

TRIAL PROCEDURAL ORDER

TAKE NOTICE that Judge Carl J. Marlinga requires the following for trial:

1. Motions In Limine concerning the admissibility of exhibits or testimony may be heard at any time prior to the start of trial. Typically, such motions will be argued and decided just prior to the start of trial.
2. At least two (2) days prior to trial, each party shall file proposed jury instructions in the following form: one instruction per page, double spaced, Times New Roman 12 point type, plain paper, completely typed out with all blanks completed, on unnumbered pages, ready for submission to the jury. A proposed verdict form must also be included. Failure to timely file proposed jury instructions constitutes a waiver of objection to the opposing party's proposed instructions, and further constitutes consent to such instructions as the court may deem appropriate. The court welcomes joint stipulated instructions. In non-jury trials, the parties shall file proposed findings of fact and conclusions of law. At the conclusion of the proofs, the parties will be allowed to file supplemental jury instructions or proposed findings to conform to the proofs.
3. At least two (2) days prior to trial (jury or bench), each party shall submit a brief summary of the case (sometimes referred to as the party's "theory" of the case) – no more than three pages, double spaced type.
4. Trial briefs are not required, but are permitted. Submissions as to matters of law may be made with little or no formality, meaning that the court will accept copies of statutes, case law, or law review articles without the necessity of such papers being attached to a brief. Anything given to the court, however, must be furnished to all parties.
5. Pre-marking exhibits is encouraged but not required.
6. Unless all parties object, jurors will be permitted to take notes and ask questions as allowed under MCR 2.513(H) and (I).
7. Attorneys are permitted to conduct voir dire, provided that the questions are reasonable and not overly entwined with the facts of the case.

THE FOREGOING CONSTITUTES A DULY ENTERED ORDER OF THE COURT, AND FAILURE TO COMPLY WITH ITS TERMS MAY RESULT IN DISMISSAL, DEFAULT JUDGMENT, OR OTHER SANCTIONS, INCLUDING ASSESSMENT OF COSTS AND ATTORNEY FEES.

CARL J. MARLINGA
Circuit Court Judge

First entered: June 21, 2017