

TRIAL PROCEDURAL ORDER

TAKE NOTICE that Judge Joseph Toia requires the following for trial.

BEFORE THE DAY OF TRIAL:

1. **FOURTEEN (14) DAYS PRIOR TO TRIAL DATE**

File all motions in limine and/or trial motions with the Judge and counsel 14 days before the trial date with responses to be 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. **FOURTEEN (14) DAYS PRIOR TO TRIAL DATE**

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 to be filed with the Judge and opposing counsel 7 days before the trial date. If the parties have not resolved the objections, a hearing will be heard on the day of trial. Objections to depositions filed on the day of trial will not be entertained except for good cause shown.

3. **FOURTEEN (14) DAYS PRIOR TO TRIAL DATE**

Fourteen days before the trial date, counsel shall supply trial witness lists to the Court and all counsel of actual and/or probable witnesses, indicating if in person or by deposition and, for medical experts, the hospital and office where the witness practices and his or her specialty. This provides counsel an opportunity to file objections before the trial date and supplies a list of witnesses for the court to read to prospective jurors.

4. **FIVE (5) DAYS PRIOR TO TRIAL DATE**

If a jury trial, to the extent possible, have completed, typed jury instructions, including a proposed jury verdict form for the Court and all counsel (not just by jury instruction number). Simply providing jury instruction numbers is not permitted. Photocopies of completed M Civ JI's and CJ12d'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. (**NOTE:** Counsel shall meet, confer and prepare the Chapter 1 and Chapter 2 preliminary instructions, including all M Civ JI's mandated by paragraph 4 of M Civ JI 2.02 and all CJ12d's mandated by subparagraph 3 of CJ12d 2.3.) **Counsel shall provide sufficient copies for the Court, all counsel, and each juror.**

5. As this is a video courtroom, please have the proposed exhibits pre-stickered and **unmarked**. Counsel shall have stipulations for entry or stated reasons for objections. Whenever practicable, copies shall be furnished to the Court and opposing counsel for use during the trial.

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. 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 the voir dire.
4. Have witnesses available for trial.
5. Provide a joint succinct statement as to what the case is about, not to exceed one paragraph and a 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 COSTS, EXPENSES AND ATTORNEY FEES.

JOSEPH TOIA

Circuit Judge