

# PRACTICE DIRECTION

## COURT OF QUEEN'S BENCH OF MANITOBA

### RE: FILING CIVIL MOTIONS BEFORE THE PRE-TRIAL JUDGE

This Practice Direction addresses the practice relating to the filing of motions arising in an action (except motions for summary judgment), which motions are then to be heard by the pre-trial judge. Subject to rare exceptions, motions arising from an action are to be heard by the pre-trial judge.

Rule 50.05(2)(b) clearly addresses the hearing of motions by the pre-trial judge:

50.05(2) Unless otherwise directed by the Chief Justice or his or her designate on the request of the pre-trial judge or a party to the action, the pre-trial judge must

. . . . .

(b) hear all motions arising in the action, except a motion for summary judgment.

Rule 50.05(3) provides the following regarding the powers of the pre-trial judge:

50.05(3) At a pre-trial conference, the pre-trial judge may, on motion by any party or on his or her own motion, without materials being filed, make any order or give any direction that he or she considers necessary or advisable to facilitate the just, most expeditious and least expensive determination or disposition of an action.

The pre-trial judge may also make an order or give a direction that any or all motions not proceed (Rule 50.05(4)(c)).

To reconcile these rules and objectives, direction of the pre-trial judge should be sought **before** filing any pre-trial motion. In the course of seeking this direction, it is anticipated that there will be an opportunity to address whether the issue giving rise to the proposed motion can otherwise be resolved. If the matter cannot be resolved, it is anticipated that the pre-trial judge will provide direction as to whether

the motion will be permitted to proceed and, if permitted to proceed, on what terms and when.

If a motion is permitted to proceed, when filing the notice of motion, it should be returnable before the pre-trial judge.

### **Coming into effect**

This Practice Direction comes into effect immediately.

### **ISSUED BY:**

*“Original signed by Chief Justice Joyal”*

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**The Honourable Chief Justice Glenn D. Joyal  
Court of Queen’s Bench (Manitoba)**

**DATE: February 1, 2019**