



PROVINCIAL COURT OF SASKATCHEWAN

Defendant Information

Note: This material is for informational purposes only and is not to be construed as legal advice. It is intended to give a general overview of matters involving civil claims in the Provincial Court.

Should you require advice specific to your situation, please consult a lawyer.

A civil claim has been made against you. You now have the following options:

1. Make a Proposal for Settlement

If you agree with the claim and you do not wish to go through court proceedings, you can contact the Plaintiff and arrange settlement. It is also possible to structure payments over time by instalment. This can be agreed to or set by the judge. If instalments are set up, no further action can be taken as long as the payments are being met on time.

2. Disagree with the Claim

If you do not agree with the claim, you must complete the attached Reply listing your reasons and make copies of it. Serve the Reply with a copy of your documents on the Plaintiff no later than 10 days before the date set for your First Appearance or Case Management Conference. You must also file at Provincial Court: 1) proof that you served the Plaintiff; 2) a copy of the Reply and your documents for the Court's file; and 3) payment of the \$50 filing fee.

There are a number of ways that a Reply can be served on the Plaintiff including regular mail, registered mail, personal service, courier, email, fax and by process server. Following service an affidavit must be completed and filed with your Reply and documents at the Court. Keep a copy of your Reply and your documents for yourself.

Failure to serve and file your Reply and appear at the time and Court location stated on the Summons, may result in judgment with costs being made against you.

In addition to filing your Reply, you may believe the Plaintiff in fact owes you money. For example, the Plaintiff may be suing you for an unpaid repair bill on your car. You are defending the claim because you believe the work done was unsatisfactory. If, in addition, you had to pay someone else to fix the car properly, you would want to claim this amount back from the Plaintiff. This is known as a counterclaim. If you wish to make a counterclaim, you should attend at the Provincial Court and obtain a counterclaim form which you should complete and serve on the Plaintiff no later than 10 days prior to your first appearance or case management conference.

In addition to filing a Reply and a Counterclaim, you may file a Third Party Claim. A Third Party Claim is a claim you make against a party other than the Plaintiff who you believe is, or may be, responsible for the Plaintiff's claim rather than you. For example, if you are being sued because someone fell and hurt themselves on what they say is your property, but you know it is your neighbour's property, you may wish to "third party" that neighbour into the lawsuit alleging that it is not you who is responsible but rather someone else. If you wish to make a Third Party Claim you should attend at the Provincial Court and obtain a Third Party Claim form which you should complete and serve on both the Plaintiff and the party you are adding to the lawsuit as soon as possible before the next court appearance.

YOU ARE RESPONSIBLE FOR YOUR FILING FEES WHICH MUST BE PAID TO THE COURT OFFICE. YOUR REPLY CANNOT BE FILED UNTIL THE FEE IS PAID. THIS FEE APPLIES TO THE FILING OF A REPLY, THE FILING OF A COUNTERCLAIM AND THE FILING OF A THIRD PARTY CLAIM.

3. Preparing for Your First Appearance or Case Management Conference

- a. The purpose of the first appearance or case management conference is to discuss possible settlement of any or all issues between the parties. **IT IS MANDATORY TO ATTEND. FAILURE TO DO SO MAY RESULT IN JUDGMENT BEING ENTERED AGAINST YOU.**
- b. Organize and bring all original documents you intend to use (preferably in order by date). You should also make two copies of the documents to be provided to the judge and other party.
- c. Only your attendance is required at the first appearance or case management conference. **NO WITNESSES APPEAR AT THIS STAGE.**
- d. If you have a lawyer, he or she may attend with you.
- e. If a trial is necessary, an information package will be provided at the conclusion of the case management conference entitled "Preparing For Trial".

4. Dispute of Liability in a Motor Vehicle Accident

If you are being sued because of a motor vehicle accident you must also file a written statement not exceeding one page in length explaining your version of how the accident occurred. You may use this statement to assist you when you give evidence at trial. The other person may also use it when they ask you questions at trial.

5. Assistance

Should you require further assistance, please contact the Provincial Court at the city or town shown in the Notice of Claim.

(Insert Local Court Address)