

STATE OF MICHIGAN

44TH CIRCUIT COURT FOR THE COUNTY OF LIVINGSTON

Plaintiff,

v

Case No. _____

Defendant.

CIVIL SCHEDULING/TRIAL ORDER

At a session of said Court held in the City of Howell on the
_____ day of _____, 20____.

PRESENT: HONORABLE MICHAEL P. HATTY, CIRCUIT JUDGE

Pursuant to Michigan Supreme Court Administrative Order 2003-7 and Livingston County 44th
Circuit Court/Family Court Administrative Order No. 2004-07J:

IT IS HEREBY ORDERED:

Status Conference is set for: _____ @ _____ P.M.

Discovery terminates _____.

Case Evaluation is set for _____ @ time set by ADR clerk.
You will receive a separate notice from the ADR clerk with exact time of scheduled case
evaluation.

Final Pretrial is set for _____ @ **8:30 A.M.**, all parties must attend.

Bench/Jury Trial is set for _____ @ **8:30 A.M.**

You will receive no other notices of scheduled dates.

**PLEASE TAKE NOTICE THAT THE FOLLOWING REQUIREMENTS OF THE
COURT HAVE BEEN REVISED AS OF OCTOBER 2013.**

**Plaintiff/Third Party Plaintiff shall cause to be served a copy of this Order upon each
Defendant/Third Party Defendant in the case in the same manner as, and at the same time
as the service of the Summons and Complaint/Third Party Complaint.** Proof of Service
shall be filed with the Clerk of the Court. All persons receiving this notice shall immediately
notify all other parties that they have received a copy of this Order.

Attorneys and/or pro per parties **SHALL ATTEND ALL DATES SCHEDULED BY THIS COURT.** Furthermore, all parties and attorneys must attend the final pretrial and trial unless they are excused by the Court in advance. The attorney attending the final pretrial must be the trial attorney unless the Court has excused the trial attorney's absence in advance. Additionally, representatives of insurance carriers involved in the case shall attend the final pretrial. The insurance company representative attending the final pretrial must have authority to settle. **FAILURE TO APPEAR AT ANY COURT SCHEDULED DATE MAY RESULT IN SANCTIONS ALLOWED UNDER COURT RULES, INCLUDING DEFAULT OR DISMISSAL.**

Status Conference: Insurance representatives are not required to attend Status Conference. Attendance of attorney and pro per party may be waived if all of the listed documents are filed, by *ALL* parties, with the Clerk of the Court **ten (10) days prior to the scheduled Status Conference date:** It is the parties responsibility to confer with the court to ensure attendance requirement has been waived. Should parties opt not to submit the below listed documents **ten (10) days prior to the scheduled Status Conference,** the following documents are due no later than the Status Conference date:

- ✓ **Order for Mediation:** On attached form. Mediation under MCR 2.411 is to be ordered for all civil cases. The parties shall confer prior to the status conference as to the selection of a mediator. In absence of agreement, a mediator will be selected by the Court pursuant to MCR 2.411(B)(3). Item #3 on the form must indicate a specific number of days by which the mediation will be completed. **Mediation must be completed prior to case evaluation.** Failure to complete mediation may result in sanctions allowed under court rules.
- ✓ **Preliminary Witness & Exhibit lists and pretrial statements:** on forms similar to those contained herein. (Original and Judge's Copy)
- ✓ Stipulation that no other parties are to be added.

Case Evaluation & Mediation: If any party feels that case evaluation or mediation is inappropriate, a motion or stipulation requesting removal from case evaluation shall be filed by the date of the status conference. If the parties choose to stipulate to a special case evaluation panel, as contemplated by MCR 2.404(C)(3), the stipulation must be submitted to the Court by the date of the status conference. Additionally, any stipulation and corresponding order submitted under MCR 2.404(C)(3) must outline any agreed upon modification of the procedures for the conduct of case evaluation.

Motions: All motions shall be scheduled for a regular motion day, without exception. An original and Judge's copy is required for all motions. All motions shall be filed and argued no later than **two weeks** before the scheduled trial date, unless they could not have been reasonably anticipated.

Motions to **add parties** must be filed and argued no later than 180 days from service of this Order; and delay of trial will be a factor when considering if such a motion should be granted.

All **dispositive** motions **must be filed and argued before Case Evaluation**. Each motion, brief and any response to such motion shall be submitted in Word format to: JudgeHattyMotions@livgov.com at the same time that the original and judge's copy are submitted to the Clerk of the Court. Exhibits for summary disposition motions need not be included in digital submissions.

Witness List & Exhibit List: Finalized witness lists and exhibit lists must be filed **60 days** prior to the termination of discovery. Following this deadline, the Court will only consider amendments to either list by a motion demonstrating good cause as to the necessity of the amendment as well as a lack of prejudice to the opposing party.

Trial Exhibits: Must be marked and served on the other parties at Final Pretrial. An index on a form similar to that contained herein, together with an indexed bench copy of the exhibits shall be left with the Court at the time of the final pretrial conference. If exhibits cannot conveniently be copied, they should still be included on the index. Plaintiff's exhibits are to be identified with **numbers** and defendant's exhibits with **letters**. Disputed exhibits shall be ruled upon at final pretrial. No further exhibits shall be admitted at trial except for good cause shown.

Special voir dire requests must be submitted, in writing, before the close of the final pre-trial conference. The Court will conduct the jury voir dire.

Proposed Jury Instructions: Preliminary jury instructions shall be submitted to the Court and exchanged amongst the parties no later than the final pretrial. These preliminary instructions shall be in accordance with MCR 2.513(A). Final jury instructions in accordance with MCR 2.513(N) shall be submitted to the Court and exchanged amongst the parties no later than the close of evidence. Instructions must be submitted both in hard copy and digital copy. Digital copies may be submitted via disk or email.

Instructions shall be full text, double spaced, one instruction per page with no firm names or case caption. Each instruction shall be complete for the specific case, ready for presentation to the jury. **Attorneys should confer in an attempt to agree on one set of standard instructions. Disputed instruction shall be noted as such.** Additional instructions may be submitted if factual development requires the same.

In non-jury cases: The parties shall submit trial briefs along with a proposed final order no later than the date of the final pretrial. The trial brief shall be submitted in both hard copy (Original and Judge's Copy) and digital copy (Word format). The trial brief shall contain the following:

- ✓ An list of all the remaining claims/counts or affirmative defenses the party has pled against the opposing party.
- ✓ A proposed statement of facts to be used by the Court in deciding factual disputes, with reference to the witness from whom the testimony will come. See MCR 2.517.
- ✓ Proposed conclusions of law on each remaining claim or affirmative defense.
- ✓ Attach Proposed Judgment/Order

Michael P. Hatty
Circuit Court Judge

I certify the Plaintiff/Third Party Plaintiff has been served:

_____ 1. By Ordinary Mail _____ 2. Personally _____ 3. By Attorney Mailbox

Date

Clerk/Assignment Clerk

Revised 10/13