

* CONFIDENTIAL *

Court File No. [REDACTED]

REVISED PROPOSED TRIAL PROTOCOL AS AT

1. In preparation for the upload of records to Justice [REDACTED] laptop, the parties will exchange load files for any exhibits that do not already have production numbers. Documents not produced before [REDACTED] shall be assigned a "T" before the production number. Documents created for the purposes of the trial, including affidavits and exhibits to affidavits that are not productions, shall be assigned an "EVI" before the production number.
2. [REDACTED] will provide the Court with a mobile Summation license and a representative of [REDACTED] will attend at Justice [REDACTED] Chambers together with representatives of [REDACTED] and the Court Office, to load Justice [REDACTED] laptop with the entire production database, including the following fields:
 - a. Docid (to be removed from view)
 - b. Prodno
(production number, being the number by which all documents will be referred to during the trial. Documents not produced before [REDACTED] are identified with a "T" before the production number; affidavits and exhibits to affidavits created for the purposes of the trial are identified with an "EVI" before the production number)
 - c. Leaddate
 - d. Docdate
 - e. Parentid
 - f. Attchids
 - g. Doctype
 - h. Doctitle
 - i. Author
 - j. Recipient
 - k. Cc
 - l. ExAff – (containing exhibit numbers to affidavits)
 - m. media (required for native documents)
 - n. doclink (required for native documents)
 - o. A field designated for Justice [REDACTED] s notes
 - p. A field designated to denote confidential treatment of documents, as necessary
3. There is a Citrix Share File folder set up at the following internet location:
[REDACTED]. In the Shared Folder section of the site, there is a folder called "Trial Sharefile Site")

4. The evening before each day of trial (not later than midnight), the parties will provide Justice with a pdf copy of each document that will potentially be put to a witness the following day. The name of each pdf document must include the production number.
5. The parties will create subfolders at the Trial Sharefile Site, which folders will be named according to the witness to which the documents apply i.e., if the Plaintiff has 50 documents that will potentially be put to John Smith, the Plaintiff will create a subfolder on the Trial Sharefile Site which includes the witness name (John Smith), in which the 50 documents will be saved, using a naming convention for each pdf that includes the production number. The John Smith subfolder will only be accessible to the Plaintiff and Justice until the close of testimony of John Smith, at which time the Plaintiff will provide access to the other parties
6. The subfolders created by each party will be created and controlled by that party, but will be automatically synchronized with the iPad provided to Justice each day
7. During examinations-in-chief/cross-examinations, representatives of all counsel groups will be responsible for displaying documents on all computer monitors in the courtroom and will be stationed together at one table at the back of Courtroom 8-1. These representatives will control the laptops for displaying documents from that area.
8. As an affiant is called as a witness, his entire affidavit from evidence-in-chief (with exhibits) will be marked as the first exhibit to that witness' evidence, subject to any evidentiary objections.
9. The parties agree that all documents produced in documentary discovery are authentic and admissible, unless a party otherwise contests authenticity. The parties' agreement as to admissibility does not constitute an agreement as to the meaning or evidentiary value of any document.
10. At the end of each day of trial, the parties' representatives will discuss the number of documents put to witnesses that day. The representative of the examining party will thereafter update the Trial Sharefile Site folder to ensure it contains PDF copies of all of the documents put to each witness that day, which collection will be marked as the next sequential numerical exhibit.
11. If during the course of the day, a document not in the production database is put to a witness, that individual document will be assigned an alphabetical exhibit number by the Registrar, subject to any evidentiary objection. Such documents will be included in the Trial Sharefile Site folder in the witness subfolder provided at the end of the day (see above), and will be named by exhibit number assigned, also subject to any evidentiary objection.
12. The parties will address issues pertaining to any claims of confidentiality over documents where practicable during the course of the trial and in any event no later than 30 business

days after the close of trial. In this respect, within 30 business days after the close of trial, the parties will:

- a. confirm all documents that were deemed confidential or where that treatment is requested;
- b. advise the court which documents should be sealed as part of the court record;
- c. collaborate on a list of all documents put to witnesses during the trial, identify the confidential documents and update Justice _____ laptop accordingly.

13. The parties have agreed to the so-called "chess clock" method for allocating trial time. The following allocation of time has been agreed to: 47.5% of trial time to _____ and 52.5% of the time for the Defendant Group. Assuming a 6 hour day, this amounts to 59.85 hours for _____ and 66.15 hours for the Defendants.

14. Time will be recorded by _____ or as otherwise agreed among counsel for the parties. At the end of each day _____ will circulate to the parties the time spent that day. Time will be debited from a party for time spent as follows:

- a. Opening statements;
- b. Leading evidence in chief;
- c. Conducting cross-examinations;
- d. Conducting re-examinations;
- e. Closing arguments; and
- f. For any motion brought during the trial, the time for the motion will come out of the time of the party that loses the motion (subject to the discretion of the Court). All parties agree to act reasonably and efficiently in any motion that is brought.

15. Order excluding witnesses at the start of trial.

16. Nothing in this protocol overrides the inherent jurisdiction of the Court to control its own process.