

2024
Standing Orders in Civil Cases
Judge Julie A. Gafkay

CIVILITY

The Court requires all attorneys to exercise principles of professionalism as established by the State Bar of Michigan and Michigan Supreme Court Administrative Order No. 2019-32.

ORDERS

Orders shall be submitted to c3orders@saginawcounty.com ONLY.

MOTION PRACTICE

Pursuant to MCR 2.119(E)(3), the Court may, in its discretion, dispense with oral argument for motions. The Court will provide notice to the parties before the hearing if oral argument is cancelled.

Seeking Concurrence Required

The moving party must ascertain whether a contemplated motion will be opposed. The motion must affirmatively state that the concurrence of counsel in the relief sought has been requested on a specified date, and that concurrence has been denied or has not been acquiesced in, and hence, that it is necessary to present the motion.

Proposed Orders

A proposed order must be included as “Exhibit A” to every motion filed.

Judge’s Copy

An electronic courtesy Judge’s Copy must be emailed to the Court’s law clerk at msscott@saginawcounty.com and a physical courtesy copy must accompany any motion in excess of 50 pages.

Non-dispositive Motions

Non-dispositive motions shall be heard on Mondays at 1:30 p.m. Pursuant to MCR 6.006, videoconferencing technology is the preferred procedure for Motions filed under MCR 2.119. Unless otherwise ordered by the court, all non-dispositive Motions shall be heard by videoconferencing technology. The Court uses Zoom videoconferencing. The parties must use Judge Julie A. Gafkay’s Meeting ID (314 951 2650). All notice of hearings shall state that the hearing is being conducted by Zoom and provide the Meeting ID.

Judge Julie A. Gafkay Zoom Meeting ID: 314 951 2650

Motions for Summary Disposition

Motions for Summary Disposition are heard on Mondays at 2:30 p.m. **IN PERSON.**

Motions in Limine

All Motions in Limine must be filed and heard at least 30 days before trial.

SCHEDULING ORDERS

The Court will issue an initial scheduling order as soon as able after responsive pleadings have been filed. Without waiting for an initial scheduling order, the parties should serve initial disclosures as required under MCR 2.302(A). The initial scheduling order will set an initial discovery cutoff, date for filing witness lists, date for filing amendment of pleadings or adding parties, and set a date and time for an early scheduling conference, which will be conducted by Zoom using Meeting ID # 314 951 2650. **If the parties have not received an initial scheduling order within 60 days of responsive pleadings being filed, the parties are directed to call the court and advise the judicial assistant ((989) 790-5481) that one needs to be issued.**

Early Scheduling Conference

At the early scheduling conference, the Court will consider matters outlined in MCR 2.401(B)(1) including the following: ADR process, whether the discovery deadline should be extended, exchange of expert disclosures, and setting of the final pretrial and settlement conference as well as trial.

FINAL PRETRIAL AND SETTLEMENT CONFERENCE

ONE WEEK before the final pretrial conference, the parties are required to submit a joint final pretrial order consistent with MCR 2.401(H)(2)(a)-(s) as modified in the attachment. (**see attachment for joint final pretrial order requirements*).

A final pretrial and settlement conference will be scheduled within approximately 30 days of trial. Trial counsel, the parties and those with settlement authority **MUST attend IN PERSON**.

Adjournments of Scheduling Order dates are granted sparingly, and good cause is required.

TRIALS

Trials are typically set to begin on Tuesdays. Parties should come prepared for trial when scheduled, unless otherwise advised by the Court. Subject to the Court's availability, the trial schedule is as follows:

Tuesday*:	9:00 a.m. – 4:00 p.m.
Wednesday:	9:00 a.m. – 5:00 p.m.
Thursday:	9:00 a.m. – 3:30 p.m.
Friday:	9:00 a.m. – 5:00 p.m.

*Parties are required to appear on the first day of trial. The first day of trial will typically include jury selection and opening statements. Witnesses typically do not need to be subpoenaed until the second day of trial. If a trial is not done in the first week, the Court may conduct trial on Monday depending on the availability of the Court.

Joint Jury Instructions, proposed joint verdict form, any requested voir dire, witness lists, and exhibit lists must be provided BEFORE trial as set forth herein with the final pretrial conference order.

Exhibits

The Court requires the parties to coordinate on exhibits before trial to agree on joint exhibits and discuss authenticity issues. Exhibits should be marked ahead of trial. The parties should coordinate with the Court's court reporter on marking exhibits by contacting Ursula Wegert at (989) 790-5476 or email at uwegert@sbcglobal.net.

Technology

If any party intends to use technology at trial such as video deposition(s), videos, electronic exhibits, or any other type of technology, he or she must ensure that it works BEFORE trial. The parties can arrange to come to the courtroom to test the technology before trial by calling the Court's judicial assistant at (989) 790-5481.

Our courtroom is equipped with video technology. Please ensure you speak clearly, do not talk over another individual who is speaking, state and spell your name for the record and provide the spelling of difficult or unusual nouns.

Voir dire

The Court will ask the jury some preliminary questions for voir dire and any questions, if appropriate, that counsel requests the Court to ask. Otherwise, the attorneys will have discretion to conduct voir dire. The court will not set time limits for voir dire, unless abused, at which time the Court will set reasonable time limits.

Opening Statements and Closing Arguments/Rebuttal

The Court does not generally limit the time for counsel to present opening statements and closing argument/rebuttal, unless abused, at which time the Court will set reasonable time limits.

Rev. 08/24

Joint Final Pretrial Order

The parties shall prepare a Joint Final Pretrial Conference Order, which must be submitted to the Court at least ONE WEEK before the Joint Final Pretrial Conference in this matter. The Joint Final Pretrial Order must include the following:

- (a) identify any motions in limine to be decided (Motions in Limine must be filed and heard at least 30 days before trial) and, if decided, identify the evidentiary rulings;
- (b) a concise statement of plaintiff's claims, including legal theories;
- (c) a concise statement of defendant's defenses and claims, including crossclaims and claims of third-party plaintiffs, and defenses of cross defendants or third-party defendants, including legal theories;
- (d) a statement of any stipulated facts or other matters;
- (e) issues of fact to be litigated;
- (f) issues of law to be litigated;
- (g) evidence problems likely to arise at trial;
- (h) a list of witnesses to be called unless reasonable notice is given that they will not be called, and a list of witnesses that may be called, listed by category as follows:
 - i. live lay witnesses;
 - ii. lay deposition transcripts or videos including resolving objections and identifying portions to be read or played;
 - iii. live expert witnesses; and
 - iv. expert deposition transcripts or videos including resolving objections and identifying portions to be read or played.
- (i) a list of exhibits with stipulations or objections to admissibility;
- (j) an itemized statement of damages and stipulations to those items not in dispute;
- (k) estimated length of trial:
 - i. time for plaintiff's proof;
 - ii. time for defendant's proofs; and
 - iii. whether it is a jury or nonjury trial.

- (l) identify trial date set by the court;
- (m) whether the parties will agree to arbitration;
- (n) a statement that counsel have met, conferred, and considered the possibility of settlement and alternative dispute resolution, giving place, time and date and the current status of these negotiations as well as plans for further negotiations;
- (o) any requests for rules governing conduct of trial by the parties;
- (p) proposed joint jury instructions must be provided and, if unable to agree, the parties must submit their own proposed jury instructions, including a proposed verdict form;
- (q) state whether the parties want to exchange and provide the court with trial briefs;
- (r) proposed voir dire, if either party wants the Judge to ask, otherwise counsel are able to question the jury;
- (s) and, any other matters that need to be raised before trial.

The Final Pretrial Order must be signed by the parties and provided to the court for the Judge's signature. Counsel shall submit the proposed Order to the Court for entry AT LEAST ONE WEEK BEFORE THE FINAL PRETRIAL CONFERENCE.