

VIRGINIA:

IN THE CIRCUIT COURT OF PRINCE WILLIAM COUNTY

_____)	
)	
Plaintiff,)	
)	
v.)	Case No. _____
)	
_____)	
)	
Defendant.)	

DOMESTIC CASE PRETRIAL SCHEDULING ORDER

In an effort to promote the orderly and efficient presentation of evidence in cases involving contested divorce, spousal support, custody, visitation, child support and equitable distribution the Court hereby **ORDERS:**

I. Trial: The trial is scheduled to begin on _____ at 10:00 AM without a jury for _____ day(s) based on the estimate of the parties. Every effort should be made to complete the trial in the number of days scheduled. Trials that go over the estimated time and require additional days may have to be continued several weeks or months to complete the hearing due to the status of the Court’s docket.

II. Pretrial Conferences: A Pretrial Conference is scheduled for Thursday, _____ at 1:00 p.m. All parties and counsel must attend, absent undue hardship and prior approval of a judge of this court. 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: For all cases involving contested grounds of divorce, custody, visitation, child support, spousal support and/or equitable distribution, the moving party is to arrange for

and ensure that a court reporter is present at all times for the trial. That party shall be responsible for payment of the costs of the court reporter and the court will determine at the final hearing how much, if any, reimbursement will be made to that party.

IV. Discovery: The parties shall complete discovery, including depositions, by **thirty (30)** days before trial; however, depositions taken in lieu of live testimony at trial will be permitted until **fifteen (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 **thirty (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(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, all experts shall be identified on or before **sixty (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 **thirty (30)** 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 or pro se party at least **five (5)** days before trial or the objections will be deemed waived, absent leave of Court for good cause shown.

VIII. 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.

IX. Motion *in Limine*: Counsel are encouraged to set motions in limine on a Friday motions day as early as possible. Absent leave of Court, any motion *in limine* which requires argument exceeding five minutes shall be filed before the day of the Pretrial Conference and if not heard in accordance with the normal motions procedures of the Court before that Pretrial Conference, shall be set for hearing at that time.

X. Witness Subpoenas: Early filing of a request for witness subpoenas is encouraged so that such subpoenas may be served at least **ten (10)** days before trial.

XI. 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 order will be entered.

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 the 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; however, if both parties are represented by counsel, attorneys may change the schedule by up to seven (7) days by written agreement.

XIV. Equitable Distribution: In all cases involving Equitable Distribution the parties must file all applicable schedules from the list below as follows:

A) At least **fifteen (15)** days prior to trial the parties shall file with the court and deliver to the opposing counsel or pro se party the schedules which are applicable to the case. Each schedule shall be signed by counsel or the pro se party submitting it, and a copy of each schedule shall be furnished to opposing counsel or pro se party, at or before the time of filing with the court. The schedules shall be in spreadsheet or chart format and shall include all necessary information for the court to decide all issues of equitable distribution for each type of asset. The parties are encouraged to file joint schedules if they are in agreement.

B) Objections to Schedules: Within **ten (10)** days of receiving the other parties' schedules, a party shall file with the court and opposing counsel or pro se party all applicable schedules setting forth any and all additions, objections or amendments to the schedules of the other. Each schedule shall be signed by counsel for the party or pro se party submitting it, and a copy of each schedule shall be furnished to opposing counsel or pro se party, at or before the time of filing with the court.

List of Schedules

- 1. Personal Information Schedule and Factors for Equitable Distribution**
- 2. Real and Personal Property Schedule**
- 3. Business Property Schedule**
- 4. Stocks Investment Portfolio Schedule**
- 5. Retirement Funds Schedule**
- 6. Pension Fund Schedule**
- 7. Debt Schedule.**
- 8. Summary Schedule**
- 9. Proposed Distribution of Property Schedule**

XV. Conference: Counsel and/or pro se parties are ordered to confer at least **five (5)** days prior to trial in an effort to resolve issues as they are able, to agree upon stipulations of evidence and to agree upon what questions of law and fact are actually in issue.

XVI. Educational Seminar: In any case in which custody, visitation or support is contested, the parties shall attend an educational seminar of no less than four hours' duration from an approved provider and file their certificate of completion by the date of the Pretrial Conference. Approved providers are listed at the Virginia Supreme Court's website at <http://webdev.courts.state.va.us/cgi-bin/parented/providers.cgi/g?153J> .

ENTERED _____

CIRCUIT COURT JUDGE

Counsel for Plaintiff

Counsel for Defendant

SET BY:

_____ Court _____

_____ Phone _____

_____ Term _____

Name: _____, VSB# _____

Name: _____, VSB# _____

Address: _____

Address: _____

Phone: (____) _____

Phone: (____) _____

FAX: (____) _____

FAX: (____) _____

Email: _____

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.