***County Court of Victoria***

***Guide to eFiling***

*This document may be subject to update at*

*any time.*

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Introduction

In 2003 the County Court of Victoria began accepting most documents filed within the civil jurisdiction of the Court via electronic transmission **(eFiling).** The Court has engaged CITEC Confirm to provide the web services to enable eFiling of documents. CITEC Confirm provide a similar service for the Magistrates' Court of Victoria and the Supreme Court of Victoria.

As of 1 August 2016 the County Court is making eFiling mandatory for most documents within the civil jurisdiction.

Any reference to the "Rules" or "Rule of Court" in this guide is a reference to the **County Court Rules of Procedure in Civil Proceedings 2008.**

Who can eFile?

Until further notice, eFiling will be limited to legal firms whose Solicitors’ have been issued with a Solicitor code from the Victorian Legal Services Board.

How to eFile with the County Court

Registration details and instructions for eFiling are available from the CITEC website at www.confirm.com.au. CITEC provides training at solicitors offices and reference guides are available on request from CITEC. CITEC can also be contacted on their enquiry line on 1800 773 773 or at their Melbourne Office on 96388100 or at confirm@citec.com.au

Cost

The usual Court fees apply and are payable via CITEC. In addition an administration fee is charged per document lodgment by CITEC. There are certain documents (eg certifications) which do not attract an administration fee and which CITEC enables you to file free of charge. A full list of fees and charges are available at [http://www.confirm.com.au](http://www.confirm.com.au/)

**Documents which may be eFiled**

From the 1st of August 2016, all documents that are available for filing via CITEC must be filed electronically. For a full list of documents that can be filed electronically please see page 14.

Currently the following documents are not available on eFiling and must be filed manually at the Registry counter or by post:

* Ex parte applications
* Applications pursuant to the Building and Construction Industry Security of Payment Act 2002
* Registration of Interstate judgments and VCAT orders
* Confiscation List documents
* Fee waiver applications
* File search applications
* Videolink applications
* Infant Compromise documents

As they are made available on eFiling the Court will inform you of the requirements for eFiling these documents via notification on the Court’s website.

Expert witness reports may either be filed manually or electronically depending on the size of the document. Please note CITEC cannot accept documents larger than 2MB.

According to Rule 28.13 (1) the following documents cannot be filed electronically:

(a) Court Books;

(b) Any document produced in answer to a Subpoena;

(c) an Exhibit to an Affidavit – (as per 28.13(2) this rule does not apply to exhibits in applications to extend the validity of a writ, substituted service, leave to proceed, default judgments, where a party fails to comply with an order or for leave to issue a warrant.

(d) Consent orders;

(f) Any [document](http://www.austlii.edu.au/au/legis/vic/consol_reg/cccpr2008380/s36.01.html#document) under the [**Adoption Act 1984**](http://www.austlii.edu.au/au/legis/vic/consol_act/aa1984107/)or any rules or regulations under that Act;

**Documents requiring a Signature**

The Rules Committee have indicated that Affidavits and Undertakings are documents that must contain an individual signature on the document. The *Civil Procedure Act*

*2010* requires certifications to be personally signed. To comply with this, eFiling users should file an image of those documents.

Users must attempt to keep the size of the image file to a minimum (currently under 2MB) and use an appropriate format (*eg:* pdf). Any enquiries in relation to this should be directed to the Helpdesk at CITEC Confirm in the first instance.

For all other documents (excluding Affidavits, Undertakings and Certifications) that require a signature, an endorsement on the document of either the firms` name or Counsels name will suffice in lieu of the signature.

**Form of Documents must comply with the County Court Rules**

The forms in current usage, prescribed or otherwise, continue to apply. All documents filed by way of eFiling must comply with the requirements of the relevant Acts, Regulations and Rules of Court. Any hard copies of documents which are eFiled are to be retained [Rule 28.15 of the County Court Rules].

**Mode of eFiling**

Part 2 of Rule 28 of the County Court Rules headed "Electronic Filing" provides for the electronic filing of documents with the Court.

**Form of the Court Seal and Evidence of Filing**

Documents which are required by the Rules to be sealed with the Court Seal must be served with a Filing Confirmation Notice (Form 28) containing *inter alia* the case number, list type, cause of action, date of filing, time of filing, document type, seal of the Court and case description. The Filing Confirmation Notice may be printed from the CITEC Confirm website after a document has been accepted for filing by the Court.

**Hard Copy Documents**

Hard copy documents are not required to be filed in addition to eFiled documents unless requested by a Judge or the Registrar or unless required for Court books or other hard copy processes filed with the Court.

Rule 28.15 of the County Court Rules refer to the production of hard copy documents to the Court.

**Time of Receipt of Documents and Filing**

The Court will accept or reject a document within 24 hours of receipt. Where a document is rejected the reasons for the rejection will be available from your account on the CITEC Confirm website. A new document may be resubmitted after the reason for rejection has been cured.

**Documents received between 9:00am and 4:00pm**

The time of filing of documents with the Court may be ascertained from the Court

Connect site, CITEC Confirm or by searching the file at the Court Registry.

Generally, the Court will adopt the time of receipt on the CITEC Confirm Website as the time the document is received by the Court if the document is accepted by the Registrar. Note: It is the responsibility of practitioners to ensure that documents have been filed with the Court.

**Documents received after 4:00pm**

Where a document is received after 4.00pm AEST, then the time of filing will be deemed to be 9.00am on the next business day. [Refer to Rule 28.11(3)].

**Security of Documents**

The format for documents being filed is PDF (Portable Document Format). This maximises the security of the documents received by the Court. Refer to the CITEC

website at [www.confirm.com.au for](http://www.confirm.com.au/) any further technical specifications andrequirements for eFiling.

**Subpoenas**

**Subpoenas For Production Or To Give Evidence At Trial – Order 42**

Subpoenas eFiled on Form 42A must contain a return date and time. The subpoena must also have a last day of service 5 business days before production date, R42.03(8). Public holidays and weekends are not included in calculating the 5 days from production r3.01(1 & 4).

**Subpoena For Production To Registrar - Order 42A**

To eFile a subpoena using Form 42AA for early return before the Registrar, the form of subpoena must be filed with a return date contained in the document of at least 21 days from the filing date. This return date must not fall on a weekend or public holiday.

The subpoena must also have a last day of service; 5 business days before production date, R 42.03(8). Public holidays and weekends are not included in calculating the 5 days from production R 3.01(1 & 4).

**Service of Subpoena**

Once a subpoena has been accepted, a Filing Confirmation Notice (Form 28)

must be printed and attached to the service copy of the subpoena.

**Objections to Subpoena Order 42 & Order 42A**

Objections to inspection by another party of a document identified in a subpoena can be eFiled. This can be done by attaching a letter stating the grounds of that objection before the day specified in the subpoena.

**Withdrawals of subpoenas**

Withdrawals to objections can be eFiled through the attachment of a letter addressed to the Registrar.

**Documents required for Hearing at Trial Court in Hard Copy**

Hard copies of court books and exhibits to affidavits should be filed in hard copy in Court in accordance with orders of the Court.

**Consent Orders**

Minutes of consent seeking orders of the Court cannot be filed via the CITEC Confirm website. These will continue to be emailed to the Directions Group.

**Judgment in Default of Appearance and Defence**

Where the Registrar has the authority to enter a judgment in default, an affidavit in support including exhibits may be eFiled in accordance with Rule 21 of the civil procedure rules

All documentation in support of the default judgment application including the appropriate forms such as the search for an appearance, affidavit of service and affidavit of solicitor- should be electronically filed as a single document under the appropriate code.

Hard copies of the documents in support of the application must be retained by the person filing the documents. [refer to 28.16]

**Warrants of Execution**

Where parties are seeking a warrant of execution, the affidavit in support and exhibits must be eFiled [refer to Rule 28.13(2)]. Once a warrant has been accepted, a Filing Confirmation Notice (Form 28) must be printed and attached to the warrant. The warrant and affidavit in support must be filed with the Sheriff’s office for execution.

Any hard copy documents not forwarded to the Sheriff must be retained by the practitioner or litigant lodging the documents. [refer to Rule 28.16]

**Affidavits and Exhibits**

The requirements for eFiling of affidavits are set out in Order 43 and more particularly in Rule 43.09(2) which provides that the copy of the affidavit must be an image of the sworn affidavit.

Exhibits should only be eFiled if they come within the exceptions set out in Rule 28.13(2).

**Summons (Order 46)**

Before a Summons can be eFiled, a listing date and time must be obtained from the Court. This can be done by calling the Civil Listings team on 03 8636 6515. After a date & time has been obtained the Summons can be eFiled [ref 46.04] The Filing Confirmation Notice may be printed from the CITEC Confirm website after the document has been accepted by the court.

**Note:** Affidavits in support of a Summons application must be filed separately under the Affidavit code (2AFF)

Summons with a Writ

In cases where a summons is filed in conjunction with a Writ, you will be required to:

1. First, file ONLY your Writ
2. Once the Writ is accepted by the court you will receive a case number which can be inserted on the summons
3. Call Civil Listings at the Registry to obtain a date for the summons
4. File the summons with the case number and the date provided by Civil Listings
5. File the affidavit in support separately under the code (2AFF)

Summons with an Originating Motion

Where a summons is filed in conjunction with an Originating Motion, since only one fee is payable you may upload the summons as part of the Originating Motion document. Remember to obtain the date from Civil Listings and insert into the summons before eFiling.

**Interstate Solicitors**

Interstate solicitors can only eFile documents if they are

1. Representing a defendant who is served interstate under the Service and Execution of Process Act 1992 or
2. Representing a defendant who is served in New Zealand under the *Trans-Tasman Proceedings Act 2010* ( only obliged to provide an address for service in Australia or New Zealand ) or
3. Filing an Interstate Judgment

Solicitors require a code to eFile documents. The code can be obtained by completing the “Request to file documents via e filing” form available on the County Court website (eFiling page) or on the CITEC Confirm website.

**Inspection of Court Files**

A list of filed documents and case listings are available via Court Connect link located on the county court website [www.countycourt.vic.gov.au](http://www.countycourt.vic.gov.au).

A link to Court Connect is also provided by CITEC Confirm on the eFiling menu. Inspection of hard copy documents will continue to be available from the Court Registry on payment of a search fee.

\*\*CITEC Confirm is not the Court Register\*\*

**Enquiries**

All enquiries of a technical or billing nature should be directed to the CITEC Help

Desk:

Hotline Support: 1800 773 773

Email: confirm@citec.com.au

All enquiries relating to court procedure should be directed to the Court Registry: Ph: (03) 8636 6508

**Benefits of eFiling for Practitioners**

1. Payment of fees online (up front/invoiced/credit card)

2. Solicitors reference details are reproduced on documents

3. The status of a document can be tracked on CITEC Confirm (pending, filed, rejected)

4. Faster turnaround times on documents

5. Where a document is rejected by the Court, reasons must be stated in writing and an amended document may be immediately refiled

6. The Court record is updated real time and can be searched on [Court Connect a](http://cjep.justice.vic.gov.au/pls/p100/ck_public_qry_main.cp_main_idx)nd a history of documents filed and court listings can also be viewed

7. A document may be eFfiled at any location of the County Court in Victoria

8. Documents are lodged from the desktop by attaching documents prepared on a firm’s own precedent software systems.

**Handy Hints for Filing Documents**

***Pleadings***

Rule 13.01(3) states "a pleading which is settled by Counsel shall be signed by that Counsel, and if it is not so settled, it shall be signed by the solicitor for the party".

In relation to the following documents they must contain the endorsement of Counsels name or that of the solicitor:

 Statement of Claim;

 Defence;

 Counterclaim;

 Reply;

 Defence to Counterclaim;

 Further and Better Particulars of Pleading.

***Affidavits***

Pursuant to Rule 43.01 an Affidavit must be signed by the Deponent. To accommodate this Rule, practitioners must eFile an electronic scanned copy of the affidavit with the Court. A typed name in lieu of the signature is insufficient.

***Originating Process***

Ensure the Statement of Claim has either Counsel’s name endorsed on the document, or

if not settled by Counsel, the name of the Solicitor for the party. Note: A request to

Enter a List form is not required to be eFiled.

***Documents that can be eFiled where an endorsement of the Firms name in lieu of a***

***Signature will suffice***

This applies to all documents with the exception of Affidavits, sworn documents (such as Interrogatories) and Undertakings.

***Discovery and Interrogatories***

The following documents can only be filed pursuant to Court order:

* Notice for Discovery;
* Interrogatories;
* On lodging these documents, ensure that the text box has been endorsed with the details of the Judge and date ordered for these documents to be filed.

**Frequently Asked Questions**

**1. Is a Request to Enter a List form required to be eFiled with the**

**Originating Process?**

No, this document is not required to eFiled as this information is entered by the

Solicitor when lodging the document online.

**2. What is the size limit for filing documents?**

Users must endeavour to keep the size of the image file to a minimum (currently under2MB) and use an appropriate format (*eg:* pdf).

**3. Which documents require a Filing Confirmation Notice attached to them prior to service?**

Amended Counterclaim; Amended Writ;

Amended Originating Motion; Amended Third Party Notice; Counterclaim;

Interlocutory or Interlocutory and final Judgments;

Default Judgments for Debt and recovery of Land;

Defence and Counterclaim *(only if a new party added)*;

Fourth Party Notice;

Garnishee Summons;

Notice of Appearance;

 Orders for Authentication;

Order for OralExamination;

Originating Motion;

Subpoena 42A and 42AA for Production to Registrar; Summons;

Summons for Oral Examination;

Summons for Taxation of Costs;

Third Party Notice;

Warrant of Delivery, Possession or Seizure and Sale;

Writ.

**4. What is the procedure for attaching a Filing Confirmation Notice to a document prior to service?**

When eFiling a document that requires a Court seal, upon the document being accepted for filing, the Solicitor will be requested to print out the Filing Confirmation Notice. This notice should then be printed by the Solicitor and attached to the document prior to service

**5. How does the Civil Procedure Act 2010 effect eFiling**

One of the main purposes of the *Civil Procedure Act* is to provide for an

‘overarching purpose’ in relation to the conduct of Civil proceedings. That purpose is for the court to facilitate the just, efficient, timely and cost-effective resolution of the real issues in dispute. Therefore substantial documents must be accompanied by a Proper Basis Certificate.

1. **Certifications are to be filed with first substantive documents which are:**
* Writ/Statement of Claim/Originating Motion
* Defence
* Counterclaim (new party)
* Defence to Counterclaim/Answer or Response to Counterclaim
* Reply
* Third Party notice/Response to a Third Party Claim
* Defence to third party notice
* Fourth or Subsequent Party Notice/Response to Fourth or Subsequent Notice
* Affidavit, Summons or Application which commences a civil proceeding/Response to such.
* Application for leave to defend under the *Instruments Act 1958*
* Application under Sec 93(4)(d) of the *Transport Accident Act 1986/*Response to such

Certification dockets and codes are:

Form 4A Overarching obligations certification; - 2OOC Form 4B Proper basis certification; - 2PBC

**7. Can I eFile Certifications for the Civil Procedure Act?**

Yes, they are found under additional filing, they cannot be attached to a

substantial document

**8. What rule gives the power to practitioners to lodge documents electronically?**

Part 2 of Order 28 provides an alternative mode of filing - eFiling, otherwise the usual rules of Court apply.

**9. Pursuant to Rule 28.09, who is the "authorised provider" and "authorised user"?**

The "authorised provider" is the STATE OF QUEENSLAND through CITEC Confirm, a commercial business of the Queensland Government.

The "authorised user" is a person or body who has arranged for an authorised provider to file documents in the Court electronically, in accordance with Part 2 of Order 28.

**10. How many days in advance should I endorse on an early return before the**

**Registrar Subpoena (Order 42A)?**

A minimum 21 days in advance.

**11. Can I issue summons or Interlocutory applications online?**

Yes, contact Civil Listings on 8636 6515 for a hearing date as this must be endorsed on your document when filing

**12. Will the Court amend incomplete documents filed online?**

No, pursuant to Rule 28.12 the Registrar will send an electronic communication to the authorised provider advising -

(a) that the document has not been filed in the court; and

(b) the reason it was not filed.

**13. What is the procedure for eFiling documents such as affidavits and undertakings that require a signature endorsed on them?**

Where a signature is required on a document, this document should be scanned and eFiled to the Court.

**14. How do I check if a document has been received by the Court?**

By checking the status of the document on the Filing Results screen on the CITEC Confirm website or alternatively checking the Court Connect facility on the County Court website ([www.countycourt.vic.gov.au](http://www.countycourt.vic.gov.au/))

**15. What eFiled documents will require a review by the Registrar and what are the document codes?**

|  |
| --- |
| **Characteristics Key** |
| **RC** | Review by Court Required | Lodgement is not automatically FILED. |
| **CS** | Court Seal | A Court Seal/Form 28 will be provided that must be attached to the filed document. |
| **PHD** | Preferred Hearing Date | A preferred hearing date should be included on this document. |
|  |  |  |
| **Code** | **Document Name** | **RC** | **CS** | **PHD** |
| 242AW | 42AA Subpoena Objection Withdrawn | Y | N | N |
| 242AO | 42AA Subpoena Objections filed | Y | N | N |
| 2AFF | Affidavit filed | N | N | N |
| 2AFOM | Affidavit in Response to Originating Motion | N | N | N |
| 2AOD | Affidavit of Documents filed | N | N | N |
| 2AOS | Affidavit of Service filed | Y | N | N |
| 242AS | Affidavit of Service on Addressee 42AA | Y | N | N |
| 242AA | Affidavit of Service on Solicitor 42AA | Y | N | N |
| 2ACC | Amended Counterclaim filed | Y | Y | N |
| 2AMD | Amended Defence filed | Y | N | N |
| 2ACCD | Amended Defence to Counterclaim filed | Y | N | N |
| 2AOM | Amended Originating Motion | Y | Y | N |
| 2ASC | Amended Statement of Claim | Y | N | N |
| 2ATPD | Amended Third Party Defence filed | Y | N | N |
| 2ATP | Amended Third Party Notice | Y | Y | N |
| 2AMW | Amended Writ filed | Y | Y | N |
| 2AIN | Answers to Interrogatories filed | N | N | N |
| 2NOAI | Appearance filed - Instruments Act | Y | Y | N |
| 2AOE | Application for Attachment of Earnings Order | Y | Y | Y |
| 2ALP | Application for Leave to Proceed filed | Y | Y | N |
|  |  |  |  |  |
| **Code** | **Document Name** | **RC** | **CS** | **PHD** |
| TAM3 | Application for transfer to Magistrates Court-Part 3 | Y | N | N |
| TAM5 | Application for transfer to Magistrates Court-Part 5 | Y | N | N |
| TAS3 | Application for transfer to Supreme Court-Part 3 | Y | N | N |
| 2CJI | Certificate of Judgment filed | Y | Y | N |
| 2COR | Certificate of Readiness filed | Y | N | N |
| 2CWEO | Commonwealth S29, S73 Exclusion Order | Y | Y | Y |
| 2LIT | Consent to Act Litigation Guardian | N | N | N |
| 2CND | Counterclaim - New Defendant | Y | Y | N |
| 2CCF | Counterclaim filed | Y | N | N |
| 2DAI | Default in Answering Interrogatories | N | N | N |
| 2NDD | Default in Making Discovery | N | N | N |
| 2DCF | Defence & Counterclaim filed | Y | N | N |
| 2DEF | Defence filed | N | N | N |
| 2CCD | Defence to Counterclaim filed | N | N | N |
| 2SUB | eFiled 42A Subpoena Issued | Y | Y | N |
| 242EF | eFiled 42AA Subpoena to Registrar Issued | Y | Y | N |
| 3EJF1 | eFiled-First day jury fee paid | Y | N | N |
| 3ESDT | eFiled-Setting down trial fee | Y | N | N |
| 2FPN | Fourth party notice filed | Y | Y | N |
| 2FBP | Further & Better particulars filed | N | N | N |
| 3HF10 | Hearing Fee 10th day (and subsequent days) | N | N | N |
| 3HF2 | Hearing Fee 2nd - 4th day | N | N | N |
| 3HF5 | Hearing Fee 5th - 9th day | N | N | N |
| 2S15 | Infant Compromise filed | Y | N | N |
| 2IAF | Interlocutory application filed | Y | Y | Y |
| 2IJL | Interlocutory Judgment by Leave filed | Y | Y | N |
| 2IJN | Interlocutory Judgment in default of Appearance filed | Y | Y | N |
| 2IJD | Interlocutory Judgment in default of Defence filed | Y | Y | N |
| 2IJC | Interlocutory Judgment on Counterclaim filed | Y | Y | N |
| 2INT | Interrogatories filed | Y | N | N |
| 2JDRC | JDR application filed - Creditor | Y | N | N |
| **Code** | **Document Name** | **RC** | **CS** | **PHD** |
| 2JDR | JDR application filed - Debtor | Y | N | N |
| 2JPL | Judgment for Possession of Land filed | Y | Y | N |
| 2JDN | Judgment in default of Appearance filed | Y | Y | N |
| 2JDD | Judgment in default of Defence filed | Y | Y | N |
| 2CCJ | Judgment in Default on Counterclaim filed | Y | Y | N |
| 3JF2 | Jury Fee - 2nd to 6th Day | N | N | N |
| 3JF7 | Jury fee - 7th day (and subsequent days) | N | N | N |
| 2LSD | List of Special Damages | N | N | N |
| 2CNA | Notice of Appearance Counterclaim filed | N | Y | N |
| 2NOAX | Notice of Appearance Expedited Serious Injury List | Y | Y | N |
| 2NOA | Notice of Appearance filed | N | Y | N |
| 2CHP | Notice of Change of Practitioner filed | Y | N | N |
| 2NOC | Notice of Contribution filed | N | Y | N |
| 2NDC | Notice of Discontinuance - Case filed | Y | Y | N |
| 2NDCP | Notice of Discontinuance - Party filed | Y | Y | N |
| 2NOD | Notice of Discovery filed | Y | N | N |
| 2DISP | Notice of Dispute filed | N | N | N |
| 2NIXE | Notice of Intention to Cross Examine filed | N | N | N |
| TNOB | Notice of Objection to Case Transfer application filed | Y | N | N |
| 2NSA | Notice of Solicitor Acting filed | Y | N | N |
| 2NJR | Notice that Jury Required filed | N | N | N |
| 2NTA | Notice to Admit filed | N | N | N |
| 2NTP | Notice to Produce filed | Y | N | N |
| TOBJT | Objection to transfer filed | Y | N | N |
| 2OOE | Order for oral examination filed | Y | Y | Y |
| 2OAU | Orders Authenticated | Y | Y | N |
| 2OM | Originating motion filed | Y | Y | N |
| 2OOPB | Overarching Obligations and Proper Basis Certifications filed | N | N | N |
| 2OOC | Overarching Obligations Certification filed | N | N | N |
| **Code** | **Document Name** | **RC** | **CS** | **PHD** |
| 2POI | Particulars of Injury filed | N | N | N |
| 2PBC | Proper Basis Certification filed | N | N | N |
| 2RDC | Reply and Defence to Counterclaim filed | N | N | N |
| 2RPF | Reply filed | N | N | N |
| 2RFB | Request for Further & Better Particulars filed | N | N | N |
| 2SOD | Schedule of Documents filed | N | N | N |
| 2SPB | Significant Amendments Proper Basis Certification filed | N | N | N |
| 2SCA | Solicitor Ceases to Act filed | Y | N | N |
| 2S20 | State S20 Exclusion Order | Y | Y | Y |
| 2SOC | Statement of Claim filed | N | N | N |
| 2SEW | Statement of Expert Witness filed | N | N | N |
| TSUBD | Submissions of defendant filed | Y | N | N |
| TSUBP | Submissions of plaintiff filed | Y | N | N |
| 2SGO | Summons for Garnishee Order | Y | Y | N |
| 2SOE | Summons for Oral Examination (pursuant to JDR Act) | Y | Y | Y |
| 2SID | Summons in directions list filed | Y | Y | Y |
| 2TNA | Third Party appearance filed | N | Y | N |
| 2TPD | Third Party defence filed | N | N | N |
| 2TNF | Third Party notice filed | Y | Y | N |
| 2VAR | Videolink application received (civil) | Y | N | Y |
| 2WOD | Warrant of Delivery filed | Y | Y | N |
| 2WOP | Warrant of Possession filed | Y | Y | N |
| 2WSS | Warrant Seizure & Sale filed | Y | Y | N |
| 2WRT | Writ filed | Y | Y | N |
| 2WRTI | Writ filed - Instruments Act | Y | Y | N |

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