

RULE 75

PARTICULAR PROCEEDINGS QUICK RULING

STATEMENT OF PURPOSE

75.01 This rule is intended to provide a quick and inexpensive procedure for resolving disputes.

Definitions

75.02 In this rule, unless the context requires otherwise,

- (a) "dispute" means a dispute between persons which is being litigated, or is likely to be litigated, under these rules, except one which may arise in a divorce or other matrimonial proceeding,
- (b) "party" means a person involved in a dispute whether or not a proceeding has been commenced under these rules.

Special Judges

75.03 The Chief Justice of the Supreme Court may assign one or more judges to be special judges for the purpose of this rule.

Request for a Quick Ruling

- 75.04** (1) A party to a dispute may request the consent of the other party to submit the whole or any part of the dispute to a quick ruling.
- (2) A request under paragraph (1) shall be made in writing and shall state
- (a) that he requests a quick ruling, and
 - (b) that he requires the opposite party to agree in writing
 - (i) to a statement of facts and issues accompanying the notice, or
 - (ii) to have a special judge determine the facts and issues.
- (3) A party served with a request under paragraph (2) shall respond in writing within 10 days.
- (4) Where agreement is reached under paragraph (2)(b), the party who made the request may apply to a special judge for a quick ruling
- (a) where proceedings have not been commenced, by Notice of Application, or

- (b) where proceedings have been commenced, by Notice of Motion.
- (5) At least seven days before the hearing, each party shall file with the Registrar and serve on each other party a written brief containing
 - (a) a chronological summary of relevant facts,
 - (b) a brief statement of the applicable law,
 - (c) the relief sought or his defence, as may be, and
 - (d) copies of documents which are relevant to the dispute.

Hearing

- 75.05** (1) On the hearing, the special judge may
- (a) where he is not satisfied that a quick ruling can be made with respect to the whole or any part of the dispute, refuse to hear it,
 - (b) conduct the hearing in any manner he deems fair, and may
 - (i) ask questions of parties, lawyers or other persons in attendance, and
 - (ii) receive evidence, in any form, or

- (c) adjourn the hearing.
- (2) the court reporter shall file the transcript of the hearing with the Registrar.

Judgment

- 75.06** (1) The special judge shall give a decision at the hearing or within 30 days thereafter and shall file a copy with the Registrar.
- (2) If the special judge decides to make a quick ruling, he may
 - (a) rule with respect to the whole or any part of the dispute,
 - (b) assess any damages, or give directions for an assessment, and
 - (c) make an order as to costs.
 - (3) If a special judge decides that the dispute is not one upon which a quick ruling can be made, he may treat the hearing as a conference between the parties and
 - (a) recite the results of the conference, and
 - (b) give directions which he considers necessary or advisable with respect to resolving the dispute.

Non-acceptance of Quick Ruling

- 75.07** (1) Within 5 days after a quick ruling is given, a party may file with the Registrar and serve on every party a Notice of Non-acceptance (Form 75A).
- (2) If a Notice of Non-acceptance is filed under paragraph (1), the Registrar shall not permit anyone except the parties to see either the transcript or the quick ruling, unless the special judge orders otherwise and the documents relating to the quick ruling shall not be included or referred to in the trial record.
 - (3) The transcript of the hearing may be used in cross-examination at a subsequent trial or hearing with respect to the dispute.
 - (4) If a party files and serves a Notice of Non-acceptance under paragraph (1), and the result of a subsequent trial or hearing with respect to the dispute is
 - (a) the same as the quick ruling, or
 - (b) less advantageous than the quick ruling to that party,then, unless ordered otherwise, any costs which he is ordered to

pay shall be increased by the Prothonotary by 50% and any costs ordered to be paid to him shall be decreased by the Prothonotary by 50%.

Acceptance of Quick Ruling

75.08 A party who does not file and serve a Notice of Non-acceptance shall be deemed to accept the quick ruling.

Signing and Entering Final Judgment

75.09 If all parties accept or are deemed to accept the quick ruling, any of them may prepare a Judgment on Quick Ruling (Form 75B) and present it to the Registrar to be signed and entered.

Appeals

- 75.10** (1) A decision of a special judge under this rule cannot be appealed.
(2) A judgment signed and entered under Rule 75.09 may be appealed on procedural grounds only.

Limitation on Special Judges

75.11 A special judge who conducts a hearing under this rule shall not participate in any subsequent proceeding involving the same or any part of the same dispute, unless the Chief Justice of the Supreme Court orders otherwise.

Hazelbrook Community v. Maintenance Services Ltd. 2012 PESC 34

Where the action is brought within the Simplified Procedure Rule 75, a motion for partial summary judgment is not made pursuant to Rule 20. Rule 75.1.07(9) permits a motion for partial summary judgment. However, the evidentiary requirements of Rule 75.1.07(3) and (4) are the same as those in Rule 20.02.