

STATE OF MICHIGAN
IN THE 44TH CIRCUIT COURT FOR THE COUNTY OF LIVINGSTON
DOMESTIC SCHEDULING & TRIAL ORDER

MATTHEW J. MCGIVNEY – 44TH CIRCUIT COURT JUDGE

Plaintiff,

v Case No. _____

Defendant.

_____ /

PLEASE TAKE NOTICE OF THE FOLLOWING REQUIREMENTS OF THE COURT:

Attorneys and parties SHALL ATTEND ALL SCHEDULED COURT DATES.

Discovery Terminates: _____

Judge Settlement Conference: _____

If ordered, this case shall be mediated by: _____

Final Pre-trial: _____

Trial: _____

PLAINTIFF SHALL SERVE a copy of this order upon Defendant in this case in the same manner as, and at the same time as, the service of the Summons and Complaint. Proof of Service shall be filed with the Clerk of the Court.

SETTLEMENT CONFERENCE WITH THE COURT: Attendance of each attorney and each party at the settlement conference is mandatory. **Each party's Witness List, Joint Pretrial Statement, and Financial Disclosure Statement shall be submitted at that time and exchanged with the opposing party.** An Order for mediation shall be entered at the Settlement Conference if there are any disputed issues. **Appropriate forms may be accessed online at: <https://www.livgov.com/courts/circuit/clerk/Pages/forms.aspx>. If you do not have access to the internet with a printer, you may call (517) 548-1120 for assistance to receive a paper copy.** Except as limited by any applicable Order of the Court or PPO, the parties shall confer with each other prior to the Settlement Conference to attempt resolution of any disputed matters.

MEDIATION: Failure to complete mediation may result in sanctions allowed under the Court Rules. The cost of mediation shall be divided on a pro rata basis, unless a different recommendation is made by the Mediator. Parties shall confer on selection of a mediator or one shall be assigned from the approved list by the close of the Settlement Conference. An order for mediation is at the website listed above.

MOTIONS: Exhibits proposed for use at the hearing shall be provided to the Court 24 hours prior to any hearing date and exchanged with the opposing party or counsel. Exhibits shall be marked as described below as if for trial with the Court.

REAL PROPERTY: The parties shall provide the Court at the time of the Settlement Conference with a written stipulation of the value of any real property, that value shall be stipulated in the pretrial statement. If the parties have not reached agreement regarding value of the real property, the parties shall confer and submit a stipulation on the date of the Settlement Conference naming an appraiser who shall conduct an independent appraisal. This appraiser shall be named in the pretrial statement. The independent appraisal shall be completed by the close of discovery. The cost of the appraisal shall be paid on a pro rata basis, unless a different recommendation is made by the Mediator. If the parties cannot agree on an appraiser the Court shall appoint an appraiser.

BUSINESS VALUATION: The parties shall provide the Court at the Settlement Conference with a written stipulation of the value of each business, that value shall be stipulated in the pretrial statement. If the parties have not reached agreement regarding value of the business, the parties shall confer and submit a stipulation naming an appraiser who shall conduct an independent appraisal. This appraiser shall be named in the pretrial statement. The independent appraisal shall be completed by the close of discovery. The cost of the appraisal shall be paid on a pro rata basis, unless a different recommendation is made by the Mediator. If the parties cannot agree on an appraiser the Court shall appoint an appraiser.

RECONCILIATION/DISMISSAL: If the parties reconcile or want to stipulate to dismiss this action, an order shall be submitted to the Court.

PLEASE FILE ALL ORDERS AND JUDGMENTS WITH THE CLERK OF THE COURT FOR PURPOSES OF DISTRIBUTION TO THE APPROPRIATE DEPARTMENT.

FINAL PRE-TRIAL / TRIAL: Attendance of each trial attorney and each party at the final pre-trial and/or trial is mandatory.

TRIAL BRIEFS: The parties shall exchange and submit to the Judge's Chambers the following at least 10 days prior to the scheduled trial date in both hard copy and on disk in either Word or WordPerfect format only:

- 1.) A proposed statement of facts, individually numbered, to be used by the Court in deciding factual disputes, with reference to the witness from whom the testimony will come, and any argument of law which include factual support for the relief prayed. Limit 10 pages.
- 2.) A proposed **joint property division chart**, which includes an itemized list of all assets and debts with accurate value, and a schedule of proposed division. Parties **shall confer** regarding this chart during the 10 day period prior to trial and each shall submit a revised chart on the day of the final pre-trial in substantially the same order.
- 3.) Proposed marked exhibits, with bench copy and index. Plaintiff exhibits are numbered, Defendant exhibits are lettered. Exhibits shall be exchanged before the final pretrial. If an exhibit contains multiple pages, each individual page must be identified by page number and marked (ex. Exhibit A, page 1-100 or Exhibit 1, page 1-5000), with total number of pages included for each exhibit.
- 4.) A proposed judgment. A hard copy of the judgment shall also be submitted to the Court at the final pre-trial.
- 5.) A trial brief outlining the legal position of the party based upon assumed facts.

OBJECTIONS TO THIS ORDER: Any objections to this order shall be submitted in the form of a motion within 45 days of the date of service on the defendant, and shall be noticed for hearing on a regular motion day for determination by this Court. Failure to comply with any provisions of this Order may result in sanctions as allowed by law, including dismissal of the case.

ACCOMMODATIONS: If you require special accommodations for use at the Court due to a disability, or if you require a foreign language interpreter to help you fully participate in Court proceedings, please contact the Court immediately to make arrangements. When contacting the Court, please provide your case number.

IT IS SO ORDERED.

Date

Matthew J. McGivney – P63325
44th Circuit Court Judge

I certify that a copy of this Scheduling Order was provided to the filing party with approved summons on _____, 20____, by Mail Personally Attorney Mailbox or Other.

Livingston County Clerk / Assignment Clerk