

UNIFORM PRETRIAL ORDER PROBATE/GUARDIANSHIP DIVISION

PARTIES MUST MEET: No later than **30 days** before the trial date, counsel, or parties not represented by counsel, shall meet at a mutually convenient time and place and:

1. Discuss settlement;
2. Simplify the issues and stipulate in writing to as many facts and issues as possible;
3. Prepare a stipulation in accordance with this Order;
4. Exchange lists of the names and addresses of all witnesses, including expert witnesses;
5. Exchange lists of each party's exhibits and make the exhibits available for inspection and copying at a mutually agreeable time and place.

DISCOVERY: All discovery shall be completed no later than **21 days** before the date set for trial, absent agreement for later discovery specifically stated in the stipulation or Order for good cause shown.

PRETRIAL STIPULATION MUST BE FILED: Counsel for the Petitioner is responsible for drafting a pretrial stipulation and circulating it to all parties. Counsel for all parties shall execute the stipulation. Counsel for the Petitioner must file the stipulation with the clerk no later than **20 days** before the trial date **AND PROVIDE A COURTESY COPY TO THE JUDGE'S OFFICE**. The stipulation shall cover the following matters:

1. A list of all pending motions requiring action by the Court, and the date(s) on which those motions are to be set for hearing. All pending motions must be set and heard before the trial date;
2. Stipulated facts which require no proof at trial;
3. A statement of all disputed issues of fact and law;
4. Each party's numbered list of exhibits with specific objections, if any, to each exhibit, including the basis of the objection. **OBJECTIONS NOT SPECIFIED SHALL BE DEEMED WAIVED**. Exhibit lists shall be on separate schedules attached to the stipulation;

5. Each party's numbered list of witnesses with addresses. The lists of witnesses shall be on separate schedules attached to the stipulation;
6. A statement of estimated time for final hearing;
7. Names of attorneys to try the case;
8. Other stipulations, if any.

STIPULATIONS NOT SIGNED BY ALL PARTIES ARE DISALLOWED: No unilateral stipulations are allowed unless approved by the Court, after notice and hearing and a showing of good cause.

FILING OF STIPULATION: Failure to complete and file the pretrial stipulation may result in the imposition of sanctions upon the non-complying party or parties.

ADDITIONAL EXHIBITS, WITNESSES OR OBJECTIONS: At trial, the parties shall be limited to exhibits and witnesses disclosed and objections reserved in the pretrial stipulation, absent agreement specifically stated in the stipulation, or Order of the Court. Any party wishing to use an exhibit or witness discovered after counsel have met, shall immediately furnish the Court and other counsel with a description of the exhibit or with the witnesses' name and address and the expected subject matter of the witnesses' testimony, together with the reason for the late disclosure of the exhibit or witness. The use of an exhibit or witness may be allowed upon a good showing.

UNIQUE QUESTIONS OF LAW: Counsel for the parties shall submit to the Court memoranda with citations to legal authorities, regarding any unique questions of law which may reasonably be anticipated to arise during the final hearing. Legal memoranda shall be served upon opposing parties before they are submitted to the Court. Trial briefs may be submitted to the Court after they have been submitted to all other parties.

PRE-MARKING OF TRIAL EXHIBITS: All exhibits shall be pre-marked by counsel before the start of the trial in accordance with the numbering of exhibit lists attached to the pre-trial stipulation.

SPECIAL WITNESS CONSIDERATIONS: All parties shall advise the Court and other parties, no later than **7 days** before trial, of any special witness considerations. Special considerations include the need for an interpreter, physical or other limitation on a witness, or scheduling difficulties which restrict the time that a witness may be available to testify. Parties are responsible for obtaining interpreters. Parties should work to accommodate the scheduling difficulties of witnesses.

MEDIATION: All parties shall personally attend the mediation and shall bear their own expense for same. Failure of the parties to conclude the mediation and attempt settlement of the case prior to that date may cause the imposition of sanctions. This statement is made to encourage the attorneys to give the Court adequate notice that the time set for the trial will be used and that there will be no need to delay the trial.

PROPOSED FINAL JUDGMENT: The parties are encouraged to submit a proposed final judgment to the Court prior to the commencement of opening argument on a Flash Drive in **WORD** format.