

Obligation of Disclosure of Partial Settlement Agreements

1. In this rule,
 - a. “claimant” includes plaintiffs and applicants;
 - b. “claim” includes actions, counterclaims, crossclaims, third or subsequent party claims, and applications;
 - c. “partial settlement agreement” means a settlement agreement reached by one or more claimants, against one or more defendants or respondents to a claim, where either the claim will continue against the non-settling parties only, or against both the settling and non-settling parties.
2. At any stage of the proceeding, a claimant is required to disclose to all non-settling parties all terms of the partial settlement agreement except the amount, whether or not the partial settlement agreement has been reduced to writing,
 - a. seven days after the agreement is reached; or
 - b. before any further step is taken in the proceeding, whichever occurs earlier.
3. This rule must be complied with notwithstanding any confidentiality or non-disclosure agreement between the settling parties.

Notice to Court

4. A claimant is required to serve on all parties to the claim and file with the court, in Form ■, with proof of service, all terms of the settlement agreement except the amount, at least seven days before the first court appearance after the partial settlement agreement is reached.

Remedy for Failure to Disclose

5. Where a claimant fails to comply with this rule, the court may:
 - a. order costs regardless of the outcome of the proceeding;
 - b. order further examinations for discovery to be conducted at the claimant’s expense;
 - c. stay the proceeding; and/or
 - d. make any other order as is just.
6. This rule does not apply to partial settlement agreements that are subject to court approval under a statute.