

VIRGINIA:

IN THE CIRCUIT COURT OF FAUQUIER COUNTY

Plaintiff

v. Case No. _____

Defendant

Uniform Trial Scheduling Order

It is **ORDERED** that:

I. Trial: The trial date is _____ at 10:00 a.m.
 (with a jury) (without a jury).

The estimated length of trial is _____.

II. Pretrial Conference: Date scheduled for _____ at _____ a.m. Each party and the attorney that will be responsible for the trial of the case shall appear absent leave of Court. (Domestic Cases to file separate Pretrial Conference Order)

III. Discovery: The parties shall complete discovery, including depositions, by **30** days before trial; however, depositions taken in lieu of live testimony at trial will be permitted until **15** 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 at least **30** 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(e) of the Rules of Supreme Court of Virginia.

Seasonably means as soon as practical. No provision of this Order supersedes the Rules of Supreme Court of Virginia governing discovery. Any discovery motion 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.

- IV. 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 **90** days before trial. If requested in discovery, defendants and all other opposing experts shall be identified on or before **60** 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 **45** days before trial. If requested, all information discoverable under Rule 4:1(b)(4)(A)(i) of the Rules of Supreme Court of Virginia shall be provided or the expert will not ordinarily be permitted to express any nondisclosed 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 Supreme Court of Virginia, including, in particular, the duty to supplement or amend prior responses pursuant to Rule 4:1(e).
- V. 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 **60** days after being filed.
- VI. Exhibits and Witness Lists:** Counsel of record shall exchange **15** 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 witness 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.

- VII. Pretrial Conferences:** Pursuant to Rule 4:13 of the Rules of the Supreme Court of Virginia, when requested by any party or upon its own motion, the court may order a pretrial conference wherein motions *in limine*, settlement discussions or other pretrial motions which may aid in the disposition of this action can be heard.
- VIII. Motions in Limine:** Absent leave of court, any motion *in limine* which requires argument exceeding five minutes shall be duly noticed and heard before the day of trial.
- IX. Witness Subpoenas:** Early filing of a request for witness subpoenas is encouraged so that such subpoenas may be served at least **10** days before trial.
- X. Continuances:** Continuances will only be granted by the court for good cause shown.
- 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 the court the originals of all agreed upon instructions and copies of all contested instructions with appropriate 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. Other than trial depositions taken after completion of discovery under Paragraph II, designations of portions of non-party depositions, other than for rebuttal or impeachment, shall be exchanged no later than **15** days before trial, except for good cause shown or by agreement of counsel. 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 the day of trial, and to counter-designate any additional portions of designated depositions at least **5** days before such hearing.

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 this _____ day of _____, 20____.

_____ JUDGE

Telephone Number: _____ Counsel for plaintiff(s)

Telephone Number: _____ Counsel for defendant(s)

IN THE EVENT OF SETTLEMENT OR VOLUNTARY DISMISSAL, PLEASE NOTIFY THE COURT **IMMEDIATELY** BY CALLING (540) 422-8100, OR EMAILING CVDRCIRCUIT@FAUQUIERCOUNTY.GOV.

SUBMIT A SIGNED PLEADING CONFIRMING SETTLEMENT OR DISMISSAL.

The Clerk shall send, without charge, a copy of this Order to all counsel of record and self-represented parties at their addresses of record or by e-mail.