, **SR 83**
 - interested persons, **SR 78 to 80**
 - order final, **SR 91**
 - order of proceedings, **SR 87**
 - order requiring, **SR 81**
 - other proceedings, combined with, **SR 88**
 - powers of the court, **SR 90**
 - revocation of informal grant, **SR 93**
 - trial, **SR 85**
 - witness fees, **SR 89**
- Forms, **SR 9, 13, 16(6)**
 - accountant's appointment, **SR 115(4), 130(4)**
 - caveat, **SR 71(1), 73(1)**
 - clerk's certificate, **SR 49**
 - death, permission to swear as to, **SR 94(2)**
 - dependent adults, passing accounts, **SR 121, 122, 124, 126, 130(4), 133**
 - dispensation from bond, **SR 29**
 - double probate, **SR 34**
 - nomination of personal representative, **SR 33**

SURROGATE RULES—Cont'd

- Forms, **SR 9, 13, 16(6)**—Cont'd
 - notice of contestation, **SR 95**
 - notice of objection, **SR 73, 114**
 - notice to claimants, **SR 38(1)**
 - passing accounts, **SR 107 to 109, 114**
 - releases, **SR 100(1)**
 - renunciation, **SR 32**
 - report by accountant, **SR 117, 132**
 - service, proof of contentious matters, **SR 60(2)**
 - trusteeship, **SR 50, 51**
 - unknown beneficiary, **SR 27**
 - verification of claims, **SR 40(2)**
 - warning to caveator, **SR 72**
- Gifts
 - void, **SR 14**
- Grants, **SR 10**
 - ancillary, **SR 36**
 - caveat, **SR 71**
 - clerk, duties of, **SR 46, 47**
 - clerk's certificate, **SR 49**
 - double probate, **SR 34**
 - limited grant, **SR 12**
 - preferences, **SR 11**
 - resealing, **SR 35**
- Interested persons, **SR 57**
- Minor testator, **SR 21**
- Nomination of personal representative, **SR 33**
- Notices, **SR 5**
 - claimants, by, **SR 39**
 - claimants, to, **SR 38**
 - objection by caveator, **SR 73**
- Passing accounts
 - court's powers on application for passing of accounts, **SR 113**
 - dependent adults, **SR 121 to 136**
 - dispensing with, **SR 103 to 106**
 - examination of accounts by accountant, **SR 115, 116**
 - final passing of accounts, **SR 113(4)**
 - forms to be filed and served, **SR 107**
 - interested person seeking order requiring passing of accounts, **SR 108**
 - notice of objection by interested person, **SR 114**
 - reply to application for passing of accounts, **SR 109, 111, 112**
 - report by accountant, **SR 117**

SURROGATE RULES—Cont'd

- Passing accounts—Cont'd
 - withdrawal of application for passing of accounts, **SR 110**
- Personal representatives' duties, **SR Sched. 1**
- Preferences, **SR 11**
- Releases, **SR 100 to 102**
- Renunciation, **SR 32**
- Re-sealed administration, **SR 35**
- Re-sealed probate, **SR 35**
- Rules of court
 - application of, **SR 2**
- Testamentary document, production of, **SR 68**
- Trusteeship
 - application, **SR 50**
 - bond, **SR 52, 53**
 - notice of application, **SR 51**
 - rules, application of, **SR 54, SR 54.1**
- Unadministered property, **SR 37**
- Valuation of security, **SR 41**
- Venue, **SR 6**
- Verification of claims, **SR 40**
- Void gift, **SR 14**
- Wills
 - alterations, **SR 25**
 - attach to application, **SR 15**
 - foreign language, **SR 18**
 - formal proof, **SR 23, 75, 81**
 - holograph, **SR 16(4)**
 - lost or destroyed, **SR 24, 76**
 - other documents, **SR 22**
 - proving signing of, **SR 17**
 - undated, **SR 20**
- Witnesses
 - deceased, **SR 19**
 - proof of signing formalities, **SR 16**

TENDER BEFORE ACTION

- Payment into court required, **13.9**

THIRD PARTY PROCEEDINGS

- Admissions, deemed
 - by third party when not denying defendant's liability to plaintiff, **3.52(1)**
 - by third party when not denying liability to defendant, **3.52(2)**
- Counterclaim, **3.49, 3.60**

THIRD PARTY PROCEEDINGS**—Cont'd**

- Default
 - third party failing to file defence, **3.53**
- Grounds, **3.45**
- Judgment
 - against third party if third party fails to defend, **3.53**
 - leave to execute, **3.53(2)**
- Reply by plaintiff, **3.54**
- Service of third party claim, **3.45**
- Setting aside
 - by plaintiff after service of third party notice, **3.48**
 - by third party, **3.47**
- Statement of claim
 - serve with third party notice, **3.45(d)**
- Statement of defence to third party claim, **3.49**
 - generally, **3.49, 3.52**
 - party, makes third party a, **3.46**
 - reply by plaintiff, **3.48**
 - time to serve, **3.49**
- Tried as part of action, **3.46(3)**

TIME

- Abridge or enlarge, court may, **13.5**
- Admissions
 - deemed if notice not responded to, **6.37**
 - opinion, admission of, **6.37**
- Admissions regarding documents
 - time to object, **5.15(4)**
- Affidavit of records
 - inspection of records, **5.6, 5.14**
 - objections to deemed admissions, **5.15**
 - serving, **5.5**
- Affidavits, filing and serving, **3.11, 6.6**
- Amended pleading, **3.62**
- Amendment of pleading with leave, **3.65**
- Appeals
 - cross-appeal, **14.11**
 - dismissal for want of prosecution, **14.62, 14.63**
 - extending time, **14.37**
 - factums, filing and serving, **14.23, 14.24**
 - notice of appeal to Court of Appeal, **14.8**
 - service of notice of appeal, **14.81**

INDEX

TIME—Cont'd

- Application
 - for order confirming sale or rejecting tender, **9.34**
 - to disallow amendment, **3.64**
 - to set aside a decision under judicial review rules, **3.15(2)**
- Applications, length of notice required, **6.3**
- Appointment for questioning, service of, **5.21, 6.16**
- Appointment for questioning in aid of enforcement, **9.29**
- Calculation, **13.2 to 13.5**
- Compelling attendance of other party to give evidence, **8.8**
- Contingent fee agreement
 - review of, **10.10, 10.13**
- Contribution or indemnity from co-defendant, **3.43**
- Costs
 - bills of costs, assessment of, **10.10**
- Cross-examination of court appointed expert, **6.42**
- Delivery of pleading
 - amended pleading, **3.62, 3.65**
 - divorce pleadings, **12.12, 12.55**
- Demand of notice, **3.34**
- Enlarging by consent, **13.5**
- Entry of judgment or order after three months, **9.5**
- Evidence
 - notice to use evidence from another action, **6.11, 8.17**
- Experts
 - reports, service of, **5.35**
- Inquiries
 - application to accept or vary report of referee, **6.46**
- Interpleader
 - notice to civil enforcement agency regarding disputed claims, **6.63**
- Month, **13.14**
- New judgment, motion for if original judgment unsatisfied, **9.21**
- Notice
 - lawyer withdrawing, **2.29**
 - of intention not to call witness, **8.15**
 - of termination of contingency agreement by client, **10.7(5)**
 - to admit, reply to, **6.37(3)**

TIME—Cont'd

- Offer to settle, **4.24**
- Originating notice
 - service, **3.9**
- Pleadings, close of, **3.67**
- Replevin, **6.50 to 6.53**
- Service of appointment for assessment of costs, **10.37**
- Service of contingency fee agreement, **10.7(4)**
- Setting aside verdict or judgment
 - when party does not appear at trial, **9.15**
- Statement of claim
 - service, **3.26, 3.27, 3.29**
- Statement of defence, **3.31, 12.12**
- Step in an action, **4.33**
- Summary trial, **7.5, 7.6**
- Third party notice
 - defence, **3.49**
 - filing and serving, **3.45**
 - reply by plaintiff, **3.54**

TIMING OF ACTION

- Agreement, **4.32, 4.33**
- General, **4.1 to 4.15**

TRANSFER OF ACTIONS

- Generally, **3.5**

TRANSLATING DOCUMENTS

- Generally, **5.7**

TRIAL

- Address to court, **8.10**
- Adjournment, **1.4, 8.6**
- At same time, **3.72**
- Consolidation of actions, **3.72**
- Contribution or indemnity from co-defendant, **3.43**
- Entry for, **8.4, 8.5**
- Evidence
 - affidavit, **3.14, 6.11**
 - court documents, **13.29**
 - oral, **8.17**
 - outside Alberta, **6.21 to 6.23**
 - use in subsequent proceedings, **6.11, 8.17(3), 8.19**
- Fact, question of, **7.1(1)(d)**
- Judgment
 - setting aside when party did not appear, **9.15**

TRIAL—Cont'd

- Jury
 - disagreement of, **8.21**
 - view by, **6.26**
- Mode of
 - jury, **8.1 to 8.3**
 - referees, **6.45**
- Motion for dismissal at close of plaintiff's case, **8.20**
- Omission to prove fact or document, **8.24**
- Place of trial, **3.6**
- Setting aside when party did not appear at trial, **9.15**
- Streamlined trial, **8.25 to 8.31, 12.49**
- Summary, **7.5 to 7.11**
- Third party proceedings, **3.46**
- View, **6.26**

UNDERTAKING, IMPLIED

- Generally, **5.33 annotation**

UNDUE INFLUENCE

- Generally, **13.7**

UNITING CAUSES OF ACTION

- Generally, **3.69**
- Same transaction, **3.70**

VERDICT

- Setting aside
 - when party did not appear at trial, **9.15**

VEXATIOUS LITIGANTS

- Generally, **3.2**

VIEW

- Court of Appeal, by, **14.73**
- Judge, by, **6.26**
- Jury, by, **6.26**

WILFUL DEFAULT

- Generally, **13.6, 13.7**

WITNESS

- Calling of
 - failure to call, **8.15**
 - notice to attend, **8.8**