

IN THE COURT OF COMMON PLEAS
OF LUZERNE COUNTY

Plaintiff

vs.

Defendant

CIVIL ACTION – LAW

NO. of

* Each case will have its own unique Trial Management Order. Such Orders will typically be in this form.

TRIAL MANAGEMENT ORDER (NON-JURY)

(1) AND NOW, this _____ day of _____, 20____, it is hereby ORDERED that Trial in this matter **is scheduled** to commence as a Non-Jury trial at __:__ a.m., on _____. The counsel listed at the end of this Order have identified themselves as trial counsel for this matter and are hereby ATTACHED for trial. Counsel shall be available to proceed in this case on _____ at __:__ a.m.

(2) **SETTLEMENT**. IF THIS CASE IS SETTLED PRIOR TO THE TIME AND DATE FOR TRIAL ESTABLISHED IN ACCORDANCE WITH PARAGRAPH (1) HEREOF, COUNSEL FOR PLAINTIFF MUST IMMEDIATELY NOTIFY THIS COURT BY TELEPHONE AND CONFIRM THE TELEPHONE NOTICE WITH WRITTEN NOTICE TO THIS COURT and WITH A COPY OF SAME TO THE COURT ADMINISTRATOR.

(3) All counsel shall serve copies of the following upon all other counsel and deliver the same to the chambers of the Judge, Luzerne County Courthouse, 200 North River St. Wilkes Barre, PA 18711, no later than 2 weeks before trial:

A. **Trial Brief**. *A comprehensive Trial Memorandum setting forth all issues to be resolved by the Trial Court together with law in support thereof.*

B. **Witness Lists**. Lists of all persons whose testimony may be offered at trial in person or by deposition designating: (a) the name and address of the witness; (b) whether the witness is an expert or non-expert; and, if the witness is an expert, the witness's field of expertise; (c) the nature of the witness's testimony; (d) whether the witness's testimony will be presented in person, by videotaped deposition or by deposition. (Except for good cause shown, the parties will be precluded from offering substantive evidence through any person not so listed). The listing of a witness does not commit the listing party to have such person available at trial or to offer the testimony of such person;

C. **Expert Reports**. Copies of the reports of all experts listed on the witness list;

D. **Exhibit Lists**. A list identifying all writings, documents, charts, reports, records, photographs, and other exhibits (collectively "exhibits"), which they expect to offer at trial, to use as demonstrative exhibits, or to be used or referred to by any of their witnesses, including expert witnesses. The list shall describe each exhibit and assign it an identification number (i.e., P-1, D-1, etc.). At the time of serving the list, each party shall furnish copies of all exhibits to all

other parties (BUT NOT TO THE COURT), or in the case of large charts or models or like items, make them available for inspection. (Absent good cause shown, the parties shall be precluded from offering in evidence, using as demonstrative evidence or examining any of their witnesses concerning any exhibit not so identified, excepting use solely for impeachment purposes. The listing of an exhibit does not commit the party to use it).

E. **Proposed Findings of Fact and Conclusions of Law**. By no later than 2 weeks before trial, all counsel shall submit numbered Proposed Findings of Fact and numbered Proposed Conclusions of Law. At the conclusion of trial, upon request of counsel, the Court, in its complete discretion, may allow additional time to file supplemental Proposed Findings of Fact and Conclusions of Law. In such event, i.e., if the Court were to allow additional submissions as aforesaid, and said items are not filed within the allowed time period, counsel shall be precluded from filing same.

(4) **Depositions to be Offered in Evidence**. By no later than 2 weeks before trial, all counsel shall identify in writing to all other counsel (by page and line) all portions of any depositions which they propose to offer in evidence.

(5) **Copies of Depositions; Objections to Depositions**. At the time and date for trial to begin as specified in paragraph (1) hereof, counsel shall deliver to the Court: (i) copies of all depositions which they expect to offer in evidence; and (ii) written objections (by page and line) to any depositions which any other party proposes to offer in evidence.

(6) **Pre-marking of Exhibits.** Prior to commencement of trial, all counsel shall have pre-marked all of their trial exhibits with identification numbers (i.e. P-1, D-1, etc.).

(7) **Pretrial Meeting of Counsel.** All trial counsel must meet with each other prior to trial to make a good faith effort: (i) to resolve or minimize objections to depositions; (ii) to agree upon stipulations to uncontested facts; (iii) to minimize the number of required witnesses; and (iv) to enter into such other reasonable agreements as will expedite the trial.

(8) **Pretrial Procedures.** Instructions for Civil Case Pre-Trial Procedures are accessible at the Luzerne County Court website: www.luzernecountycourts.com. A hard copy of same may be requested from the Judge's Chambers.

(9) **MOTIONS IN LIMINE AND OTHER PRE-TRIAL MOTIONS:**

All Motions in Limine and other Pre-Trial Motions, together with supporting briefs, shall be served on all other Counsel of Record and delivered to the Chambers of the Undersigned not less than 14 days before trial.

Responses to any such Motions in Limine and any other Pre-Trial Motions shall (if opposed) be served on all other Counsel of Record and delivered to the Chambers of the Undersigned within seven (7) days thereafter.

(10) **No Extensions of Pre-existing Deadlines.** Nothing contained in this Order is intended or shall be construed to extend any pre-existing deadlines (whether established by prior order of any Judge of this Court or by operation of

law) for submission of expert reports or any of the other items which this Order requires to be submitted.

(11) ***Sanctions***. The Court intends to impose appropriate sanctions for any violation of this Order.

The Luzerne County Office of Judicial Records (Prothonotary) is directed to serve notice of the entry of this Order pursuant to Pa.R.C.P. 236.

BY THE COURT,

J.

TRIAL COUNSEL: