

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

_____)	
Plaintiff(s))	
))	
versus)	Case No. CL _____ - _____
))	
_____)	
Defendant(s)	

SCHEDULING ORDER

A Term Day Calendar Control Hearing was held on this _____ day of _____, 20____.

After discussing the various issues presented, it was **ORDERED**:

I. Trial

The trial date is _____ with a jury without a jury at 10:00 a.m.
The estimated length of the trial is _____.

For Domestic Cases ONLY

Custody/Visitation Trial

The trial date is set for _____, 20____, without a jury.
The estimated length of the trial is _____.

Property/Support Trial

The trial date is set for _____, 20____, for a hearing on the entry of a Final Decree of Divorce, and resolution of any equitable distribution, spousal and child support issues. The estimated length of the trial is _____.

II. Discovery

The parties must complete discovery, including depositions, by thirty (30) days before trial; however, depositions taken in lieu of live testimony at trial will be permitted until fifteen (15) days before trial. "Complete" means that all interrogatories, requests for production, requests for admissions and other discovery must be served sufficiently in advance of trial to allow a timely response at least thirty (30) days before trial. Depositions may be taken after the specified time period by agreement of counsel of record or for good cause shown, provided however, that the taking of a deposition after the deadline established herein will not provide a basis for continuance of the trial date or the scheduling of motions inconsistent with the normal procedures of the court. The parties have a duty to seasonably

supplement and amend discovery responses pursuant to Rule 4:1(e) of the Rules of Supreme Court of Virginia. Seasonably means as soon as practical. No provision of this Order supersedes the Rules of Supreme Court of Virginia governing discovery. Any discovery motion filed must contain a certification that counsel has made a good faith effort to resolve the matters set forth in the motion with opposing counsel.

III. **Designation of Experts**

If requested in discovery, plaintiff's, counter-claimant's, third party plaintiff's, and cross-claimant's experts must be identified on or before ninety (90) days before trial. If requested in discovery, defendant's and all other opposing experts must be identified on or before sixty (60) days before trial. If requested in discovery, experts or opinions responsive to new matters raised in the opposing parties, identification of experts must be designated no later than forty-five (45) days before trial. If requested, all information discoverable under Rule 4:1(b)(4)(A)(i) of the Rules of Supreme Court of Virginia must be provided or the expert will not ordinarily be permitted to express any nondisclosed opinions at trial. The foregoing deadlines do not relieve a party of the obligation to respond to discovery requests within the time periods set forth in the Rules of Supreme Court of Virginia, including, in particular, the duty to supplement or amend prior responses pursuant to Rule 4:1(e).

IV. **Dispositive Motions**

All dispositive motions should be presented to the court for hearing as far in advance of the trial date as practical. All counsel of record are encouraged to bring on for hearing all demurrers, special pleas, motions for summary judgment or other dispositive motions not more than sixty (60) days after being filed.

V. **Exhibit and Witness List**

Counsel of record must exchange fifteen (15) days before trial a list specifically identifying each exhibit to be introduced at trial, copies of any exhibits not previously supplied in discovery, and a list of witnesses proposed to be introduced at trial. The lists of exhibits and witnesses must be filed with the Clerk of the Court simultaneously therewith but the exhibits should **not** then be filed. Any exhibit or witness not so identified and filed will not be received in evidence, except in rebuttal or for impeachment or unless the admission of such exhibit or testimony of the witness would cause no surprise or prejudice to the opposing party and the failure to list the exhibit or witness was through inadvertence. Any objections to exhibits or witnesses must state the legal reasons therefor except on relevancy grounds, and must be filed with the Clerk of the Court and a copy delivered to opposing counsel at least five days before trial or the objections will be deemed waived absent leave of court for good cause shown.

VI. **Pretrial Conferences**

Pursuant to Rule 4:13 of the Rules of Supreme Court of Virginia, when requested by any party or upon its own motion, the court may order a pretrial conference wherein motions *in limine*, settlement discussions or other pretrial motions which may aid in the disposition of this action can be heard.

VII. **Motions in Limine**

Absent leave of court, any motion *in limine* which requires argument exceeding five (5) minutes must be duly noticed and heard before the day of trial.

VIII. **Witness Subpoenas**

Early filing of a request for witness subpoenas is encouraged so that such subpoenas may be served at least ten (10) days before trial.

IX. **Continuances**

Continuances will only be granted by the court for good cause shown.

X. **Deposition Transcripts to be Used at Trial**

Counsel of record must confer and attempt to identify and resolve all issues regarding the use of depositions at trial. It is the obligation of the proponent of any deposition of any non-party witness who will not appear at trial to advise opposing counsel of record of counsel's intent to use all or a portion of the deposition at trial at the earliest reasonable opportunity. Other than trial depositions taken after completion of discovery under Paragraph II, designations of portions of non-party depositions, other than for rebuttal or impeachment, must be exchanged no later than thirty (30) days before trial, except for good cause shown or by agreement of counsel. It becomes the obligation of the non-designating parties of any such designated deposition to file any objection or counter-designation within seven days after the proponent's designation. Further, it becomes the obligation of the non-designating parties to bring any objections or other unresolved issues to the court for hearing no later than 5 days before the day of trial.

XI. **Waiver or Modification of Terms of Order**

Upon motion, the time limits and prohibitions contained in this order may be waived or modified by leave of court for good cause shown.

ENTERED this _____ day of _____, 20_____.

JUDGE

Counsel for Plaintiff

Counsel for Defendant