

**Claim No.** { MERGEFIELD FW\_CN\_COURT\_FW\_CN\_CT\_CL\_NO }.

IN THE COUNTY COURT AT { MERGEFIELD FW\_CN\_COURT\_FW\_CN\_COURT\_name \\*  
UPPER}

BETWEEN:

{ MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 }

**Claimant**

and

{ IF { MERGEFIELD FW\_CN\_DEF1\_FW\_CN\_D1\_TRUST\_name } <> "" "{ MERGEFIELD  
FW\_CN\_DEF1\_FW\_CN\_D1\_TRUST\_name }" "{ MERGEFIELD  
"FW\_CN\_DEF1\_FW\_CN\_D1\_FNAME" } { MERGEFIELD  
"FW\_CN\_DEF1\_FW\_CN\_D1\_SNAME" }" }

**Defendant**

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DRAFT DIRECTIONS ORDER

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**Warning: you must comply with the terms imposed upon you by this order otherwise your case is liable to be struck out or some other sanction imposed. If you cannot comply you are expected to make formal application to the court before any deadline imposed upon you expires.**

on xxxx

before District Judge Xxxx sitting in xxxx

the Judge heard the solicitor for the Claimant and the solicitor for the Defendant

and made the following Order

- 1) The Claim is allocated to the Multi-Track and is assigned to District Judge Xxxx for case management.
- 2) At all stages the parties must consider settling this litigation by any means of Alternative Dispute Resolution (including round table conferences, early neutral evaluation, mediation and arbitration); any party not engaging in any such means proposed by another is to serve a witness statement giving reasons within 21 days of receipt of that proposal. That witness statement must not be shown to the trial judge until questions of costs arise.
- 3) Documents are to be retained as follows:
  - a) the parties must retain all electronically stored documents relating to the issues in this Claim.

- b) the Defendant must retain the original clinical notes relating to the issues in this Claim. The Defendant must give facilities for inspection by the Claimant, the Claimant's legal advisers and experts of these original notes on 7 days written notice.
  - c) legible copies of the medical and educational records of the Claimant / Deceased / Claimant's Mother are to be placed in a separate paginated bundle by the Claimant's Solicitors and kept up to date. All references to medical notes are to be made by reference to the pages in that bundle.
- 4) Disclosure of documents relevant to the issues of breach of duty and causation and quantification of damages will be dealt with as follows:
- a) By 4pm on xxxx both parties must give to each other standard disclosure of documents by list and category.
  - b) By 4pm on xxxx any request must be made to inspect the original of, or to provide a copy of, a disclosable document.
  - c) Any such request unless objected to must be complied with within 14 days of the request.
  - d) By 4pm on xxxx each party must serve and file with the court a list of issues relevant to the search for and disclosure of electronically stored documents, or must confirm there are no such issues, following Practice Direction 31B.
- 5) Evidence of fact will be dealt with as follows:
- a) By 4pm on xxxx both parties must serve on each other copies of the signed statements of themselves and of all witnesses on whom they intend to rely in respect of breach of duty and causation and all notices relating to evidence, including Civil Evidence Act notices.
  - b) For the avoidance of doubt statements of all concerned with the relevant treatment and care of the Claimant must be included.
  - c) By 4pm on xxxx both parties must serve on each other copies of the signed statements of themselves and of all witnesses on whom they intend to rely in respect of condition, prognosis and loss and all notices relating to evidence, including Civil Evidence Act notices.
  - d) Oral evidence will not be permitted at trial from a witness whose statement has not been served in accordance with this order or has been served late, except with permission from the Court.
  - e) Evidence of fact is limited to xx witnesses on behalf of each party.
  - f) Witness statements must not exceed xx pages of A4 in length.
- 6) Expert evidence is directed as follows.
- 7) The parties have permission in respect of breach of duty and causation and quantification of damages to rely on the jointly instructed written evidence of an expert xxxx
- a) By xxxx the expert should be agreed and instructed, and if no expert has been instructed by that date the Claimant must apply to court by 4pm the following day for further directions.
  - b) By xxxx the expert will report to the instructing parties.
  - c) By xxxx the parties may put written questions to the expert.

- d) By xxxx the expert will reply to the questions.
  - e) A copy of this order must be served on the expert by the Claimant with the expert's instructions.
  - f) A party seeking to call the expert to give oral evidence at trial must apply for permission to do so before pre-trial check lists are filed.
  - g) Unless the parties agree in writing or the Court orders otherwise, the fees and expenses of the expert shall be paid by the parties giving instructions for the report equally.
- 8) In respect of breach of duty and causation the parties each have permission to rely on the following written expert evidence:
- a) The Claimant:
    - i) an expert in xxxx, namely Mr A, whose report must be served by xxxx.
    - ii) an expert in xxxx, namely Dr B, whose report must be served by xxxx.
    - iii) an expert in xxxx, namely Ms C, whose report must be served by xxxx
  - b) The Defendant:
    - i) an expert xxxx, namely Mr AA, whose report must be served by xxxx.
    - ii) an expert xxxx, namely Mr BB, whose report must be served by xxxx.
    - iii) an expert xxxx, namely Ms CC, whose report must be served by xxxx.
- 9) In respect of condition, prognosis and quantification of damages the parties (the Defendants acting jointly) each have permission to rely on the following written expert evidence:
- a) The Claimant:
    - i) an expert in xxxx, namely Mr A, whose report must be served by xxxx.
    - ii) an expert in xxxx, namely Dr B, whose report must be served by xxxx.
    - iii) an expert in xxxx, namely Ms C, whose report must be served by xxxx.
  - b) The Defendant:
    - i) an expert in xxxx, namely Mr AA, whose report must be served by xxxx.
    - ii) an expert in xxxx, namely Mr BB, whose report must be served by xxxx.
    - iii) an expert in xxxx, namely Ms CC, whose report must be served by xxxx.
- 10) Unless the reports are agreed, there must be a without prejudice discussion between the experts of like discipline by 4pm on xxxx in which the experts will identify the issues between them and reach agreement if possible. The experts will prepare for the court and sign a statement of the issues on which they agree and on which they disagree with a summary of their reasons in accordance with Rule 35.12 Civil Procedure Rules, and

each statement must be sent to the parties to be received by 4pm on xxxx and in any event no later than 7 days after the discussion.

- 11) Unless otherwise agreed by all parties' solicitors, after consulting with the experts, a draft Agenda which directs the experts to the remaining issues relevant to the experts' discipline, as identified in the statements of case shall be prepared jointly by the Claimant's solicitors and experts and sent to the Defendant's solicitors for comment at least 35 days before the agreed date for the experts' discussions.
- 12) The Defendants shall within 21 days of receipt agree the Agenda, or propose amendments.
- 13) A copy of this order must be served on each expert with the expert's instructions.
- 14) The parties have permission to call oral evidence of the experts in xxxx limited to issues remaining in dispute between experts of like discipline.
- 15) Any unpublished literature upon which any expert witness proposes to rely must be served at the same time as service of his report together with a list of published literature. Any supplementary literature upon which any expert witness relies must be notified to all parties at least one month before trial. No expert witness may rely upon any publications that have not been disclosed in accordance with this order without the permission of the trial judge subject to costs as appropriate.
- 16) Experts will, at the time of producing their reports, incorporate details of any employment or activity which raises a possible conflict of interest.
- 17) For the avoidance of doubt, experts do not require the authorisation of solicitor or counsel before signing a joint statement.
- 18) If an expert radically alters an opinion previously recorded, the joint statement should include a note or addendum by that expert explaining the change of opinion.
- 19) Schedules of Loss must be updated as follows:
  - a) By 4pm on xxxx the Claimant must send an up to date schedule of loss to the Defendant.
  - b) By 4pm on xxxx the Defendant, in the event of challenge, must send an up to date counter-schedule of loss to the Claimant.
  - c) The schedule and counter-schedule must contain a statement setting out that party's case on the issue of periodical payments pursuant to Rule 41.5 Civil Procedure Rules.
- 20) The trial will be listed as follows.
  - a) The trial window is between xxxx and xxxx inclusive.
  - b) The estimated length of trial is xx day s.
  - c) By 4pm on xxxx the parties must file with the court their availability for trial, preferably agreed and with a nominated single point of contact. They will be notified of the time and place of trial.
  - d) By 4pm on xxxx pre-trial check lists must be sent to the court.
- 21) Pre-trial directions are as follows:

- a) There will be a pre-trial review 4 weeks before the trial window starts with a time estimate of 30 minutes.
  - b) The pre-trial review will be conducted by telephone, unless the court orders otherwise. The Claimant must make the relevant arrangements in accordance with Practice Direction 23A Civil Procedure Rules.
  - c) At least 3 clear days before the case management conference the Claimant must file and send to the Defendant preferably agreed and by email:
    - i) any draft directions;
    - ii) a case summary.
- 22) Not more than 7 nor less than 3 clear days before the trial, the Claimant must file at court and serve an indexed and paginated bundle of documents which complies with the requirements of Rule 39.5 Civil Procedure Rules and Practice Direction 32 paragraph 27. The parties must endeavour to agree the contents of the bundle before it is filed. The bundle will include a case summary and a chronology.
- 23) The parties must file with the court and exchange skeleton arguments at least three days before the trial, by email.
- 24) Costs in the case.

**Claim No. { MERGEFIELD  
FW\_CN\_COURT\_FW\_CN\_CT\_CL\_NO }**

THE COUNTY COURT AT { MERGEFIELD  
FW\_CN\_COURT\_FW\_CN\_COURT\_name \\*  
UPPER}

BEFORE [insert name]

DATED: [insert date]

BETWEEN:

{ MERGEFIELD "LINKNAME\_TITLE\_1" } {  
MERGEFIELD "LINKNAME\_FORENAME\_1" } {  
MERGEFIELD "LINKNAME\_SURNAME\_1" }

**Claimant**

and

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**Defendant**

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**DRAFT  
DIRECTIONS ORDER**

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"PRACTICEINFO\_PRACTICE\_NAME" \f"  
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