

NOTICE – CML SHOW CAUSE HEARINGS

This matter has been listed for directions:

- For the plaintiff to show cause why the action should not be dismissed for want of prosecution
- For the defendant to show cause why the defence should not be struck out and/or any cross claim dismissed for want of prosecution.

All parties are reminded that this is a very serious matter.

The Court makes the following orders, which must be strictly complied with:

1. At least 5 days before the directions hearing, the legal practitioner for the party in default (or the party, if self-represented) must file and serve an affidavit setting out the reasons why he or she has not complied with the court's orders and/or Practice Note 1. You must file this affidavit even if you are ready to take a hearing date at the directions hearing.

Please note

- a) The affidavit must display that the party ordered to show cause is personally aware that the Court is considering dismissing their action or cross claim or striking out their defence
 - b) The solicitor for a plaintiff in default must satisfy the Court that the action was not commenced in contravention of Practice Note 1
 - c) Your attention is drawn to clause 2.1 of Practice Note 1 and the reference to special circumstances
 - d) It may be necessary to annex medical evidence to the affidavit
2. Where a legal practitioner is on record for a party, the solicitor with conduct of the action or counsel who holds the brief must represent that party at the directions hearing and have instructions sufficient to assist the Court to make all appropriate orders and directions. It is essential that the party asked to show cause be so represented and it is inappropriate for that practitioner to ask the representative of another party to mention his or her appearance. It is generally inappropriate for a clerk or an agent to appear at a show cause hearing.
 3. Any party who wishes the Court to consider any submissions supporting dismissal must put those submissions in writing, file and serve them at least 5 days before the directions hearing.
 4. Except in special circumstances, the Court will not accept or consider any affidavit or submissions it has not received before the directions hearing.