

Division 5 – Civil Docket **Policies and Procedures**

NEW CASES:

- Please review closely the Notice of Case Management Conference and Order of Mediation that is provided by our department of civil records when a case is first filed.
- Such Notice serves four very important purposes:
 - 1) It gives you the date of your first case management conference.
 - 2) It provides a deadline for filing continuance requests for case management conferences
 - 3) It provides that a lead attorney of record **must** be designated for each party by filing a **separate** pleading.
 - 4) It provides that the parties are ordered to participate in mediation within 6-10 months from the date the case is filed, depending on the complexity of the case.

CASE MANAGEMENT CONFERENCE (“CMC”):

- Civil CMCs in Division 5 are held on Friday mornings at 8:30 a.m. and are taken up at the bench.
- Upon arrival in the Division, counsel must check in with the Division Law Clerk and obtain a blank scheduling Order. Counsel will be asked to consult with each other about possible trial dates prior to the case being called by the Judge.
- At the CMC, counsel should be prepared to address at least the following:
 - A trial Setting;
 - Expert Witness Disclosure Cutoff date.
 - A schedule for the orderly preparation of the case for trial
 - Any issues which require input or action by the Court
 - The status of Settlement negotiations
- The Court grants the parties great latitude in choosing deadlines and a trial date. As such, motions for continuance or extensions of deadlines must be supported by good cause.
- Division 5 does NOT grant “special” or “priority” settings to matters absent significant circumstances. Trials will be taken up with priority given to the oldest case on file.
- Continuance Requests for CMCs should be faxed to the Division (816-881-4692) and provided to opposing counsel no later than the Wednesday the week of the conference.

HEARINGS ON MOTIONS:

- Unless a hearing is required by statute or court rule, the Court intends to rule on the pleadings of any motion without a hearing.
- Any requests for hearings should be stated in the motion to the Court. The Court will make every effort to accommodate said request contingent upon availability of the Court’s schedule.

DISCOVERY DISPUTES:

- Counsel is reminded that pursuant to the Division’s Scheduling Order, the parties should contact the Court **prior** to filing any written pleadings regarding discovery disputes. After hearing the arguments of all parties, the Court may request a motion, but it is hoped that the Court will be able to facilitate a resolution to any discovery dispute without further delay of motion and response times.

JURY TRIALS:

- Unless the trial setting falls on a court holiday, all jury trials will commence on Monday morning at 9:00.
- Counsel is advised of the following deadlines regarding jury trials:
 - All deadlines in the Scheduling Order entered by the Court take precedence.
 - All Motions in Limine or other pretrial motions must be filed two weeks before the trial date.
 - All proposed jury instructions (both with MAI citations and without) must be emailed to the Law Clerk the Friday before the trial date.

CHAMBERS COPIES:

- All parties shall provide the Division with chambers copies of all pleadings that are filed within two weeks of any hearing or trial.
- Division 5 requires that chambers copies of all dispositive motions be delivered to the Division Law Clerk in both hard copy and electronically. Electronic versions of all dispositive motions are to be emailed to the Division Law Clerk in *Word* format. Responses to the dispositive motions shall also be delivered to the Division Law Clerk as outlined above.

FILING PLEADINGS:

- Pursuant to local rule, ALL pleadings must be filed with Civil Records EXCEPT motions for continuance. Motions for continuance must be filed (faxed, emailed or hand delivered) in the Division with either the Judicial Administrative Assistant or the Law Clerk..

DESIGNATION OF LEAD ATTORNEY:

- Pursuant to Local Rule 3.5.1., a lead attorney of record must be designated for each party.
- A separate pleading designating the lead attorney of record shall be filed by each party as described in Local Rule 3.5.2.
- Court staff will only send correspondence from the Court (judgments, orders, notices, communications, etc) to the lead attorney of record for each party in the case. Lead attorneys are responsible for disseminating said correspondence to any other attorneys of record.

PROPOSED JUDGMENTS/ORDERS

- Division 5 appreciates that each motion be accompanied with a proposed Order or Judgment. All proposed orders and judgments shall be delivered electronically, using *Word* format, via email to the Division Law Clerk.
- All proposed Judgments and Orders shall also be delivered to opposing counsel.