

## TRIAL PROCEDURAL ORDER

TAKE NOTICE that Judge David F. Viviano requires the following for trial.

### BEFORE THE DAY OF TRIAL:

1. File all motions in limine and/or trial motions with the Judge and counsel 14 days before trial date with responses filed with the Judge and opposing counsel 7 days before trial date. Motions filed on the day of trial will not be entertained except for good cause shown. All motions in limine will be heard on the day of trial unless a compelling reason for an earlier hearing can be demonstrated.
2. If depositions have objections therein, the parties shall submit to the Judge and opposing counsel no later than 14 days before trial date, the objections with supporting law including argument, with responses filed with the Judge and opposing counsel 7 days before the trial date. If the parties have not resolved the objections, the parties shall contact the Judge's secretary for a hearing date regarding the deposition objections. Objections to depositions filed on the day of trial will not be entertained except for good cause shown.
3. Fourteen days before trial date, supply witness lists in sufficient number for the Court and all counsel of actual and/or probable witnesses, indicating if in person or by deposition and, if medical experts, the hospital and office where the witness practices and his or her specialty. This provides counsel an opportunity to file objections before trial date and a list of witnesses for the Court to read to prospective jurors.
4. Seven days before trial, all counsel shall submit a Trial Brief containing a brief statement of facts, issues, theory of case and memorandum of law. If cases or statutes are cited, a photocopy of the case or statute shall be attached. Prepare stipulations in writing, if any, to be placed on the record. In non-jury cases, the Trial Brief shall include proposed findings of fact and conclusion of law.

### ON THE DAY OF TRIAL:

1. Be present with client(s) and any other person(s) necessary to effect the disposition of the matter.
2. Because the proceedings are recorded by video, counsel shall mark all exhibits and prepare an exhibit log. Counsel shall have stipulations for entry or stated reasons for objections. Copies shall be furnished to the Court and opposing counsel for use during trial.
3. If a jury trial, to the extent possible, have completed, typed jury instructions, including proposed jury verdict form for the Court and all counsel (not just by jury instruction number). At the discretion of the trial Judge, photocopies of completed SJI's are acceptable provided that blank spaces are completed and any alternatives in the instructions are chosen. Each instruction shall be on a separate sheet.
4. In jury cases, submit to the Court in writing special jury questions that counsel desire to be asked of the prospective jurors. The Court reserves the right to conduct voir dire.
5. Have witnesses available for trial.
6. Joint succinct statement as to what the case is about, not to exceed one paragraph and joint list of witnesses to be called at trial.

THE FOREGOING CONSTITUTES A DULY ENTERED ORDER OF THIS COURT, AND FAILURE TO COMPLY STRICTLY WITH ALL OF ITS TERMS MAY RESULT IN DISMISSAL, DEFAULT JUDGMENT, REFUSAL TO LET WITNESSES TESTIFY, REFUSAL TO ADMIT EXHIBITS, OR OTHER ACTION, INCLUDING ASSESSMENT OF SPECIAL COSTS, EXPENSES AND ATTORNEY FEES.

NOTICE: The Court will entertain a jurisdiction motion pursuant to MCR 2.227.

\_\_\_\_\_  
DAVID F. VIVIANO  
Circuit Judge