

**VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF NORFOLK**

\_\_\_\_\_,  
Plaintiff,

v.

Civil No.: CL \_\_\_\_\_  
Juvenile No.: CJ \_\_\_\_\_

\_\_\_\_\_,  
Defendant.

**SCHEDULING ORDER**

Pursuant to Local Rule 2 of this court, IT IS ORDERED:

1. Trial shall commence on \_\_\_\_\_, 20\_\_\_\_ at 9:30 a.m.; provided, however, that if trial is by jury, counsel shall appear before the trial judge at 9:00 a.m. that day to review *voir dire* questions. A continuance will only be granted by the Court for good cause. Good cause shall **NOT** normally include those reasons stated in the Court's written civil continuance policy.

2. Trial shall be by jury/judge. The estimated length of the trial is \_\_\_\_\_ day(s).

3. All discovery shall be completed thirty days before trial .

**"Completed"** means that (1) interrogatories and requests for production or admission must be served so that responses thereto will be due on or before the cut-off date, (2) all depositions upon written questions or oral examination, excluding de bene esse, be completed by the cut-off date, and (3) motions to compel shall be heard before the cut-off date. A de bene esse deposition may be taken up to fifteen days before trial. Except for the taking of depositions upon oral examination, these cut-off dates may not be extended by agreement of counsel. Any discovery motion filed shall contain a certification that counsel has made a good faith effort to resolve the matters in controversy with opposing counsel. No provision of this order supersedes any provision of Part Four of the Rules of the Supreme Court of Virginia.

4. If requested in discovery, counsel for plaintiff shall identify expert witnesses ninety days before trial, and rebuttal experts and opinions forty-five days before trial. If requested in discovery, counsel for defendant shall identify all expert witnesses sixty days before trial. Identification shall set out all information discoverable under Rule 4:1(b)(4)(A)(I) of the Rules of the Supreme Court of Virginia; except as provided in paragraph 5, no separate document need be filed identifying an expert so identified in discovery. An expert will not

ordinarily be allowed to testify at trial about any non-disclosed opinion. The foregoing deadlines shall not relieve a party from responding to discovery requests within the times set forth in Part Four of the Rules of the Supreme Court of Virginia.

5. Counsel shall exchange a list of exhibits and witnesses fifteen days before trial. A list of exhibits and witnesses shall be filed with the Clerk of Court simultaneously therewith but the exhibits shall not then be filed. Exhibits shall be listed individually; for example, "all medical records" will not suffice. Except in rebuttal, sur-rebuttal, or impeachment, any exhibit not so identified and filed will not ordinarily be admitted into evidence, and any witness not so identified and filed will not ordinarily be allowed to testify.

6. Any objections to exhibits (except on relevancy grounds) or witnesses shall be filed five days before trial and argued no later than the day before trial. Failure to file the objection by this date shall be deemed a waiver of objection. Any objections to depositions of non-party witnesses, motions *in limine*, or other pre-trial motions (except those described in paragraph 9) requiring more than five minutes of argument shall be argued before the day of trial.

7. Upon request of either counsel or the Court a final pre-trial conference shall be held no later than the day before trial.

8. Proposed jury instructions shall be given to opposing counsel two days before trial. At the beginning of trial, counsel shall give the judge the originals of all agreed instructions and copies of all contested instructions with the appropriate citations.

9. Any motion for summary judgment or other dispositive motion should be filed and argued as long before trial as practical.

10. Upon the taking of a non-suit or settlement of the case, counsel shall notify the Clerk as provided in local rule 2(A)(6).

11. The time limits and prohibitions in this order may be waived or modified by the Court for good cause shown.

ENTER: \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Judge

We ask for this:

\_\_\_\_\_, p.q.

\_\_\_\_\_, p.d.

(Rev. 1/10)