

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF LIVINGSTON

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\_\_\_\_\_,  
Plaintiff,

v

Case No. \_\_\_\_\_-CB

\_\_\_\_\_,  
Defendant.

BUSINESS COURT INITIAL SCHEDULING ORDER

At a session of said Court in the City of Howell on the  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

PRESENT: HONORABLE MICHAEL P. HATTY

This matter has been assigned to the Livingston County Business Court. Pursuant to Livingston County Local Administrative Order dated March 14, 2019 and MCR 2.401(B)(2), IT IS HEREBY ORDERED:

Initial Pretrial Disclosures shall be exchanged by: \_\_\_\_\_

Joint Pretrial Report shall be submitted by: \_\_\_\_\_

Initial Court Conference is set for \_\_\_\_\_ at \_\_\_\_\_ P.M.

**The parties will not receive any other notices of these scheduled dates. Failure of a party or parties to adhere to this order, including attendance of attorneys or pro per parties to attend the Initial Court Conference, may result in sanctions allowed under the Court Rules, including default or dismissal.**

**INITIAL PRETRIAL DISCLOSURES:** The parties shall exchange initial pretrial disclosures, which must include all of the following, to the extent applicable:

- The name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment.
- A copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment.
- A description by category and location of all documents, electronically stored information, and tangible things that are not in the disclosing party’s possession, custody, or control that the disclosing party may use to support its claims or defenses, unless the use would be solely

for impeachment. The description must include the name and, if known, the address and telephone number of the person who has possession, custody, or control of the material.

- A computation of each category of damages claimed by the disclosing party, who must also make available for inspection and copying as under MCR 2.310 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered.
- A copy (or an opportunity to inspect a copy) of pertinent portions of any insurance, indemnity, or suretyship agreement under which another person may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.
- The anticipated subject areas of expert testimony.

**JOINT PRETRIAL REPORT:** The parties are jointly responsible for preparing and submitting a pretrial report, which shall be signed by all attorneys or unrepresented parties and filed with this Court, with a .pdf copy e-mailed to JudgeHattyMotions@LivGov.com. The contents of the report shall include the following:

- A description of the claims and defenses, together with the facts which support them, not just the labels.
- Anticipated discovery and timetable for completion.
- Issues with initial disclosures, if any.
- Case law the parties would like the judge to consider. This includes prior business court decisions, including those from other counties.
- Issues the parties believe are ready for resolution.
- Prior settlement discussions and current status; existence of arbitration and mediation agreements, if any; ADR possibilities considered and proposes; barriers to resolution, financial or otherwise.
- Technological capabilities of the parties and counsel, ability to participate in teleconferences or other electronic communications with the court, and location of parties and their ability to appear for court conferences.
- Whether a court-appointed special master would assist resolution (requires stipulation).

**INITIAL COURT CONFERENCE:** Counsel and unrepresented parties shall meet with this Court to address the following matters:

- Whether the case is properly assigned to the business court.
- Amendments of pleadings and addition of parties.
- Whether ADR is suitable, and if so, when and what types should be employed (Mediation Order Form is attached).
- Any issues raised in the joint pretrial report.
- Schedule for the litigation.
- When counsel will report back to the court regarding progress on resolving or litigating the case, including the development of any ADR strategies.
- Discovery issues, including the staging of discovery as appropriate, and the necessity for any protective orders (Stipulated Protective Order Form is attached).
- Use of technology, service by email, and court conferences via teleconference (Stipulated Order Authorizing Electronic Service Form attached).
- Prior business court decisions, including those from other counties, relevant to the case.

**CASE MANAGEMENT SCHEDULING ORDER:** This Court will enter a Case Management Scheduling Order based on the Initial Court Conference. This Order may include an early discovery plan, early mediation order, the setting of an early settlement conference, status conference, trial scheduling conference, possible motion schedules, or any other matters discussed during the Initial Court Conference. Parties should be prepared to address these matters with the Court.

**SPECIAL CONFERENCES:** This Court welcomes communication and suggestions regarding the efficient and effective handling of your business court case. Parties may contact this Court by e-mailing JudgeHattyMotions@LivGov.com, with all parties included as recipients, to either address such issues by e-mail correspondence, teleconference, physical attendance, or some combination thereof. However, parties are expected to have conferred with each other prior to contacting the Court for such purposes.

**MOTIONS:** This Court expects that all parties will work cooperatively with each other to resolve disputes without the necessity of a court hearing. Stipulated orders may be submitted to chambers. If a motion is filed, a timely response is required to be filed and served according to MCR 2.119(C)(2) and (E)(3). Upon the filing of any motion or response thereto, in addition to the judge's copy filed according to MCR 2.119(A)(2)(d), a proposed order shall be e-mailed to JudgeHattyMotions@LivGov.com. Such a proposed order shall be in an editable Word format and include proposed findings of facts, analysis, and conclusions of law.

**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.**

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Hon. Michael P. Hatty (P30990)  
Business Court Judge