RULES OF PRACTICE
IN THE
271ST JUDICIAL DISTRICT COURT

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****FOR FILING AND MAILING PROCEDURES, SEE RULE 11****

RULE 1. TIME AND STANDARDS FOR THE DISPOSITION OF CASES. All cases filed in the 271st Judicial District Court of Jack and Wise Counties, Texas, should, as far as reasonably possible, be brought to trial or final disposition in conformity with the following time standards:

1.1 CRIMINAL CASES. As provided by law and in accordance with timeliness established by the Court of Criminal Appeals, with preference given to cases wherein the defendant is incarcerated.

1.2 CIVIL CASES OTHER THAN FAMILY LAW.

1.21 Civil Jury Cases--Within 18 months from appearance date.

1.22 Civil Non-Jury Cases--Within 12 months from appearance date.

1.3 FAMILY LAW CASES

1.31 Contested Family Law Cases. Within 6 months from appearance date or within 6 months from the expiration of the waiting period provided by the Family Code where such is required, whichever is later.

1.32 Uncontested Family Law Cases. Within 3 months from appearance date or within 3 months from the expiration of the waiting period provided by the Family Code where such is required, whichever is later.

1.4 COMPLEX CASES. It is recognized that in especially complex cases or special circumstances it may not be possible to adhere to these standards.

1.5 SETTING REQUESTS. Requests for non-jury settings shall be written and timely delivered to the Court Coordinator and opposing counsel or pro se parties, and shall:

1.51 Advise of the estimated time for trial for the entire case. Estimates of time felt by opposing counsel to be erroneous shall be called to the attention of opposing counsel and the Court Coordinator, in writing. Estimates for too much time cause as many problems as those for too little time. Be prepared to dispose of entire case within the estimate.

1.52 Advise which, if any, discovery and other pretrial matters remain unresolved.

1.53 Certify that a copy of the request has been delivered to all counsel and pro se.

RULE 2. The District Clerk shall send the regional presiding judge a copy of the report sent each month to the Office of Court Administration, and such other information regarding docket management systems of the county as may be requested by such presiding judge.

RULE 3.

3.1 CIVIL CASES. Uncontested matters (waiver divorces, default judgments, adoptions), may be heard any morning (Monday through Friday) from 8:30 A.M. until 9:00 A.M., on days when the Judge is scheduled to be in the respective Court. The final decree or judgment **MUST** be submitted to the Court before the hearing begins. Settings may be obtained by request to Court Coordinator or District Clerk.

3.11. Court Reporter will be available.

3.2 ANNUAL CALENDAR. The Court will publish a calendar each year designating non-jury weeks, civil jury weeks, criminal jury weeks, the court's holidays and judicial conferences. Requests for settings MUST be based upon the designations on the calendar. Requests for settings must be in writing and mailed to the Court Coordinator.

3.3 Non-jury trials may be set to follow the civil jury docket.

3.4 Civil jury trials may be set to follow the criminal jury docket.

3.5 CRIMINAL TRIALS MAY TAKE PRECEDENCE OVER ANY OTHER MATTER IF NECESSITATED BY BACKLOG.

3.6 CIVIL CASES All civil cases filed after January 1, 1995, will follow the following scheduling process;

3.61 A First Scheduling Conference will be set by the Court at which time deadlines for Discovery will be agreed upon by the parties or set by the Court. Timelines will be from 2 months to 4 months in most cases. A date for Second Scheduling Conference will be set. FAILURE OF A LITIGANT TO APPEAR MAY RESULT IN THEIR LOSING THEIR RIGHT TO HAVE INPUT AS TO SETTING OF DATES.

3.611 The discovery rules are and should be liberally construed. Motions for Protection, except in the case of bona fide immunity or privilege, are generally a waste of judicial economy and are discouraged. Admissibility of evidence is generally immaterial to discovery. Untimely objections are automatically overruled.

3.612 Documents sought to be excluded shall be segregated and furnished to the Court in a sealed wrapper along with a specific pleading of claimed privilege as to each, with citation of authority.

3.62 At Second Scheduling Conference all pending Motions, Special Exceptions, etc., that have been on file a sufficient length of time will be heard; settlement negotiations will be inquired into by the Court; a final pretrial date will be set; a trial announcement date will be set; and a trial date will be set. FAILURE OF A LITIGANT TO APPEAR MAY RESULT IN THEIR LOSING THEIR RIGHT TO HAVE INPUT AS TO SETTING OF DATES.

3.63 A Final Pre-Trial Order, in the form of Exhibit "A" attached, shall be filed with the Court, through the Court Coordinator, on or before seven (7) days prior to the scheduled Pretrial Conference.

3.64 Pretrial Conference will be conducted under the provisions of Rule 166-175 of the Texas Rules. All motions, special exceptions, etc., not previously ruled upon, will be ruled upon at the Pretrial Conference, and any such matters not properly presented shall be deemed waived. Proposed jury questions and requested instructions SHALL be submitted to the Court at this conference and if not submitted will be considered untimely and may be refused. All parties MUST have authority to settle the litigation at this conference and engage in settlement discussions.

3.641 FAILURE TO ATTEND THIS CONFERENCE BY ALL PARTIES MAY RESULT IN SANCTIONS, INCLUDING STRIKING THE PLEADINGS OF THE PARTY NOT COMPLYING; CONTEMPT; OR THE COURT RULING AGAINST THE OFFENDING PARTY ON ALL OUTSTANDING MATTERS.

3.642 The Court will enter orders in conformity with what transpired at the pretrial conference. A docket will be sent to all counsel of record and pro se parties having a case on the docket for a particular week approximately 30 days before the first day of that jury term.

3.65 ANNOUNCEMENT DOCKET. This docket will be to arrange the final order of the cases on the Court's trial docket. In most instances, cases will be assigned position by age--oldest first; however, the court reserves the right, at all times, to set cases at its discretion.

3.651 Announcements shall be in writing and shall contain the following: **3.6511** That the announcing party has made bona fide offer of settlement that has been rejected and all reasonable efforts to settle have been attempted.

3.6512 A certificate that person signing is the attorney in charge and that the information set out is true.

3.652 The Court will attempt to accommodate conflicting settings of counsel. Priorities, as they relate to such conflicts shall be:

(a) Election contests or other matters requiring assignment of a visiting judge;
(b) Criminal cases;
(c) Special or preferential settings;
(d) Whether this or another Court will be without an available case for trial or shall have to disband a jury panel;
(e) Earlier cases filed;
(f) Regular settings;
(g) Pre-trial setting.

3.66 TRIALS. Trials shall begin on Tuesdays.

3.67 No motion or special exception will be set for hearing until the moving party shall first communicate with opposing counsel to determine whether a contemplated motion or special exception will be opposed. If the motion or special exception will not be opposed, the moving party shall submit a proposed order signed by counsel for all parties indicating approval of same. If the motion or special exception will be opposed, the moving party shall state in the motion or by letter:
"A conference was held on (date) with (name), attorney for opposing party, on the merits of this motion, or special exception. Agreement could not be reached; therefore, it is presented to the Court for determination."
No motion or special exception will be set for hearing unless it is accompanied by the foregoing statement.

3.68 UNLESS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE, NO AGREEMENT BETWEEN ATTORNEYS OR PARTIES TOUCHING ANY SUIT PENDING WILL BE ENFORCED UNLESS IT BE IN WRITING, SIGNED AND FILED WITH THE PAPERS AS PART OF THE RECORD, OR UNLESS IT BE MADE IN OPEN COURT AND ENTERED OF RECORD.

3.69 All cases requiring a temporary hearing shall be first filed with the District Clerk and then the appropriate papers should be presented to the Court Coordinator for a scheduled hearing date and time.

RULE 4. FAMILY LAW MATTERS

4.1 All temporary matters in family law cases will be set for Monday of each week. Settings must be obtained from the Court Coordinator at the time the suit is filed.

4.2 All final hearings for divorces must be set during a non-jury day on the Court's calendar. They will be set by the Court after 120 days if not earlier set by parties.

4.3 Settings for trial hearings must be by letter addressed to BOTH District Clerk AND Court Coordinator.

4.4 EX PARTE ORDERS. In all family law cases in which an ex parte order involving temporary orders for support or alimony is requested, the party seeking such temporary orders hearing shall include the following language in such ex parte order:
"All parties to this action shall file with the Clerk, and deliver a copy to the Judge and all counsel or pro se parties, at least by the day preceding the hearing herein ordered, a written statement showing the accurate gross income of each party hereto for the last preceding three (3) calendar months and last preceding three (3) calendar years."

4.5 TEMPORARY ORDERS. If all matters are agreed, there will be no formal hearing. Only those matters not agreed shall be heard. Proposed final orders should be submitted, whenever possible, at the time of the hearing, but in no event should final orders be filed more than (4) business days after the hearing.

4.6 INVENTORIES. Subject to Rule 4.62, in all suits for dissolution of marriage, petitioner shall, not later than fifteen (15) days prior to trial, file a complete, sworn, itemized inventory and appraisement of all property belonging to the parties to the marriage, including separate property and community property as well as any property belonging to the children. The inventories shall be filed setting forth the list of property, with the values assigned to each such item of property shown to the right of the description of such property. Not less than eight (8) days prior to trial, respondent shall file an inventory so a comparison of properties and values can be made. Items of property on respondent's inventory but not on petitioner's shall be at the end of the appropriate category.

4.61 Inventories required in a marriage dissolution proceeding are considered discovery and the requirements therefor and the documents so filed are subject to sanctions provided by law, including Rule 215, Texas Rules of Civil Procedure.

4.62 In the event an agreement completely settling the property of the parties and all custody and support matters is entered into, the filing of inventories and appraisements shall not be required.

4.7 Failure to appear and be ready to proceed on a temporary matter at the time it is set will result in the Court ruling in favor of the opposing party, or postponing the hearing until all other matters set that particular date are heard, or contempt.

4.8 VISITATION AND ACCESS TO CHILDREN. An agreement with respect to visitation and liberal access to the children of the marriage is encouraged. Normally the possessory conservator shall pick up and return the children. Absent agreement, the order normally shall provide the possessory conservator possession of the children in accordance with Sections 14.032 et seq, Texas Family Code.

4.9 CHILD SUPPORT. Child support, unless agreed, shall be set by the Court pursuant to the Texas Family Code Sections 14.05 et seq. This Court will consider the Texas Family Code Sections 14.05 et seq for modification of prior orders.

4.91 All parties to an action involving child support shall file with the Court a written statement setting forth the accurate gross income of all adult parties to such proceeding for the preceding three (3) calendar years, and the preceding three (3) calendar months. Copies of the Internal Revenue Service income tax reporting forms for the three (3) previous calendar years shall be provided to the Court and other counsel when net resources are disputed. Counsel shall prepare a written statement showing any items for which a deduction from gross income (except social security tax and income tax withheld) is sought, including a written statement of the reasons that the deduction should be allowed.

4.92 Automatic reduction in a child support order due to emancipation is not a pro rata reduction. Reduction, if no change of circumstances has occurred, is calculated by applying the proper percentage level for the number of children remaining pursuant to Texas Family Code Child Support Guidelines.

4.10 Juvenile cases.

4.101 There is a Juvenile Board for Jack and Wise Counties, which has a Juvenile Administrative Policy.

4.102 The County Judge of Jack County is the Juvenile Judge; the County Court at Law Judge of Wise County is the Juvenile Judge of Wise County; and the District Judge is the Alternate Juvenile Judge.

RULE 5. CRIMINAL

5.1 APPOINTMENTS

5.11 INDIGENCY - APPOINTMENT OF COUNSEL. An accused desiring court appointed counsel must provide satisfactory proof of indigency.

5.12 Appointments will be made on a rotating basis.

5.13 Fees for Court appointed attorneys will be paid at the rate scheduled by the Court. Such schedule of fees and requirements for submitted statements may be obtained from the Court Coordinator or District Clerk.

5.2 ORDER OF PROCEEDINGS. All criminal cases will have the following entitled Court appearances in the following order. Clients will be required in Court for each appearance:

5.21 Arraignment after indictment - at arraignment, identity will be established, necessity for Court appointed attorney will be determined, indictment will be read, range of punishment will be explained by the Court to the defendant and, if possible, a determination will be made as to whether or not a plea bargain is a viable alternative in the case. If defendant appears for arraignment without an attorney, Court will inquire as to resources of defendant and if defendant is not indigent, reset the arraignment for two weeks later.

5.22 Announcement - At the Announcement Docket, the State and the defendant shall be present and discuss the possibility of a plea bargain and date therefor. If no plea bargain appears likely, the case will be set for pre-trial at a date and time certain. Whatever course is set, must be reported in the record at the Announcement Docket.

5.23 Pre-Trial - At pre-trial, both State and defendant shall be present. PRE-TRIAL MOTIONS MUST BE FILED MORE THAN SEVEN (7) DAYS IN ADVANCE OF THE PRE-TRIAL SETTING AND COPIES THEREOF FURNISHED TO THE DISTRICT ATTORNEY, OR BE FOREVER WAIVED UNDER THE PROVISIONS OF ARTICLE 28.01, OF THE TEXAS CODE OF CRIMINAL PROCEDURE. EXCEPTIONS WILL BE ALLOWED FOR APPLICATION FOR PROBATION AND ELECTION AS TO JUDGE OR JURY SETTING PUNISHMENT.

5.24 Trial - Trial settings will be in accordance with the Court's calendar. An Announcement Docket will usually be held on the Thursday eleven (11) days preceding the Tuesday trial setting. If the defendant is in jail, the same settings will apply, but the time frame will be faster. The Court reserves the right to use any civil week for criminal setting if necessitated by a backlog of criminal cases.

5.3 PLEAS

5.31 Where the defendant is on bond, guilty pleas will be set for the non-jury week of the Court's calendar unless a plea is agreed to at or before the time when the case is set for arraignment, announcement or pretrial, in which event the guilty plea will occur at the time scheduled for the arraignment, announcement or pre-trial.

5.32 If the defendant is incarcerated, a plea may be arranged at any time, Monday through Friday.

5.33 IN ALL CASES, PLEA PAPERS MUST BE SIGNED PRIOR TO THE TIME SCHEDULED SO THAT THE PLEA MAY BEGIN AT THE TIME SCHEDULED.

5.4 PROBATION REVOCATIONS

5.41 Probationer who is not on deferred adjudication probation will not be allowed on bond. Within three (3) days of arrest (next day if during the week), the probationer will be brought before the court at 8:30 a.m. so that it may be determined whether court appointed counsel is necessary and to inform him of the day the Motion to Revoke will be heard.

5.411 A probationer that is on deferred adjudication probation will be subject to a bond amount determined at the time the motion to adjudicate is filed. A condition of the bond will be that he appear before the Court on the following Monday morning at 8:30 a.m. to inform him of the day that the Motion to Adjudicate will be heard. If the defendant is unable to make bond within two days, he will be brought before the court on the following working day for the reasons expressed under Rule 5.41.

5.42 Hearing will be held within 20 days of arrest and confinement.

5.43 Attorney will have at least 10 days preparation time for the hearing.

5.5 PERSONAL RECOGNIZANCE BONDS. Within three (3) days of arrest of a person charged with a felony (next day, if during the week), the person is to be brought before Court for Court to determine the person's eligibility for a personal recognizance bond and whether or not they require the appointment of counsel. These hearings are to be held between 8:30 a.m. and 9:00 a.m. each morning.

RULE 6. JURY MANAGEMENT

6.1 As allowed by Section 62.011 of the Government Code, Petit Juries shall be selected through the computerized method now in use.

6.2 Grand Juries shall be impaneled from panel selected by the Grand Jury Commission as set out under Chapter 19 of the Texas Code of Criminal Procedure.

6.3 Petit Juries will be called for each jury week scheduled on calendar and for any other week the Court designates. The jury docket is to last one week at a time.

6.4 The jury information cards presently in use shall continue to be used; however, they may be amended from time to time, at the discretion of the District Judge.

RULE 7. AUTHORITY FOR THESE RULES - It is ORDERED by the 271st Judicial District Court of Texas, that:

7.1 Rules are promulgated pursuant to Rule 3a of Texas Rules of Civil Procedure; the Supreme Court Rules of Judicial Administration, adopted February 4, 1987; the Eighth Administrative Judicial Region Rules of Administration, adopted October 1, 1987; and Articles 28.01 and 33.08 of the Texas Code of Criminal Procedure;

7.2 The District Clerks of Jack and Wise Counties will record these rules and this Order in the minutes of the Court;

7.3 A copy of these Rules of Practice and Procedure of this Court and this Order be furnished to the Supreme Court of Texas, the Court of Appeals for the Second Supreme Judicial District of Texas and the Presiding Judge of the Eighth Administrative Judicial Region of Texas;

7.4 The District Clerk immediately deliver to each attorney residing or maintaining an office in Jack County and Wise County a copy of these Local Rules and this Order, a copy of these Rules be furnished by the Clerk to each lawyer and pro se party appearing in this Court and keep a record of each such delivery;

7.5 These Rules shall be construed and interpreted in addition to, and in conformity with, and not as superseding the Constitution and laws of the State of Texas or the Texas Rules of Civil Procedure or Code of Criminal Procedure. These Rules shall not prohibit the Court from making Orders, settings or procedures which, in the Court's discretion, may further the orderly administration of justice;

7.6 Should any of these Rules, or any part thereof, be held invalid, for any reason, such invalidity shall not affect the validity of the other rules or parts of rules, all of which have been separately considered and adopted; and

7.7 These Rules shall be effective on the date adopted and thereafter until amended, modified or repealed by Order of this Court.

RULE 8. COURTROOM DECORUM - All attorneys shall be responsible for familiarizing their clients, witnesses and all other people who are in attendance of the attorney of proper courtroom decorum. Attorneys, as officers of the Court, shall assist in maintaining proper decorum.

8.1 Each daily session shall be brought to order by announcement of the bailiff, clerk or other officer of the court requiring all to rise as the judge takes the bench.

8.2 All in attendance shall be attentive to the proceedings and cause no distraction. Conferences, discussions, or conversations to which the Court is not privy shall not take place while court is in session.

8.3 No one should sit on railing, table, desk, chair arms, or prop one's feet on the furniture or fixtures.

8.4 Everyone should be attired in a manner enhancing the dignity of the court.

8.5 Gestures, facial expressions, or sounds indicating approval or disapproval should be avoided.

8.6 All trial participants shall be prompt. All witnesses shall be available when called.

8.7 The court and attorneys shall address each other without familiarity. The use of first names should be avoided.

8.8 After reporting their presence to the bailiff, attorneys should remain behind the bar until their case is called, they are asked to approach the bench or they are requested to sit inside the bar.

8.9 Attorneys shall remain seated at the counsel table during all proceedings except when addressing the Court or jury or when leave prepare has been granted to approach the bench, witness, board or to publish an exhibit to the jury.

8.10 Objections shall be in proper legal form. Argument will not be entertained by the Court on an objection except upon leave of Court granted.

8.11 The State, plaintiff, or moving party shall be seated at the counsel table or side of counsel table nearer the jury box.

8.12 Overt advertising, campaign buttons, and other campaign materials are prohibited in courtroom.

8.13 Counsel shall instruct all parties and witnesses not to contact the Judge concerning pending matters and counsel shall advise all parties and witnesses of these rules.

RULE 9. CONFLICTING ENGAGEMENTS

9.1 Attorney already in trial in another court:

9.11 When an attorney is presently in trial, said attorney shall inform other courts of court and cause number of the conflicting trial. This information will be verified upon request of opposing counsel. The

case will be placed on "hold" or reset, depending upon when the attorney will be released.

9.12 If the attorney is not actually in trial as represented by the attorney or his or her agent, the case will be tried without further notice.

9.2 If an attorney is assigned to more than one court for same date:

9.21 It is the duty of an attorney to call the affected judges' attention to all multiple settings as soon as they are known.

9.22 In so far as practicable, judges should attempt to agree on which case has priority, otherwise, the following priorities shall be observed by the judges of the respective courts:

9.221 Criminal cases.

9.222 Cases given preference by statute.

9.223 Preferentially set cases.

9.224 Case with earliest filing date.

9.225 Case set at earliest date by court official.

9.226 Courts should yield to courts in rural counties in an instance of conflicting setting where necessary to utilize a called jury panel.

9.3 Withdrawal. An attorney may be permitted to withdraw as counsel of record upon motion stating whether the case is set for trial or other hearing. The client whose attorney seeks to withdraw and all parties of record must either consent in writing to the withdrawal or be given three (3) days notice of the hearing. All orders of withdrawal shall state the current address at which the party whose attorney seeks to withdraw may be notified of further court proceedings or explain why a current address cannot be given.

9.4 Substitution. Attorneys may be substituted upon motion and three (3) days notice to all parties. The motion shall state whether the case is set for trial or other hearing.

9.5 Agreed Orders. Counsel may withdraw or be substituted without the necessity of hearing when all parties agree to the substitution and all parties and the client agree to the withdrawal.

9.6 In civil cases no attorney of record shall be permitted to withdraw from any case without presenting a motion and obtaining from the Court an Order granting leave to withdraw. Such motion shall be accompanied by the client's written consent to such withdrawal or a certificate by another lawyer that he has been employed to represent the client in the case, or a copy of such motion shall be mailed to the client at his last known address, certified mail, return receipt requested, with a letter advising that the motion will be presented to the Court on the date set for hearing, and that any objection to such withdrawal should be made to the Court in writing before such time. Proof of delivery or attempted delivery will be required at the hearing. A copy of the motion shall be delivered or mailed to opposing counsel. **Such leave will be denied where the motion is presented so near the trial date as to require delay of trial.** After leave is granted, the clerk shall notify the party of such action and advise the party of any trial settings, and that he may secure other counsel.

RULE 10. SUBMISSION OF JUDGMENTS/ORDERS

10.1 All orders and judgments must be submitted to the Court, through the Court Coordinator, for entry within seven (7) days from the date of the hearing or decision by the Court. All judgments and/or orders in uncontested matters (excluding cases settled on the date of trial) must be presented at the time of hearing on such uncontested matters. In all uncontested divorce matters, the decree of divorce and any required involuntary wage assignment order must be presented to the Court at the time of hearing.

10.2 All final judgments which are not approved by all counsel or opposing parties who appeared before the Court shall be forwarded to the Court, through the Court Coordinator, a copy shall be mailed to all opposing counsel or unrepresented parties by the party preparing the judgment. Said judgment shall be held in the Judge's chambers for ten (10) days and if no objection to the judgment is filed, it will then be signed by the Court without a hearing on entry of judgment. Any objections to the judgment must include form of order setting a hearing on the objection.

RULE 11. FILING AND MAIL PROCEDURES. A current directory of court personnel is as follows:

Judge and Staff:
Judge John H. Fostel
Cathy Cortez Fostel
Court Coordinator
Jeff Goodwyn
Court Reporter
P. O. Box 805
Decatur, TX 76234
(940)627-3200

District Clerks:
Tracie Pippin
Jack County District Clerk
100 N. Main St., Ste. 310
Jacksboro, TX 76458
(940)567-2141

District Attorney:
Greg Lowery
Wise County Courthouse, Ste. 200
Decatur, TX 76234
(940)627-5257

Brenda Rowe
Wise County District Clerk
P. O. Box 308
Decatur, TX 76234
(940)627-5535

Jack County Courthouse
100 Main St., Ste. 310
Jacksboro, TX 76458
(940)567-6261

Mail shall always be properly addressed and have adequate postage.

11.1 All mail, including original orders for settings, requiring the Judge's attention or signature shall be delivered to the Court Coordinator at the address listed above.

11.2 Original documents to be filed shall be mailed to the respective Clerk.

11.3 If items are to be forwarded by the Judge or Court Coordinator to Clerk, other counsel or returned to sender, the mail wrapper shall contain envelopes of appropriate size, properly addressed with sufficient postage affixed for forwarding. **If time is of the essence** in meeting filing deadlines, the original motion or other document should be sent directly to the Clerk at the Clerk's address as listed in the directory and a separate order or fiat sent to the Court Coordinator at the address listed for the Court Coordinator in the directory.

11.31 Counsel are responsible for seeing that their office personnel are aware of and carry out mail procedures.

EXHIBIT “A”

(Heading)

JOINT FINAL PRE-TRIAL ORDER

This cause came before the court at a scheduling conference held on _____, 20____, pursuant to this court's local rules, we herewith file this Joint Final Pre-Trial Order, prior to the final Pre-Trial Conference scheduled for _____, 20___.

A. COUNSEL FOR THE PARTIES: Plaintiff(s): Defendant(s):

B. NATURE OF ACTION: (NOTE: This section should be very brief and merely state the type of case.)

C. CONTENTIONS OF THE PARTIES: (NOTE: The contentions of each party shall be succinctly stated in a form suitable to be read to the jury.)

D. STIPULATIONS AND UNCONTESTED FACTS:

E. CONTESTED ISSUES OF FACT AND LAW

F. LIST OF WITNESSES: (NOTE: The witnesses of each party shall be listed by name and address and separated into categories of fact witnesses and expert witnesses. Unanticipated rebuttal and rejoinder witnesses need not be listed.)

G. LIST OF EXHIBITS: (NOTE: Each party shall set forth a separate list of numbered Exhibits.)

H. LIST OF ANY PENDING MOTIONS:

I. PROBABLE LENGTH OF TRIAL: The probable length of trial is _____ days.

J. CERTIFICATIONS

The undersigned counsel for each of the parties in this action do hereby certify and acknowledge the following:

(1) All deadlines contained in the Court's Scheduling Orders have been complied with.

(2) Each exhibit in the List of Exhibits herein: (a) is in existence; (b) is numbered; and (c) has been disclosed and shown to opposing counsel.

APPROVED AS TO FORM AND SUBSTANCE:

Attorneys for Plaintiff(s) Attorneys for Defendant(s)

(NOTE: Each attorney of record shall personally sign and certify to the pre-trial order. The signature of one attorney for another "by permission" will not be accepted by the court.)