

CIVIL CASE MANAGEMENT PROCEDURES
Judge Mark W. Somers

(1) DOCKETING AND DISCOVERY ORDER Upon the filing of the first responsive pleading the case is “at issue” and the court enters a *Docketing and Discovery Order*. That order requires each party to file a ***Pre-trial Statement*** which includes, among other matters, a requirement that each party list the names of the witnesses it MAY call at the time of trial along with a list of exhibits it MAY offer into evidence. The pretrial statement is to be filed and served on opposing counsel/party within 56 days. In PIP benefits cases the filing of ***Initial Disclosures*** is also required within 56 days.

(2) DISCOVERY is governed by the court *Docketing and Discovery Order*. The court is generally inclined to allow extensions of discovery where the parties are working *diligently* but is mindful of the State Court Administrative Office case disposition guidelines calling for the resolution of 90% of all civil cases to be adjudicated within 273 days and 98% within 455 days.

(3) MOTION PRACTICE The court docket non-dispositive motions for Mondays at 8:30 a.m. and dispositive motions for Mondays at 1:00 p.m. Parties are directed to notice their motions for any Monday that allows for sufficient notice to the opposing party as required by court rule. If the date chosen is not available the court will advise the parties. Motions in limine are heard on the first day of trial. Note: until further notice the court is exercising its discretion under MCR 2.119(E)(3) to dispense with oral arguments and makes its decision on the briefs submitted.

(4) PRETRIAL CONFERENCE The docketing and discovery order also sets the first pretrial date. Each party is required to file their own ***Pretrial Status Report*** at least 7 days but not more than 28 days prior to the scheduled pretrial. This report is designed to give the parties and the court a picture of where the case stands in terms of discovery and potential motions as well as settlement efforts in order to assist the parties and the court in the efficient adjudication/resolution of the case. In most cases if the matter is not resolved the case will be scheduled for a final pretrial conference. Notice of the final pretrial conference is given on the record. The person with final settlement authority is to be available remotely (by phone etc.) unless the court excuses them or requires their physical presence. The status report form is on the court’s website. If a party fails to timely file a Pretrial Status Report they must appear in person (not by Zoom) for the pretrial along with the person who has final settlement authority.

(5) FINAL PRETRIAL CONFERENCE Plaintiff is responsible for coordinating the preparation and timely filing of a single ***Joint Final Pretrial Status Report*** which is to be received by the court at least 7 days prior to the final pretrial. This is intended to be the last step prior to conducting a trial. Therefore, the parties are required to list, by name, the witnesses that they WILL CALL and the exhibits that they WILL offer into evidence along with an indication (by checking a box) whether the opposing party objects to the witness or the exhibit. The person with final settlement authority is to be available remotely (by phone etc.) unless the court excuses them or requires their physical presence. The *Joint Final Pretrial Status Report* form is on the court’s website. If the matter is not resolved it will be scheduled for a trial.

(6) STIPULATIONS AND AMENDMENTS TO STATUS REPORTS The parties may stipulate to the correction or amendment of matters contained within the *Joint Final Pretrial Status Report*. Absent a stipulation the amendment or correction of a *Joint Pretrial Status Report* requires the filing of a motion and showing of good cause without undue prejudice to the opposing party.

(7) USE OF REMOTE TECHNOLOGY. The court conducts pretrial proceedings by remote technology (Zoom) whenever practical to do so for participants who timely comply with filing requirements (pre-trial statements and status reports). Participants who are in compliance with filing requirements may continue to participate in court proceedings via Zoom unless instructed to appear in person. Zoom access information is available on the court’s website. Unless otherwise ordered by the court, all participants are to appear in person for trials.

(8) FAILURE TO FOLLOW PROCEDURES established by the court may result in sanctions as set forth in the Docketing and Discovery Order or the exclusion of a witness or exhibit if objected to at trial by the opposing party.