

Each item in this checklist is explained in more detail in the handbook.

Quick Reference Checklist

Steps in Litigation

- STARTING THE APPEAL**
- Preparing the Notice of Appeal.
 - Filing the Notice of Appeal.
 - ⌚ *Within 20 business days of receiving the Decision Notice*
 - Serving the Notice of Appeal.
 - ⌚ *Within 2 business days of filing the Notice of Appeal*
 - Preparing an Affidavit of Service.
 - ⌚ *As soon as possible after service*
- JOINING THE APPEAL**
- Submitter joins proceedings - by filing and serving an **Election to Co-Respond**.
 - ⌚ *Within 10 business days of receiving the Notice of Appeal*
 - Others parties join proceedings – by filing and serving either an **Entry of Appearance** or **Election to Co-Respond**.
 - ⌚ *Within 10 business days of receiving the Notice of Appeal*
- PREPARING FOR THE FIRST APPEARANCE IN COURT**
- Asking for a Directions Hearing – by filing an **Application for Directions Hearing** and asking the lists clerk for a date.
 - ⌚ *Without undue delay and within 2 months of starting the appeal*
 - Proving compliance with legal requirements - the appellant files and serves the **Affidavit of Service** and the Developer prepares an **Affidavit** confirming that the development has been properly notified.
 - ⌚ *At least 5 business days before the first directions hearing*
 - Preparing the timetable – the parties consider the steps necessary to prepare for the hearing.
 - Preparing the **Draft Directions Orders** – the appellant provides the other parties with a **Draft Directions Order** setting out a timetable for the steps leading up to the hearing.
 - ⌚ *At least two days before the directions hearing*
 - The other parties must let the applicant know whether they agree to the draft, and if not, what orders they will seek.
 - ⌚ *As soon as possible after receiving the draft Directions Orders and by 4.00 pm the day before the direction hearing*
 - Likely hearing dates – allocating **sitting** dates

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**AT THE FIRST
DIRECTIONS HEARING**

- At the first directions hearing, the judge will set the timetable for the preparation of the matter and make orders regarding compliance with the legal requirements for service and notification. See
 - ⌚ *The first directions hearing occurs on the date set by the lists clerk.*

**GETTING READY FOR
THE HEARING**

- Narrowing the issues.
- Requesting and providing particulars.
- Engaging your experts.
- Meetings between experts.
- Arranging a site inspection.
- Disclosing documents.
- Obtaining disclosed documents.
- Obtaining documents from non-parties.
- Gathering evidence.
- Preparing witness statements.
- Exploring settlement options.
- Agreed facts and documents.

**ISSUES ALONG THE
WAY**

- Raising preliminary points - if there is a question of law that will determine the outcome or conduct of the appeal, the parties can apply for a preliminary hearing.
- Application in pending proceedings - at any time before the hearing any party can apply to have the matter re-listed before a judge for further directions or orders by filing and serving an **Application in Pending Proceedings**.
- Modification of development application by developer.
- Discontinuing or withdrawing from proceedings.
- Settlement of the case.
 - ⌚ *These issues should be dealt with as soon as possible after they arise.*

**SETTING THE HEARING
DATES**

- Reviews - the parties and court consider whether the matter is ready for hearing.
 - ⌚ *About one month before the sitting dates*
- Callovers – if the matter is ready for hearing, at the callover the matter will be allocated precise hearing dates.

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THE HEARING & THE
DECISION

The matter will be heard by the judge on the dates allocated during the *callover*.

The judge may not give his/her decision until sometime after the final day of the hearing.

⌚ Can be anywhere between 1 week to 6 months

APPEALING THE
DECISION

In limited circumstances, if a party is unhappy with the decision, that party can apply to the Court of Appeal for leave to appeal the decision.

⌚ within 30 business day of receiving the decision