

VIRGINIA:

IN THE THIRTY-FIRST JUDICIAL CIRCUIT COURT

Plaintiff,

v.

Case No. _____

Defendants.

UNIFORM PRETRIAL SCHEDULING ORDER

It is **ORDERED** that:

I. Trial: The trial date is _____ at _____ a.m. ___ with a jury
___ without a jury. The estimated length of trial is _____.

II. Pretrial Conference: A Pretrial Conference is scheduled for Thursday,
_____ at 1:00 p.m. The Pretrial Conference will be conducted in
accordance with Rule 4:13 of the Rules of the Supreme Court of Virginia. Counsel shall be
prepared to address the items listed in Rule 4:13.

III. Court Reporter: The court does not provide a court reporter for civil trials and motions. The
Court, in its discretion, may require a court reporter in **any** civil case. The court requires a court
reporter in every civil case set for trial by jury, all bench trials scheduled for more than one day and
in all contested domestic relations cases. In such cases, the moving party is to arrange for and
ensure that a court reporter is present at all times for the trial. The court will determine at the final
hearing how much, if any, reimbursement will be made to that party by the other party or parties.

III. Discovery: The parties shall complete discovery, including depositions, by **thirty** days before
trial; however, depositions taken in lieu of live testimony at trial will be permitted until
fifteen days before trial. "Complete" means that all interrogatories, requests for production,
requests for admissions, and other discovery must be served sufficiently in advance of trial to allow
a timely response of at least **thirty** days before trial. Depositions may be taken after the specified
time period by agreement of counsel of record or for good cause shown, provided however, that the

taking of a deposition after the deadline established herein shall not provide a basis for continuance of the trial date or the scheduling of motions inconsistent with the normal procedures of the Court. The parties have a duty to seasonably supplement and amend discovery responses pursuant to Rule 4:1(c) of the Rules of the Supreme Court of Virginia. “Seasonably” means as soon as practical. No provision of this order supersedes the Rules of the Supreme Court of Virginia governing discovery. Any discovery motions filed shall contain a certification that counsel has made a good faith effort to resolve the matters set forth in the motion with opposing counsel.

V. Designation of Experts: If requested in discovery, plaintiff’s, counter-claimant’s, third-party plaintiff’s, and cross-claimant’s experts shall be identified on or before **ninety** days before trial. If requested in discovery, defendant’s experts and all other opposing experts shall be identified on or before **sixty** days before trial. If requested in discovery, experts or opinions responsive to new matters raised in the opposing parties’ identification of experts shall be designated no later than **forty-five** days before trial. If requested, all information discoverable under Rule 4:1(b)(4)(A)(1) of the Rules of the Supreme Court of Virginia shall be provided or the expert will not ordinarily be permitted to express any non-disclosed opinions at trial. The foregoing deadlines shall not relieve a party of the obligation to respond to discovery requests within the time periods set forth in the Rules of the Supreme Court of Virginia including, in particular, the duty to supplement or amend prior responses pursuant to Rule 4:1(c).

VI. Dispositive Motions: All dispositive motions shall be presented to the Court for hearing as far in advance of the trial date as practical. All counsel of record are encouraged to bring on for hearing all demurrers, special pleas, motions for summary judgment, or other dispositive motions not more than **sixty** days after being filed.

VII. Exhibits and Witness Lists: Counsel of record shall exchange **fifteen** days before trial a list specifically identifying each exhibit to be introduced at trial, copies of any exhibits not previously supplied in discovery, and a list of witnesses proposed to be introduced at trial. The lists of exhibits and witnesses shall be filed with the Clerk of the Court simultaneously therewith but the exhibits shall not then be filed. Any exhibit or witnesses not so identified and filed will not be received in evidence, except in rebuttal or for impeachment or unless the admission of such exhibit or testimony of the witness would cause no surprise or prejudice to the opposing party and the failure to list the exhibit or witness was through inadvertence. Any objections to exhibits or

witnesses shall state the legal reasons therefore except on relevancy grounds, and shall be filed with the Clerk of the Court and a copy delivered to opposing counsel at least **five** days before trial or the objections will be deemed waived absent leave of Court for good cause shown.

VIII. Witness Subpoenas: Early filing of a request for witness subpoenas is encouraged so that such subpoenas may be served at least **ten** days before trial.

IX. Continuances: Continuances are discouraged and will only be granted by the Court for good cause shown. In the event of a continuance a new Pretrial Scheduling Order will be entered.

X. Motions in Limine: Counsel are encouraged to set motions in *limine* on a Friday Motion's Day as early as possible. Absent leave of Court, any motion *in limine* which required argument exceeding five minutes shall be filed the day of the Pretrial Conference. If not heard before the Pretrial Conference, the hearing will be set for at the Pretrial Conference.

XI. Jury Instructions: Counsel of record, unless compliance is waived by the Court, shall exchange proposed jury instructions **two** business days before a civil jury trial date. At the commencement of trial, counsel of record shall tender to the Court the originals of all citations. This requirement shall not preclude the offering of additional instructions at the trial.

XII. Deposition Transcripts to be Used at Trial: Counsel of record shall confer and attempt to identify and resolve all issues regarding the use of depositions at trial. It is the obligation of the proponent of any deposition of any non-party witness who will not appear at trial to advise opposing counsel of record of counsel's intent to use all or a portion of the deposition at trial at the earliest reasonable opportunity. It becomes the obligation of the opponent of any such deposition to bring any objection or other unresolved issues to the Court for hearing before day of trial.

XIII. Waiver or Modification of Terms or Order: Upon motion, the time limits and prohibitions contained in this order may be waived or modified by leave of Court for good cause shown.

ENTERED _____

CIRCUIT COURT JUDGE

Counsel for Plaintiff or Pro Se

Counsel for Defendant or Pro se

SET BY:

Court _____

Phone _____

Term _____

Name: _____, VSB# _____
Address: _____

Phone: (_____) _____
FAX: (_____) _____
Email: _____

Name: _____, VSB# _____
Address: _____

Phone: (_____) _____
FAX: (_____) _____
Email: _____

IN THE EVENT OF SETTLEMENT OR VOLUNTARY DISMISSAL, PLEASE NOTIFY THE COURT **IMMEDIATELY** BY CALLING (703) 792-6171 OR BY FACSIMILE AT (703) 792-6371

PLACE REQUESTS FOR INTERPRETERS NO LATER THAN 14 DAYS IN ADVANCE OF TRIAL.

THREE BUSINESS DAYS BEFORE THE TRIAL CALL (703) 792-6171 TO GIVE THE COURT A TIME ESTIMATE FOR TRIAL.