

## **TRIAL PROCEDURAL ORDER**

TAKE NOTICE that Judge **John C. Foster** requires the following for trial.

### **BEFORE THE DAY OF TRIAL:**

1. Motions in Limine and/or trial motions shall be filed and scheduled at least 28 days prior to trial or deemed waived. Motions in Limine and/or trial motions can be scheduled at special times to accommodate counsel. Contact this Court's clerk or secretary to schedule special time. Motions on the day of trial will not be heard except for good cause shown.
2. All depositions intended for use at trial shall be purged at least 14 days prior to trial or all objections shall be deemed waived. If the attorneys cannot amicably resolve objections, contact the Court's clerk or secretary to set up a time prior to trial to appear before the Court. Objections must be presented to the Court in writing with citations of authority in support of the party's position. Objections to depositions filed on the day of trial will not be heard.
3. Fourteen days before trial date, supply trial 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.
4. Mark proposed exhibits with exhibit stickers (do not number the exhibits). Have stipulations for entry of exhibits or stated reasons for objections prepared. Furnish copies of proposed exhibits to the Court and opposing counsel.

### **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. 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.
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 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. Have witnesses available for 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.

**JOHN C. FOSTER**  
\_\_\_\_\_  
Circuit Judge