

## **PRACTICE NOTE SC Eq 8 – Urgent Matters in the Equity Division**

### **Commencement**

1. This Practice Note was issued on 14 October 2009 and commences on 19 October 2009.

### **Application**

2. This Practice Note applies to matters before the Duty Judge and in the Expedition List of the Equity Division.

### **Duty Judge**

3. A Duty Judge is available at all times to hear urgent applications. Such applications are usually made between 10.00 am and 4.00 pm. Extremely urgent applications may be made outside those hours by making contact with the Associate to the Duty Judge or alternatively with the Security Officer of the Supreme Court of New South Wales on 9230 8025.
4. Any applications for extensions of Caveats that are to be made to the Duty Judge should be made no less than 5 days before the expiration of the Lapsing Notice in respect of the Caveat, unless exceptional circumstances exist. It is expected that parties will only apply for such extensions if it is impossible to reach an interim agreement to facilitate the substantive matter being heard promptly.
5. Where applications for urgent injunctive relief are made, the Court expects the moving party to have sought agreement as to undertakings from the defendant(s) prior to making any such application and, unless special circumstances exist, to have notified the defendant(s) of the application.
6. If the parties are in agreement that the case warrants an urgent final hearing and are in a position to agree on an interim injunctive regime until the matter is determined, they should be ready to inform the Court of: an accurate estimate of the timeframe within which the matter will be ready for hearing; an accurate estimate of the time for trial; and the available dates for their respective counsel.
7. Practitioners should note that any application made out of hours may be subject to an additional fee.

### **Expedition List**

8. The Expedition Judge hears applications for expedition on Fridays. All applications are to be made by Notice of Motion with supporting affidavits. The affidavits should set out the grounds upon which the applicant claims an entitlement to take precedence over other cases in the Equity Division by obtaining an expedited hearing date.
9. Practitioners must be in a position to provide an agreed timetable for the preparation of the matter for trial with an accurate estimate of the timeframe within which the matter will be ready for trial and an accurate estimate of the necessary hearing time. Should the parties not comply with the timetable, the matter may lose its expedited status.
10. When a matter is expedited the parties should also include the Usual (or Modified) Order for Hearing referred to in Practice Note SC Eq 1 in their timetable.

J J Spigelman AC  
Chief Justice of New South Wales  
14 October 2009

### **Related Information**

Practice Note SC Eq 8 was issued on 14 October 2009 and commenced on 19 October 2009.

See also:

Practice Note SC Eq 1 – Case Management