



**SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
NOTICE TO THE PROFESSION AND GENERAL PUBLIC**

SUPREME COURT OPERATIONS FOR FEBRUARY-MARCH 2021

In response to the increasing number of COVID-19 cases in the Province and the Special Measures Order (General – Alert Level 5), issued on February 12, 2021, all Supreme Court Judicial Centres across the Province suspended normal operations for the week of February 15-19, 2021, maintaining only essential public service.

For the information of all stakeholders, this Notice outlines planned changes to the Supreme Court’s operations for the remainder of February and March 2021.

FEBRUARY 22-26, 2021

The essential services model outlined in the Notice issued on February 13, 2021, will continue with some minor changes for the week of February 22-26, 2021, for all Judicial Centres. Further details are provided below.

Trials, Hearings, and Conferences

- Subject to the exceptions noted below, all criminal, family and civil matters scheduled in the Supreme Court of Newfoundland and Labrador (General and Family Division) for the week of February 22-26, 2021, are adjourned without parties having to appear. This applies Province wide and includes both in-person and virtual matters.
- The presiding judge may direct that a matter scheduled for the week of February 22-26, 2021, will proceed. Parties will be notified of any such direction.
- The following criminal matters will be proceeding by videoconference or audioconference, in accordance with s. 515(2.2) of the *Criminal Code*, or, where necessary, in-person: bail hearings, bail review applications where the accused is in custody, and detention reviews.
- If an accused in a criminal matter is not in custody and has an appearance scheduled in the Supreme Court during the week of February 22-26, 2021, the Court will adjourn the matter without the accused being present using a Court Order called a “bench warrant with discretion” which will require the accused to attend Court on a later date. The accused and the Crown will be advised by the Court of the new court date.

- All other adjourned matters will be rescheduled as soon as possible. Court staff members will be in contact with parties to provide a rescheduled date.

Filing and Processing Documents

- All Supreme Court Registries will be closed for the week of February 22-26, 2021, and no access will be provided to mail drop boxes. During this week, only urgent filings and **documents being filed for use at a hearing or conference that is proceeding during the weeks of March 1-31, 2021**, may be filed.
- Parties are reminded that they must comply with all applicable filing deadlines in relation to appearances that are proceeding in accordance with this Notice.
- All permitted filings must be sent by email to the appropriate address listed below:

St. John's General Division
inquiries@supreme.court.nl.ca

St. John's Family Division
familyinquiries@supreme.court.nl.ca

Corner Brook General Division and Family Division
inquiryCB@supreme.court.nl.ca

Gander General Division
inquiryGander@supreme.court.nl.ca

Grand Bank General Division
inquiryGB@supreme.court.nl.ca

Grand Falls-Windsor General Division
inquiryGFW@supreme.court.nl.ca

Happy Valley-Goose Bay General Division
inquiryHVGB@supreme.court.nl.ca

- Documents being filed for use at a hearing or conference that is proceeding during the weeks of March 1-31, 2021, should be sent with the following information in the subject line: file number and date and time of the hearing/conference (ex. 2018 01G 0001 – March 2, 2021 at 2:30PM).
- The Court registry will accept email filings where the expiry of a limitation period is imminent, in accordance with [Practice Note P.N. 2020-03](#).

Electronically filed documents will be issued as of the date they are received by the Court.

- If a document being filed in relation to an upcoming hearing or conference is large or has a number of attachments, the Registry may direct that the party filing the document provide a hard-copy. In that case, a registry clerk will coordinate with the party to ensure that the document may be safely delivered to the Registry.
- Forms may be downloaded from the [Court's website](#).
- Where it is not possible to file a sworn/affirmed affidavit, affidavits may be delivered unsworn/unaffirmed. Similarly, where it is not possible to obtain a signature from a person authorized to administer oaths, parties may file documents electronically without that signature. The Court may require that a party/affiant participate in a telephone or videoconference hearing to swear/affirm to facts contained in an affidavit or other document. The Court may require original documents to be filed before granting any order.
- Filing fees must be paid in one of the following ways: (1) the filing party may include a cheque enclosed with the document being filed; or (2) the filing party may provide a contact name and number with the document so that the Court can process a credit card payment by phone.
- Where a document must be issued, the Court will email a copy of the issued document to the appropriate party.
- The Court will extend all periods contained in the *Rules of the Supreme Court, 1986*, that require or authorize a person to do or abstain from doing any act in a proceeding. This includes periods for service, filing, or amendment of any pleading or other document. Please note, however, that the Court retains discretion to refuse to grant extensions of time where to do so would be an abuse of process or unfairly prejudicial to a party.
- Processing times may be delayed owing to reduced staffing levels.

Urgent Matters

- The Supreme Court will continue to hear urgent and emergency matters during the week of February 22-26, 2021. If you are seeking an urgent hearing, please contact the applicable Registry using the contact information below:

St. John's General Division
inquiries@supreme.court.nl.ca
709-729-1099

St. John's Family Division

familyinquiries@supreme.court.nl.ca

709-729-2573

Corner Brook General Division and Family Division

inquiryCB@supreme.court.nl.ca

709-637-2633

Gander General Division

inquiryGander@supreme.court.nl.ca

709-256-1115

Grand Bank General Division

inquiryGB@supreme.court.nl.ca

709-832-1720

Grand Falls-Windsor General Division

inquiryGFW@supreme.court.nl.ca

709-292-4260

Happy Valley-Goose Bay General Division

inquiryHVGB@supreme.court.nl.ca

709-896-7892

- If your matter was set for the week of February 22-26, 2021, and you believe this matter was urgent, you may contact the applicable Registry, at the number or email address listed above, for further directions.
- All urgent requests and filings will be triaged by a judge to determine if they may proceed.
- Note that the following family proceedings will be considered urgent:
 - requests for urgent relief relating to the safety of a child or parent;
 - applications relating to medical decisions or wrongful removal of a child;
 - applications to preserve property or assets;
 - warrants under the *Children, Youth and Families Act*; and
 - new applications under the Adult Protection Act
- The Court will provide directions to the parties regarding how and when an urgent hearing will be conducted.

- If a judge directs that a matter will proceed in-person, the matter will be held in accordance with the [COVID-19 Guidelines](#) issued by the Court. Note that everyone permitted to enter a courthouse is required to wear a mask, keep appropriate distance from others, and sanitize their hands frequently.

BEGINNING MARCH 1, 2021

Beginning on March 1, 2021, the Supreme Court will return to a virtual services model, similar to the one that was in place in May-June 2020. During this period, the Supreme Court will resume hearing matters virtually, as further discussed below. No in-person appearance will proceed unless a judge has determined that it is urgent and cannot be held virtually.

During this period, the Supreme Court will also continue to hear any urgent or emergency matter as described in the essential services model above. If your matter is urgent, please contact the Supreme Court at the applicable phone number or email address provided above.

Trials (Jury/Judge Alone)

- All criminal jury trials set to begin in March 2021 will be postponed.
- All criminal, civil and family judge-alone trials set to begin in March 2021 will be postponed, unless the judge, in accordance with the applicable legislation and court rules, directs that the trial will proceed by videoconference. This is also contingent on the availability of videoconferencing equipment.
- All postponed trials will be rescheduled as soon as possible. Court staff members will be in contact with parties to provide a rescheduled date

Hearings and Conferences

- Beginning March 1, 2021, the Supreme Court will proceed with any hearing or conference that was already scheduled to be held by teleconference and videoconference.
- The Court will also, subject to the availability of teleconferencing or videoconferencing equipment, resume hearing the following types of appearances by teleconference or videoconference. Parties will be contacted as soon as possible with arrangements for attending virtually.
 - ***Criminal Proceedings***: pre-trial conferences; case management conferences; resolution conferences; applications to set a date; and any other application that a judge determines may proceed virtually.

- **Civil Proceedings:** case management meetings; pre-trial conferences; settlement conferences; applications to set a date; and applications or appeals that a judge determines may proceed virtually.
- **Family Proceedings:** case management hearings; interim application hearings; default summons; objection to recalculation hearings; trial readiness conferences; and settlement conferences.
- To facilitate scheduling, the Family Division in St. John's asks that all parties ensure their contact information is up-to-date by emailing the address below:

St. John's Family Division

familyscheduling@supreme.court.nl.ca

- All other appearances will be postponed or adjourned. These matters will be rescheduled as soon as possible. Court staff members will be in contact with parties to provide a rescheduled date.

Filing and Processing Documents

- Beginning on March 1, 2021, the Supreme Court will resume accepting all filings for processing. Registries will remain closed, but the drop boxes at the front of courthouses will reopen to permit contactless drop-off and pick-up of documents. The drop boxes will only be accessible (for drop-off and pick-up) during the following hours:

St. John's General Division and Family Division

Monday-Friday 9:00AM-12:00PM and 2:00PM-4:00PM

Grand Bank General Division

Monday-Friday 9:00AM-12:30PM and 1:30PM-4:00PM

Gander General Division

Monday-Friday 9:00AM-12:30PM and 1:30PM-4:00PM

Grand Falls-Windsor General Division

Monday-Friday 9:00AM-12:30PM and 1:30PM-4:00PM

Corner Brook General Division and Family Division

Monday-Friday 9:00AM-12:30PM and 1:30PM-4:00PM

Happy Valley-Goose Bay General Division

Monday-Friday 9:00AM -12:00PM and 1:00PM-4:00PM

- Note that, as of March 1, 2021, all filings must be made at the drop boxes – **email filings will no longer be accepted** (with the exception of email filings permitted in accordance with Practice Note P.N. 2020-03).
- Filing fees must be paid in one of the following ways: (1) the filing party may include a cheque enclosed with the document being filed; or (2) the filing party may provide a contact name and number with the document so that the Court can process a credit card payment by phone.
- Forms may be downloaded from the [Court's website](#).
- If the document filed requires the setting of an appearance, such as a return date, **please be advised that the Court may not be able to provide such a date at this time.**
- Further note that if the document that you are filing requires that your signature be witnessed by a commissioner of oaths, you must arrange for this prior to filing the document. The Court will not be able to witness signatures at the Registry counter at this time.
- Processing times may be delayed owing to reduced staffing levels.

Public and Media Access to Virtual Trials and Hearings

- Given the return to a virtual services model, the Court will resume facilitating virtual attendance by members of the media and the public at these hearings. To find out what matters are proceeding and when, please consult the Court's docket posted on the [Court's website](#).
- If you wish to virtually attend one of the matters listed on the docket, you must contact the Court's inquiries email address at least **48 hours** prior to the hearing of the matter in question:

St. John's	inquiries@supreme.court.nl.ca
Corner Brook	inquiryCB@supreme.court.nl.ca
Gander	inquiryGander@supreme.court.nl.ca
Grand Bank	inquiryGB@supreme.court.nl.ca
Grand Falls-Windsor	inquiryGFW@supreme.court.nl.ca
Happy Valley-GB	inquiryHVGB@supreme.court.nl.ca

- Requests should indicate the **file number**, **case name**, and **date** of the hearing you wish to attend. If the matter is one that the public would ordinarily be able to attend, you will be given a teleconference number so that you may call in to listen to the proceedings. **Please note that all usual restrictions on access to court hearings continue to apply.**

- The Court will attempt to accommodate requests to attend made within the 48 hours prior to the hearing of the matter. Where these cannot be accommodated, the Court will provide a copy of the sound recording of the hearing at no cost to the requestor. Members of the public and the media can still make a request for a copy of the sound recording of a hearing after it has been held (assuming there was no restriction on public access to the hearing), subject to payment of the \$20 fee. Requests for copies of the sound recording should be made to IMDivision@supreme.court.nl.ca.

Access Requests

- Beginning on March 1, 2021, the Court will accept requests for access to copies of sound recordings of proceedings and requisitions for searches and copies of documents in a Court file. These requests should be sent to the respective emails below:

Requisition for Search/Copy

St. John's (Gen. Div.)	searchandcopyrequest@supreme.court.nl.ca
St. John's (Fam. Div.)	familyinquiries@supreme.court.nl.ca
Corner Brook	inquiryCB@supreme.court.nl.ca
Gander	inquiryGander@supreme.court.nl.ca
Grand Bank	inquiryGB@supreme.court.nl.ca
Grand Falls-Windsor	inquiryGFW@supreme.court.nl.ca
Happy Valley-GB	inquiryHVGB@supreme.court.nl.ca

Request for Access to Copy of Sound Recording

All Centres	IMDivision@supreme.court.nl.ca
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UPDATES

The Supreme Court will continue to monitor the COVID-19 situation across the province to determine whether any further changes to operations are required. Please continue to consult the [Court's website](#) and Twitter account ([@NLSupremeCourt](#)) for the most up-to-date information.

RAYMOND P. WHALEN
Chief Justice