

Rule 5. Setting Cases for Trial and Scheduling of Joint Disposition Conference

Approximately 30 days before the Pretrial Conference, a Joint Disposition Conference may be scheduled between all parties in the case at the place, date and time designated by the Court. At the scheduled conference, the parties will meet in person and complete, sign and file a Joint Disposition Conference Report in the form prescribed by the Court. If the parties meet, complete, sign and file a Joint Disposition Conference Report required by this Rule before the court scheduled conference, it shall be vacated.

The Joint Disposition Conference Report must include the following:

1. The length of time estimated for trial and trial date.
2. A statement of whether discovery has been completed, as previously set by the court, or a schedule setting forth the proposed discovery to be completed and the reasons why the discovery was not completed by the time of the Joint Disposition Conference.
3. A summary of the stipulations of fact or issues that have been agreed to by the parties.
4. A general statement indicating the facts in dispute.
5. A general statement by each party indicating any known unresolved substantive issues. Any memoranda of law or citations to authority, upon which the parties will rely for their position on the unresolved issues, must be filed and served seven days before the Pretrial Conference. The parties shall attempt to identify unresolved substantive issues but the failure to identify such issues shall not constitute a waiver of the right to raise such issues at a later date, except for good cause shown.
6. A list of each party's prospective witnesses, including each witness' name and address, employer and occupation, including expert witnesses and the particular area of expertise each expert will be addressing. Only witnesses so listed shall be permitted to testify at the trial, except for good cause shown.
7. A list of each party's exhibits to be offered as evidence at the trial. Only exhibits so listed shall be offered in evidence at the trial, except for good cause shown.
8. A list of the depositions each party proposes to offer in lieu of live testimony.

If a Joint Disposition Conference is not held as scheduled or a report is not filed, or an incomplete report as determined by the DCM coordinator is filed, the Court shall set the matter for hearing. If the Court finds that any party has failed to proceed with due diligence in preparing a case or has failed to cooperate, the Court may impose sanctions or take any action which it feels appropriate. (See Form DCM-2)

(Amended October 11, 1989, effective January 1, 1990; amended June 13, 1990, effective September 1, 1990; amended November 13, 1991, effective January 1, 1992, to comply with General Rules of Practice.)