

PROCEDURES FOR CASES ASSIGNED TO JUDGE JOHN H. GILLIS, JR.

1. MOTION PRACTICE

Answers to motions must be filed at least four days prior to the hearing date.

ALL MOTIONS FOR SUMMARY DISPOSITIONS MUST BE FILED WITHIN 10 MONTHS OF THE FILING OF THE COMPLAINT.

SUMMARY DISPOSITIONS WILL BE HEARD MONDAYS THROUGH THURSDAYS.

Any adjournment of mediation must be sought by motion only and with good cause.

2. FINAL PRE-TRIAL/SETTLEMENT CONFERENCE

The final pre-trial conference is a settlement conference. All parties are to be present, including (1) Trial Counsel (2) Plaintiff (3) Defendant and/or carrier with settlement authority up to the mediation amount. Parties are not to be available by telephone, they are to be in the courtroom.

If the case is not settled at this conference, a Final Pre-Trial Statement (FPTS) must be filed with the Court 14 days from the date of the final pre-trial/settlement conference.

3. FINAL PRE-TRIAL STATEMENT

Plaintiff is responsible for convening the parties and preparing the FPTS which will be entered as an Order of the Court. It is expected that any motion affecting the content of the FPTS (motions in limine, etc.) shall be filed and heard prior to the entry of FPTS.

If an out-of-court settlement is agreed to by the parties after entry of the FPTS, court costs may be assessed by the court based on the estimated length of trial. [Cf. No. (9), below.]

FINAL PRE-TRIAL STATEMENT

The proposed FPTS shall contain the following, under appropriate captions, in the order indicated:

- (1) A concise statement of plaintiff's claim, including legal theories.
- (2) A concise statement of defendant's defenses and claims, including claims of third-party plaintiffs, and defenses of third-party defendants, including legal theories.
- (3) A recitation of any facts or other matters which the parties have stipulated or admitted.
- (4) Issues of fact remaining to be litigated.
- (5) Issues of law to be litigated.
- (6) Evidence problems likely to arise at trial.
- (7) Witnesses: Indicate which witnesses will be called in the absence of reasonable notice to opposing counsel to the contrary, and which witnesses may be called. Generic listing of witnesses is not acceptable. Failure to list witnesses will bar their production at trial.

(A) Witnesses for plaintiff, listed by category, as follows:

1. Live lay witnesses
2. Lay Depositions
3. Live Expert Witnesses
4. Expert Depositions
5. List of plaintiff's exhibits

- (B) Witnesses for defendant, listed by category as follows:
1. Live Lay Witnesses
 2. Lay Depositions
 3. Live Expert Witnesses
 4. Expert Depositions
 5. List of defendant's exhibits

(8) An itemized statement of special damages. Counsel shall, to the extent possible, stipulate to the items not in dispute.

- (9) Estimated length of trial.
1. Time for plaintiff's proofs
 2. Time for defendant's proofs
 3. Indicate whether it is a jury or non-jury trial

4. DEPOSITIONS

If a party intends to utilize any deposition, the party shall notify opposing counsel prior to the Trial Conference. Counsel shall, to the extent possible, resolve disputes and purge extraneous material. The Court will rule on unresolved objections during the Trial Conference. Video depositions must be transcribed. **De bene esse video trial depositions shall not exceed 1-1/2 hours in length.**

5. EXHIBITS

To avoid unnecessary proof and the offering of unnecessary evidence, counsel shall, to the extent possible, stipulate to the admissibility of any and all documents and exhibits. Any objection by any party to the admissibility of any document or exhibit shall be made and ruled upon during the Trial Conference.

Both parties shall submit witness lists in numerical order with the FPTs.

6. EXPERTS

To the extent possible, any objections to the qualifications and/or testimony of any expert shall be raised at the Trial Conference by a motion in limine.

7. INSTRUCTIONS

Instructions must conform to the form and content requirement of MCR 2.516. Counsel shall provide:

1. All requested Standard Jury Instructions
2. All special instructions counsel is requesting (including the citation of authority for such instruction).
3. A typed verdict form that includes all possible verdicts.

8. VOIR DIRE

The voir dire will generally be conducted by the Court. Counsel may submit suggested voir dire questions in writing at the Trial Conference.