

**IN THE FAYETTE CIRCUIT COURT
IN THE FAYETTE SUPERIOR COURT**

STATE OF INDIANA

IN THE MATTER OF JOINT
LOCAL CIVIL RULES

**JOINT LOCAL CIVIL RULES
OF THE FAYETTE CIRCUIT COURT AND THE FAYETTE SUPERIOR COURT**

It is ordered that the following be, and the same is, hereby adopted as Joint Civil Rules of the Fayette Circuit and Superior Courts, to be and remain in full force and effect on and at all times after December 31, 2009 and until further order of the Court, and all rules heretofore adopted and hereby rescinded.

Daniel Lee Pflum
Judge, Fayette Circuit Court

Ronald T. Urdal.
Judge, Fayette Superior Court

JOINT LOCAL CIVIL RULES

LR21-TR00-TR-1

CITATION

These rules shall be known as Fayette County Civil Rules, and shall be cited as FCCVR

_____.

LR21-TR00-TR-2

JUDGES

Pursuant to Indiana Code 33-5-17.1-10

The Judge of the Fayette Circuit Court shall sit as Judge of the Fayette Superior Court and the Judge of the Fayette Superior Court shall sit as Judge of the Fayette Circuit Court.

LR21-TR00-TR-3

ASSIGNMENT OF JUDGES

Notwithstanding the above all cases where either party or material witness is a person who falls within the third degree of relationship of the presiding judge or his spouse shall be assigned to the other Court. Should it be discovered after the case is filed that the case should have been filed in the other court the case shall be transferred to the other court reassigned to the other judge as special judge

LR21-TR00-TR-4

CASE ASSIGNMENT

All cases with a designation of IF, OV, PO, SC, and MF shall be filed in Superior Court. Cases with a designation of PO and filed by the Department of Children Services shall be filed in the Fayette Circuit Court. All other case types may be filed in either Court.

LR21-TR00-TR-5

APPEARANCES

(A) Any attorney for a party shall file his/her formal written appearance for such party and mail a copy of the same to all opposing counsel then of record.

(B) Every pleading filed shall clearly identify the name, address, telephone number of the

attorney or attorneys filing such pleading.

(C) Any pleading not signed by at least one attorney appearing of record as required by Rule T.R. 11 or does not comply with subparagraph (B) of this rule shall not be accepted for filing or if inadvertently accepted for filing, shall, upon discovery, be stricken from the record.

(D) Counsel desiring to withdraw their appearance in any action shall file a written petition requesting leave to do so. Such petition shall fix a date for such withdrawal and petitioning counsel shall file with the Court satisfactory evidence of at least ten days written notice to his client in advance of such withdrawal date.

(E) A withdrawal of appearance when accompanied by the appearance of other counsel shall constitute a waiver of the requirements of subparagraph (D) of this rule.

LR21-TR00-TR-6

FILING FEES

(A) The party commencing or reopening a civil action, shall pay to the Clerk of the Court the amount fixed by law.

(B) The party requesting notice by publication shall deliver the notice to be published to the Connersville News-Examiner and pay the cost.

LR21-TR00-TR-7

SERVICE OF PROCESS

When summons or subpoenas are to be served by the Sheriff of Fayette County, the attorney seeking to effectuate such service shall attach to the face thereof a sheet giving the Sheriff the following information:

- (1) The name of the person to be served;
- (2) The address, as full as possible; i.e., if a County address, not only the rural route and box number but specific driving directions, landmarks, etc.
- (3) The type of service required;
- (4) Whether or not a restraining order is attached;
- (5) Place of employment and work shift;
- (6) Phone and apartment number;
- (7) If not at own address, name of person residing with.

A form of said fact sheet is attached to these rules as Appendix "A".

LR21-TR00-TR-8

FORM AND STYLE OF PAPER, NUMBER OF COPIES, FILING AND SERVICE

(A) All papers presented to the Clerk for filing should be flat and unfolded, and without manuscript covers.

(B) All orders submitted to the Court shall be sufficient in number so that one copy besides the original may be retained by the Clerk and copy for each affected party; further, if service is directed to be made by the Sheriff, a sufficient number of additional copies shall be provided in order that the Sheriff may make necessary return of service.

(C) Only the original of briefs and motions shall be filed except when the Court directs otherwise.

(D) Proof of service required by Rule T.R. 5 shall be made by: (1) written acknowledgment of service signed by the party served or his attorney of record; (2) a written certificate of service signed by the attorney of record for the serving party; or (3) an affidavit of service by any other person.

(E) The use of mimeographed or printed forms is not encouraged and the same will be accepted for filing only if legible, clearly understandable and not in any way altered by striking over and/or erasing.

(F) After a Special Judge has qualified, copies of pleadings, motions or briefs filed shall be mailed or delivered to the office of the Special Judge with certificate of forwarding same made a part of the original papers.

(G) Service may be made on any Fayette County attorney by leaving a copy of the pleading, motion, order, etc. in the space provided by the Court in the Court's office or Clerks office. It will be the responsibility of the attorneys to check their space. The attorney preparing an order on his own initiative or at the Court's request shall serve a copy of such order upon out of county attorneys.

(H) Any party requesting the Court to return file marked copies of the pleadings and/or orders by mail shall provide the Court with a self-addressed envelope with sufficient postage.

(I) It is the responsibility of the party requesting service to ascertain that proper service was obtained. If there is a question concerning service, that question should be brought to the Court's attention for a ruling. If service failed for any reason and a hearing is scheduled the Court will vacate the hearing date without notice.

LR21-TR00-TR-9

MOTIONS, APPLICATIONS AND COMMUNICATIONS WITH THE COURT

(A) The filing of any motion, or application requiring action or ruling by the Court, with the Clerk of the Court, shall be brought to the attention of the Judge within five (5) days following such filing. If such notice is not given the Judge within prescribed time the Judge may defer ruling on such motion until the pre-trial conference.

(B) The time of hearing motions and applications shall be fixed by the Court. Dates of hearing shall not be specified in the notice of the motion or application without authorization of the Court.

(C) In dissolution of marriage, custody, or support cases, affidavits shall be submitted by the parties to the Court in support of and in opposition to applications for maintenance, support money and/or attorneys fees pending trial. The Court may, however, request introduction of evidence in specific cases. The party requesting maintenance/support money and/or attorneys fees shall set out under oath at the time of the request the party's income from all sources and what they reasonably expect the spouse's income to be. Failure to comply may result in a denial of the request. Any such application and/or affidavit shall be served on opposing counsel in such a manner as to be received by such counsel at least 24 hours prior to any scheduled hearing to which such papers relate.

(D) The following motions shall be accompanied by an appropriate order: (1) Motion for Enlargement of Time; (2) Motion for A Continuance; (3) Motion for Default Judgment (4) Plaintiff's Motion For Dismissal and (5) Any Stipulated or Joint Motion and any other motions which the Court will have to rule upon.

(E) Unless otherwise ordered by the Court, a copy of any letter, paper or other written communication to the Court concerning a case with adverse parties shall be sent to opposing counsel or unrepresented parties who appear in said cause.

(F) Before the Court will Grant a Default Judgment the following information must be presented to the Court in affidavit form: the Defendant is not an infant, incompetent or in the military service within the meaning of the Soldiers and Sailors Civil Relief Act; the Defendant has not appeared, answered or otherwise appeared as required by law; and an itemized statement detailing the Plaintiff's damages. If the damage statement is insufficient to satisfy the Court the Defendant will be defaulted and a hearing for damages will be scheduled.

LR21-TR00-TR-10

ORDERS AND JUDGMENTS

(A) Any Ruling, Order, Judgment, or Decree requested by the Court either explicitly or implied to be prepared by one of the attorneys in a case shall be prepared and submitted to the Judge for approval within two weeks of the request. If the Ruling, Order Judgment or Decree is

not prepared within that time the Court may take appropriate action.

(B) The attorney representing the custodial parent shall, wherever support is established, modified or enforced, prepare a separate order in compliance with I.C. 31-2-10.

LR21-TR00-TR-11

PRE-TRIAL CONFERENCES

(A) Pre-trial conferences shall be held as provided in Rule T.R. 16(A).

(B) Appendix "B" to these rules is an agenda which, in addition to this rule, shall be followed by counsel in their conference between attorneys preceding the pre-trial conference with the Court as required by Rule T.R. 16.

(C) It shall be the joint responsibility of counsel for the parties to arrange for the conference of attorneys in advance of pre-trial conference with the Court. The purpose of this conference of attorneys is set forth in Rule T.R. 16 and the conference of attorneys shall be governed by this rule. In the absence of an agreement to the contrary, the conference shall be held in the office of the attorney nearest the Court in which the action is pending.

(D) Counsel shall file pre-trial statements which shall include all matter required to be reduced to writing by the provisions of Rule T.R. 16 and Appendix "B" to these rules and shall indicate that all requirements of Rule T.R. 16 and Appendix "B" have been complied with. Such statement shall be filed with the Court at least two (2) days prior to the pre-trial conference with the Court. (See FCCVR 25(D)3(b) herein re: cancellation of pre-trial for failure to file pre-trial statements.)

(E) The Court may entertain oral motions by counsel appearing at a pre-trial conference for default or dismissal, or the imposition of other sanctions, or the Court may on it's own motion default or dismiss or impose other sanctions, for the failure of a party to appear for the pre-trial conference or for failure to file timely pre-trial statement. Such motions may be granted summarily and without notice of hearing.

LR21-TR00-TR-12

JURY POOL

The Clerk of Fayette Circuit Court is appointed Jury Administrator for Fayette County. The jury administrator shall use the master list approved by the Indiana Supreme Court which has been randomly sorted by the Indiana Judicial Technology and Automation Committee.

LR21-TR00-TR-13

JURY PANELS

The Judge of the Circuit Court shall direct the jury administrator when and how many individuals to summons for jury duty.

LR21-TR00-TR-14

JURY SUMMONS

The jury administrator shall cause a jury qualification form and summons to be sent to prospective jurors within seven days.

LR21-TR00-TR-15

ASSISTANT JURY ADMINISTRATOR

The Judge of either the Circuit Court or Superior Court may appoint one of their staff to serve as an assistant jury administrator for the purpose of maintaining the jury qualification forms and causing prospective jurors to appear for a specific trial.

LR21-TR00-TR-16

When a jury is needed for a specific trial the jury administrator or assistant jury administrator shall cause the next qualified prospective juror on the panel to appear.

LR21-TR00-TR-17

TRIALS

(A) All request for special instruction submitted in accordance with Rule T.R. 51 should be submitted to the Court in duplicate not later than the beginning of the final pre-trial conference. Counsel shall have the right to submit additional instructions during trial on matters which could not reasonably have been anticipated in advance of trial. Such request for special instruction shall contain citations to supporting authorities.

(B) Indiana Pattern Jury Instructions shall be used where applicable.

(C) When empaneling a jury, the plaintiff's side in a civil case or the State's side in a criminal case shall first examine the jurors of their voir dire and the defendant's side shall then examine the jurors. The parties shall then in writing make any pre-emptory challenge and any challenge for cause such side may then have the right to make. Each side shall continue to

alternately examine the new jurors and may make any pre-emptory challenge and any challenge for cause such side may then have the right to make. Once a juror has been passed twice that juror may not be challenged except for cause which could not have been reasonably discovered prior to being passed the first time.

Each side shall be allotted an amount of time to be determined at pre-trial or by Court Rule to conduct voir dire examination unless such time shall be extended in particular case by special order of Court. The parties shall utilize jury questionnaires which shall be sent to and filled out by prospective jurors prior to trial and counsel shall not use voir dire time to question prospective jurors as to matters specifically covered by such questionnaires.

(D) The Court may in its discretion conduct voir dire examination. If the Court conducts the voir dire examination, counsel desiring any particular interrogations or questions shall submit the same to the Court in writing at least twenty-four (24) hours before commencement of trial. The Court will give counsel an opportunity at the completion of the voir dire conducted by the Court to request that the Court ask such further questions as counsel shall deem necessary and proper and which could not have been reasonably anticipated in advance of trial.

(E) Upon the trial of a cause before a jury, when a question is propounded by an attorney conducting the examination, and objection is made to such question, the attorney asking the question will not be permitted to state in the hearing of the jury what testimony he expects to elicit in answer to such question.

(F) In the trial of a cause, only one attorney for each party will be permitted to examine or cross-examine a witness, except by permission of the Court.

(G) A writ of attachment for an absent witness will be issued only after the absent witness has been called in open Court and an affidavit filed showing the materiality of the testimony of such witness and what it is expected to prove by him, and that he has been duly served with process more than twenty-four (24) hours before the calling of such witness, unless otherwise ordered by the Court.

(H) In any case where a special finding by the Court is requested, each party, plaintiff or defendant in such case, or his attorney, must submit to the Court a form of special finding embracing all the facts which he claims to have been proved, and the conclusions of law thereon, within ten (10) days after the conclusion of the trial of such case, unless further time is granted by the Court by proper order. If the party asking a special finding fails to comply with this rule, the Court may make a general finding.

(I) Admissions, agreements or stipulations in a cause, at the trial prior thereto, will not be enforced nor the time of the Court be permitted to be used in discussing them, unless the same are reduced to writing and filed with the Court or made of record in open Court to the Official Court Reporter.

(J) Whenever a jury is called for the trial of a cause and thereafter it becomes necessary to call off said jury, whether because of settlement of the cause or other reason attributable to the conduct of any party, the estimated cost of calling such jury, including any jurors' fees, and the estimated cost of notifying the jury not to appear for trial, shall be assessed as costs in the cause to be paid by the party who has made it necessary to call off said jury, or to be paid equally by both parties if the parties are equally responsible or the Court cannot summarily determine the responsible party.

LR21-TR00-TR-18

VOIR DIRE

For jury trials, unless the Court prior to the trial, states otherwise voir dire by the attorneys shall be limited as follows:

- a. 20 minutes per side when the side has 3 preemptory challenges
- b. 30 minutes per side when the side has 5 preemptory challenges.
- c. 50 minutes per side when the side has 10 preemptory challenges.

Prior to voir dire by the parties, the Court will question the jury panel by asking questions which call for a no answer. The Court will follow up with those potential jurors who answer yes to a question. All preemptory challenge shall be at the conclusion of a pass without knowledge of the other side's challenge. Any individual not challenged will be selected. The parties may submit, to the Court, questions for the Court to ask of the jury panel.

LR21-TR00-TR-19

INTERROGATORIES

No mimeographed or otherwise duplicated forms containing interrogatories shall be filed or served upon a party unless all interrogatories are consecutively numbered and applicable to the cause in which the same are filed and served. Interrogatories shall be limited in number where ever possible and shall be used solely for the purpose of discovery.

LR21-TR00-TR-20

PUBLICATION AND OPENING AND REMOVAL OF DEPOSITIONS

(A) All depositions filed with the Clerk shall be taken away by the party on whose behalf the deposition was taken except as otherwise ordered by the Court, within four (4) months after the final disposition of the case unless an appeal is taken. In all cases in which an appeal is taken, they shall be taken away within ninety (90) days after the final disposition of the appeal. At the

time of removal, a detailed receipt shall be given to the Clerk and filed in the cause. Upon failure of such depositions to be removed in accordance with this rule, the Court may order the same destroyed or otherwise disposed of in a reasonable manner.

LR21-TR00-TR-21

COPIES OF PLEADINGS AND OTHER DOCUMENTS FURNISHED BY THE CLERK

On application of any person, the Clerk of the Court shall make copies of any pleading or order in his/her custody at the expense of the party requesting the same. The Clerk shall not furnish copies of any exhibit offered or admitted into evidence except to a party to that action.

This rule shall not apply to actions to establish paternity, adoptions, juvenile proceedings or other actions or matters which are not matters of public record.

LR21-TR00-TR-22

WITHDRAWAL OF ORIGINAL RECORDS AND PAPERS

No person shall withdraw any original pleading, paper, record, model or exhibit from the custody of the Clerk or other officer of the Court having custody thereof except: (1) upon order of a Judge of the Court; and (2) upon leaving a proper receipt with the Clerk or officer.

LR21-TR00-TR-23

CUSTODY AND DISPOSITION OF MODELS AND EXHIBITS

(A) Custody. After being marked for identification, models diagrams, exhibits and material offered or admitted in evidence in any cause pending or tried before the Court shall be placed in the custody of the Court Reporter unless otherwise ordered by the Court.

(B) Removal. All models, diagrams, exhibits or material placed in the custody of the Court Reporter shall be taken away by the parties offering them in evidence, except as otherwise ordered by the Court, within four (4) months after the final disposition of the case unless an appeal is taken. In all cases in which an appeal is taken, they shall be taken away within ninety (90) days after the final disposition of the appeal. At the time of removal, a detailed receipt shall be given to the Court Reporter and filed in the cause. Upon failure of such items to be removed in accordance with this rule, the Court may order the same destroyed or otherwise disposed of in a reasonable manner.

LR21-TR00-TR-24

LAW LIBRARY

(A) No books may be removed from the Library at any time, except when signed out by a member of the Fayette County Bar for a 48 hour period.

(B) Copies may be made by the Court at 25 cents a page.

(C) Books shall be returned to the appropriate shelves by the person using the books, prior to leaving the Library or when returning the books to the Library.

(D) A certified copy of this rule shall be posted in a conspicuous place in the Law Library.

LR21-TR00-TR-25

SCHEDULING

(A) General Provisions

All matters shall be set by the Court in consultation with counsel where reasonably possible, except as otherwise provided herein. Hearings set after consulting with counsel will not be continued except for good cause. "Good cause" as used herein shall require a finding of such by the Court.

(B) Hearings

Pleadings, motions, or applications required action by the Court shall be set where practical for hearing within 60 days of filing unless such hearing is waived in writing by counsel and approved by the Court. Upon submission to the Court for ruling the Court shall fix the date by which the matter shall be ruled upon.

C. Scheduling

(1) A case shall always be set for the next step, or reset for the same step in the processing of said case toward disposition.

(2) Jury Trials shall generally be set on Mondays.

(3) Counsel in a case set for trial may agree with counsel in any other case set for trial in the same position to exchange trial dates upon approval of the Court.

(4) A case set for trial in a second or subsequent position shall be prepared to go to trial with advance notice of fourteen (14) days. A party may be relieved of this requirement upon prompt application showing good cause.

(5) In the event that any case involves special problems arising out of emergency or other

circumstances, which a party determines to require a decision of the Court as to scheduling, an application setting forth good cause may be filed.

D. Pre-Trial

(1) A case shall generally be set for a pre-trial conference before the final trial date. Counsel shall meet at pre-pre-trial and proceed in accordance with T.R. 16 and Appendix "B" of these rules.

(2) If the parties fail to file pre-trial statements required by Rule 8(F) herein as a preliminary to pre-trial conference, the pre-trial conference may be canceled. The Court may take appropriate action for such failure.

(3) A pre-trial conference may be dispensed with in any case upon agreement of the parties and approval of the Court.

E. Continuances

(1) A request for a continuance shall be by written motion stating good cause. The Motion shall indicate what steps have been taken to notify the other parties of the request and shall indicate at least five (5) dates that the parties have available to which the cause may be continued.

(2) Third or subsequent motions for continuances by a party shall contain the signature of the party or parties making the request, as well as counsel's.

(3) The Court in its discretion may require that any motion for continuance shall be signed by the party requesting the same.

LR21-TR00-TR-26

SPECIAL JUDGE SELECTION

When the Judge recuse himself or in the event a special judge selected pursuant to Trial Rule 79(D), (E), or (F) does not accept the case, a special judge shall be designated by the Clerk of the Fayette Circuit Court in sequence from the following list of judges, to-wit:

1. Daniel Lee Pflum, Judge, Fayette Circuit Court
2. Ronald T. Urdal, Judge, Fayette Superior Court
3. J. Steven Cox, Judge, Franklin Circuit Court 1
4. Clay M. Kellerman, Judge, Franklin Circuit Court 2
5. David E. Northam, Judge, Rush Circuit Court
6. Brian D. Hill, Judge, Rush Superior Court

7. Matthew R. Cox, Judge, Union Circuit Court
8. David A. Kolger, Judge, Wayne Circuit Court
9. Charles K. Todd, Wayne Superior Court No. 1
10. Gregory Horn, Judge, Wayne Superior Court No.2
11. Darrin Dolehanty, Judge, Wayne Superior Court No. 3

The Clerk shall maintain such records as necessary to assure that selections are rotated in the above sequence.

In the event a judge ceases to serve as judge, the Clerk shall substitute the name of his or her successor in the above rotation.

LR21-TR00-TR-27

COURT REPORTERS

(A) Definitions.. The following definitions shall apply under this local rule:

(1) A “Court Reporter” is a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record.

(2) “Equipment” means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing, and transcribing electronic data.

(3) “Work Space” means that portion of the court’s facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.

(4) “Page” means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.

(5) “Recording” means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.

(6) “Regular hours worked” means those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court within the county but remain the same for each work week.

(7) “Gap hours worked” means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per week.

(8) “Overtime hours worked” means those hours worked in excess of forty (40) hours per

work week.

(9) "Work Week" means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year, i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.

(10) "Court" means the particular court for which the court reporter performs services. Court may also mean all of the courts in Fayette County.

(11) "County indigent transcript" means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.

(12) "State indigent transcript" means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.

(13) "Private transcript" means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.

(B) Salaries and Per Page Fees.

(1) Court Reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising court during any regular work hours, gap hours or overtime hours. The supervising court shall enter into a written agreement with the court reporters which outlines the manner in which the court reporter is to be compensated for gap and overtime hours, i.e. monetary compensation or compensatory time off regular work hours.

(2) The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be \$3.75, the court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts.

(3) The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be \$3.75.

(4) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be \$3.75.

(5) The maximum per page fee a court reporter may charge for a copy of a state or county indigent transcript and a private transcript shall be \$1.00.

(6) The minimum fee per transcript is \$35.00

(7) Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of either county indigent, state indigent or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed

by the Division of State Court Administration.

(C) Private Practice

(1) If a court reporter elects to engage in private practice through recording of a deposition and/or preparing of a deposition transcript, and the court reporter desires to utilize the court's equipment, work space and supplies, and the court agrees to the use of the court equipment for such purpose, the court and the court reporter shall enter into a written agreement which must, at a minimum, designate the following:

(a) The reasonable market rate for the use of equipment, work space and supplies;

(b) The method by which records are to be kept for the use of the equipment, work space and supplies; and

(c) The method by which the court reporter is to reimburse the court for the use of the equipment, work space and supplies.

(2) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be conducted outside of regular working hours.

LR21-TR00-TR-28

FINDINGS OF FACT AND CONCLUSION OF LAW

When a party makes a written request for Findings of Facts and Conclusions of Law pursuant to T.R. 52, the requesting party shall submit to the trial court within 10 days of the conclusion of the hearing its proposed finding of Fact and Conclusion of Law. The proposed findings must be in hard copy and electronically in Word format. Failure to submit proposed findings will constitute a waiver on the part of the requesting party. Opposing parties may submit proposed findings with 20 days following the conclusion of the hearing.

APPENDIX "A"

FACE SHEET

Summons _____

Subpoena _____

Is there an Order attached which must be read to party being served?

Yes _____ No _____

(1) NAME: _____

(2) ADDRESS INCLUDING SPECIFIC DRIVING INSTRUCTIONS:

(3) TYPE OF SERVICE REQUIRED: Personal _____ Other _____

DESIGNATE OTHER: _____

(4) PLACE OF EMPLOYMENT AND TIME OF WORK SHIFT:

(5) PHONE NUMBER: _____ APT. NO. _____

(6) NAME OF PERSON STAYING WITH IF NOT AT OWN ADDRESS:

Requesting Attorney or Party: _____

APPENDIX "B"
Agenda for Pre-pre-trial Conference Between Counsel

(A) Jurisdiction of the Court: (If not agreed upon, the party objecting shall submit his objections to the Court in writing, with a copy to opposing counsel, twenty-four (24) hours before pre-trial conference.)

(B) Define present status of the record.

(C) Any questions raised by pending motions: if any motions are pending, be prepared to take them up at pre-trial conferences. Briefs, if called for by the rules or desired by counsel, shall be submitted not later than twenty-four (24) hours prior to pre-trial conference if not sooner called for by the rules.

(D) Plaintiff shall reduce to writing all defense claims and/or counterclaims or affirmative defenses, including specifications of negligence relied upon in all negligence cases.

(E) Defendant shall reduce to writing all defense claims and/or counterclaims or affirmative defenses, including specific charges or negligence relied upon in an answer of contributory negligence.

(F) The parties shall set forth in writing all facts established by admissions in the pleadings and additional facts stipulated at the conference. Where one party proposes a stipulation which the other party or parties oppose, he shall submit this proposed stipulation to the Court in writing at least twenty-four (24) hours before the pre-trial conference.

(G) The parties shall state in writing the contested issues of fact. If there is disagreement as to fact issues, a statement of the disagreement shall be submitted to the Court in writing twenty-four (24) hours before pre-trial conference.

(H) The parties shall state in writing any contested issues of law, including evidentiary problems not implicit in the issues of fact.

(I) Plaintiff SHALL NUMBER all of his proposed exhibits and submit them for examination to the defendant.

(J) Defendant SHALL LETTER (A, B, C, etc.) all of his proposed exhibits and submit them to the plaintiff. Parties shall each designate in writing any exhibits of their opponent, the authenticity of which they cannot stipulate. All other exhibits will be received in evidence at the time of the pre-trial conference subject to objections as to relevancy and materiality at the time of trial.

(K) If the case is to be tried to a jury, the parties should discuss any disagreement on applicable rules of law on which the Court will be asked to instruct the jury so that each rule may

be discussed and resolved, if possible, at pre-trial conference.

(L) Any proposed amendments to the pleadings shall be discussed. If any amendments are proposed and objected to by opposing counsel, at least twenty-four (24) hours before the pre-trial conference, and opposing counsel shall submit objections in writing not later than the time of the pre-trial conference.

(M) Counsel should discuss the desirability of submitting trial briefs and whether they will stipulate that trial briefs may be submitted without exchanging. (In absence of a stipulation, the Court will require trial briefs to be exchanged.)

(N) Any other matters which may save time at the trial or possible lead to a just settlement of the case should be discussed. In all property damage and/or personal injury cases, the plaintiff shall specify where applicable:

1. The nature of all permanent injuries claimed, describing them with particularity, together with the percentage of disability expected to be proven and the age and life expectancy of the person claiming permanent injuries.

2. All special damages claimed. All medical, hospital, and similar expenses must be itemized by giving the names of the persons and institutions furnishing the same and the amount paid to owed each. If property damage is claimed, the cost of repairs and name of person making same shall be given or if incapable of repair, the purchase price, age, mileage and value before and after the accident.

3. If lost earnings are claimed, the amount must be stated, the manner of computation, the period for which loss is claimed, and the name of the employer.

4. All medical reports and information should be exchanged or, if exchange is refused, a statement setting forth the reasons for refusal shall be submitted to the Court in writing at least twenty-four (24) hours before the pre-trial conference.

(O) After a pre-trial order is signed and filed following the pre-trial conference, it will control the course of the trial and may not be amended except by consent of the parties and the Court or by order of the Court to prevent manifest injustice. The pleadings will be deemed merged in the pre-trial order. Therefore, counsel, at their conference, should be sure that they have presented and discussed all pertinent matters.

(P) The possibility of settlement shall be discussed. If not agreed upon, counsel should come to the pre-trial conference prepared to disclose maximum or minimum settlement figures authorized by client.

(Q) Discuss probable trial time. If a jury has been requested, discuss the possibility of waiving a jury and trying the case to the Court.