

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF LIVINGSTON

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

v

Case No. \_\_\_\_\_

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

DOMESTIC SCHEDULING/TRIAL ORDER

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

PRESENT: HONORABLE MICHAEL P. HATTY

Attorneys and parties SHALL ATTEND ALL SCHEDULED COURT DATES.

Discovery Terminates: \_\_\_\_\_

FOC Settlement Conference: \_\_\_\_\_  
*Note: Upon acceptance and approval by the Referee of a proposed consent judgment signed by all parties and attorneys, the Settlement Conference may be waived by the Referee.*

FOC Referee: \_\_\_\_\_

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 FRIEND OF THE COURT:** The Conference may be rescheduled once at the discretion of the Referee. 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 are attached hereto.** The Referee shall review with the parties any dispute regarding custody, support and parenting time. In the event of any dispute, the Referee may refer the matter for investigation by the Friend of the

Court and shall set a hearing date for review of the disputed matter upon a motion being filed. MCR 3.215. 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 FOC Settlement Conference. A form order for mediation is attached hereto.

**MOTIONS:** To the extent allowed by law, all motions shall be referred to the Referee for hearing. Exhibits shall be provided to the Referee 24 hours prior to any referee hearing date and exchanged with the opposing party or counsel. Exhibits shall be marked as described below as if for trial with the Court.

**OBJECTIONS TO REFEREE RECOMMENDATIONS:** Review by the Court of any objection to a Referee recommendation shall occur within 21 days after the objection is filed, unless the time is extended by the Court for good cause. MCR 3.215(F)(1). If the Court determines that the issues raised in the objection require a review of the Referee hearing transcript, the Court may order the objecting party to order the transcript and adjourn the judicial hearing to a future date. MCR 3.215(F)(2). Objections must include a clear and concise statement of specific findings or application of law to which an objection is made. If the objection is to accuracy or completeness of the referee recommendation, the inaccuracy or omission must be specified. MCR 3.215(E)(4). Failure to follow this requirement may result in dismissal of your objection. Any request to supplement the record with additional evidence pursuant to MCR 3.215(F)(2) must be made in writing within the 21-day period for objections.

**REAL PROPERTY:** The parties shall provide the Referee 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 Referee shall recommend an appraiser to the Court and submit a proposed Order.

**BUSINESS VALUATION:** The parties shall provide the Referee 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 Referee shall recommend an appraiser to the Court and submit a proposed Order.

**SMILE PROGRAM:** Failure to attend this program will be considered as a lack of interest in custody or parenting time.

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

**PRO CONFESSO HEARING (Proofs/Settlement):** NOTE, this cannot be heard until 60 days after filing the complaint for divorce. If set before the FOC Referee, BOTH plaintiff and defendant are required to be present. If set before the Judge, only the plaintiff or defendant-counter plaintiff is required with notice to the other party. Please contact the Judicial Secretary to schedule a time before the Judge. Settlements can also be placed on the record at the final pre-trial.

**ORDERS/JUDGMENTS:** All ex parte orders and the final judgment require approval by the Friend of the Court and/or Referee prior to presentation to the Court. All stipulated orders should be signed by plaintiff, defendant, and attorneys. All judgments and orders involving child support, custody, change of domicile and/or parenting time, whether stipulated or not, must be submitted to the Friend of the Court for approval prior to submission to the Court. Appropriate statutorily mandated language must be contained in all orders and judgments.

<p><b>PLEASE FILE ALL ORDERS AND JUDGMENTS WITH THE CLERK OF THE COURT FOR PURPOSES OF DISTRIBUTION TO THE APPROPRIATE DEPARTMENT.</b></p>
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**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 Word 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. Each asset and debt shall reference each exhibit which supports the claim for that particular item. 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.

**NOTICE TO THE FRIEND OF THE COURT:** The Friend of the Court shall be notified **WITHIN 21 DAYS** of a change to any of the following: (1) address or telephone number, (2) any occupational license, (3) driver’s license/license number, and (4) social security number. MCL 552.603(7)(a)(b)(d). Both parties shall keep the Friend of the Court informed of the name, address, and phone number of their current source(s) of income, and any health care coverage available as a benefit of employment or that is maintained by either party. MCL 552.603(7)(c)(e).

**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.**

\_\_\_\_\_  
 Hon. Michael P. Hatty (P30990)  
 Family Court Judge

<p>I certify that a copy of this Scheduling Order was provided to the filing party with approved summons on _____, 20____, by <input type="checkbox"/> Mail <input type="checkbox"/> Personally <input type="checkbox"/> Attorney Mailbox or <input type="checkbox"/> Other.</p> <p style="text-align: right; margin-top: 20px;">_____          Livingston County Clerk / Assignment Clerk</p>
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