

VIRGINIA:

IN THE CIRCUIT COURT OF FAUQUIER COUNTY

Plaintiff

Case No. _____

Defendant

Domestic Pretrial Scheduling Order

This Court has determined that a pretrial conference is necessary in this case. It is therefore ORDERED as follows:

1. Date. The pretrial conference is 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.

2. Preparation for the Conference. Counsel and any self-represented parties are expected to be prepared to suggest procedures that will facilitate the just, speedy and inexpensive resolution of issues. This includes, but is not limited to, the issues described in this Order.

Prior to the conference, counsel and/or self-represented parties shall meet and confer in a good faith and in a meaningful way to try to reach agreement with respect to the following issues that are described in this Order if applicable. The parties shall bring any necessary documents to support their positions.

3. Grounds for Divorce. If the divorce is uncontested, the party that will proceed and provide a corroborating witness shall be identified. If the divorce is contested, the ground for divorce and the number of witnesses shall be provided.
4. Custody. Each party will be expected to have proof of completing a parent education/FITS program. If custody is contested, the parties shall identify whether legal custody (joint vs. sole) and/or physical custody is in issue. Each party shall set forth in writing the specific visitation proposed or sought in the following order: weekends, three day weekends, mid-week, Thanksgiving, Christmas, spring break, mother's day, father's day, birthdays, summer, the expected date for notice for summer visits, telephone and any other special holidays or occasions. For each break, mother's day, father's day, birthdays, summer, the expected date for notice for summer visits, telephone and any other special holidays or occasions. For each period of visitation, the specific start and stop times should be stated as well as any proposed travel arrangements.

5. **Child Support.** Each party shall be expected to set forth in writing their current monthly gross income, the basis for the calculation and provide copies of supporting documents.

Each party shall be expected to set forth the monthly cost of health insurance for the child (or children), the basis for the calculation and provide copies of supporting documents.

Each party shall be expected to set forth the average monthly cost of day care, taking into account any changes due to school/summer schedules and provide copies of supporting documents.

If either party will ask for a deviation from the presumptive child support guidelines the specific basis under §20-108.1 shall be set forth.

If shared custody guidelines are proposed, a written schedule and calendar showing calculations of day shares should be provided.

Each party shall provide information on whether a party has other children.

6. **Spousal Support.** If contested, the contesting parties shall specify the basis and whether there is a claim that a fault ground of divorce exists that bars support or a claim of manifest injustice. If support is sought each party shall specify whether the claim is for permanent support, support for a defined period (setting forth the period) or a reservation.

Each party shall be expected to set forth their current monthly gross income as set forth in Paragraph 5 as well as the specific factors the Court should consider under §20-107.1.

7. **Attorney's Fees.** If attorney's fees are claimed, each party shall be expected to have prepared an affidavit of attorney's fees identifying the amount sought through the date of the conference. The parties also are expected to state whether reasonableness of hourly rate of attorney's fees will be an issue and whether they will agree to the admission of affidavits.

8. **Equitable Distribution.** Each party is expected to bring the final draft of equitable distribution schedules. The items listed should be identified in the same order and by the same description by both parties. The parties should be prepared to identify specific classification, valuation and waste issues regarding each asset. Each party shall be prepared to identify these issues (title, character, value) that are contested for each asset.

If equitable distribution is at issue, counsel shall confer in advance of the pretrial conference (or, if no pretrial conference, equitable distribution schedules) and use one of the parties' equitable distribution schedules to highlight the entries on which both parties agree. The parties are encouraged to submit an agreed schedule or one schedule with notifications as for the disagreement.

The parties shall identify specific factors relied upon in SS 20-107.3(E). Consideration should be given as to whether or not there is a genuine dispute as to how the marital property (once it is determined and valued) should be distributed.

9. Miscellaneous Issues.

- a. Any remaining discovery disputes that require resolution.
- b. Any pending motions that require resolution.
- c. Any depositions that must be read including whether there are objections that require resolution.
- d. Any issue that will require briefing.
- e. The order of presentation of evidence on each topic, the numbering and organization of documents in binders.
- f. Whether parties can agree on the admission of routine exhibits or alternatively agree to not challenge the authenticity of routine exhibits.
- g. If there are expert witnesses whether the parties can agree to an order of presentation of evidence that minimizes the expense to the parties for the expert.
- h. The allocation of time between the parties, the order of witnesses to avoid inconvenience and expense, stipulations, the proffer of evidence and agreements to avoid routine objections on evidence.
- i. The dates of any settlement conference scheduled.

10. Failure to Comply. A failure to attend or comply with the provisions of this Order may result in a loss of a trial date or other sanctions as determined by the Court.

ENTERED this _____ day of _____ 20_____.

JUDGE

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 email.