

STANDARD DRAFT CASE MANAGEMENT ORDER**IN TERMS OF PARAGRAPH 8 OF****THE CASE MANAGEMENT PRACTICE DIRECTIVE**

**IN THE HIGH COURT OF SOUTH AFRICA
(KZN HIGH COURT, PIETERMARITZBURG)**

CASE NO:

In the matter between:

Plaintiff

And

Defendant

DRAFT CASE MANAGEMENT ORDER

IN TERMS OF PARAGRAPH 8 OF

THE CASE MANAGEMENT PRACTICE DIRECTIVE

In accordance with paragraph 8 of the Case Management Directive, the following case management order is hereby issued:

1. The issues of liability and quantum are to be separated in terms of Rule 33(4), the matter proceeding to trial only on liability as encompassed by the issues outlined in paragraphs ___ to and including ___ of the Particulars of Claim, read together with the corresponding paragraphs of the Defendant's Plea.

- 2.
- 2.1 The parties are to make discovery by filing Discovery Affidavits in accordance with Rule 35 by no later than _____.
- 2.2 The process of copying and inspection of documents contained in the opposing parties discovery is to be completed within 1 (one) month from the date of the making of discovery.
- 2.3 Within 2 (two) months of the date of discovery, the Plaintiff's Attorney is to make up an indexed and paginated bundle of trial documents ("the trial bundle"), and to submit same to the Defendant's Attorney.
- 2.4 The Defendant's Attorney will have 2 (two) weeks from date of receipt of the trial bundle within which to supplement same by addition of other documents, and return the so-supplemented trial bundle to the Plaintiff's Attorney.
- 2.5 The following will apply to the trial bundle, as finalised in accordance with paragraphs 2.3 and 2.4 above:
 - 2.5.1 The documents contained in the trial bundle are to be in chronological order or logical sequence, insofar as that is reasonably possible.
 - 2.5.2 The status of the documents contained in the trial bundle is agreed as follows:
 - (a) What follows will apply to all documents contained in the trial bundle, save those in respect of which the Attorney for either party has given the opposing Attorney written notice within 2 (two) weeks of the date of finalisation of the trial bundle contesting the status of a particular document or documents.

- (b) All documents contained in the trial bundle are what they purport to be, without either party necessarily thereby admitting the correctness of the content thereof, but no document may be relied on as proof of a fact or facts unless the document was pertinently referred to either in an opening address or in the course of evidence.

- (c) Letters, e-mails and telefaxes among the documents were sent on the dates appearing thereon and received by the addressee:
 - (i) In the case of letters, shortly thereafter;

 - (ii) In the case of telefaxes and e-mails, at the times reflected thereon.

- (d) Copies may be used, and the parties agree that the copies are all true copies of the originals.

2.6 Dates for delivery of Rule 36(9)(a) Notices and Rule 36(9)(b) summaries are as follows:

2.6.1 Rule 36(9)(a) Notices, 8 (eight) days before date of trial.

2.6.2 Rule 36(9)(b) summaries, 6 (six) days before date of trial.

2.7 The Attorneys are to do everything necessary to facilitate meetings of opposing experts to be held within no more than 2 (two) weeks of the date of delivery of the opposing experts' Rule 36(9)(b) summaries, and to ensure that the opposing experts furnish joint minutes of their meetings, signed by them.

- 2.8 Unless a party notifies the other in writing within 2 (two) days of date of receipt of joint minutes as aforesaid of non-acceptance of agreements reached between experts as contained in the joint minutes, the parties are bound by such agreements.

BY ORDER

REGISTRAR