

**IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI
FIRST & SECOND JUDICIAL DISTRICT**

RE: CIVIL MATTERS PENDING BEFORE JUDGE SCLAFANI

**GUIDELINES FOR CIVIL CASES
(July 16, 2018)**

The Court respectfully requests that the parties follow the following guidelines in connection with civil cases pending on Judge Sclafani's docket.

Please copy all counsel of record and Judge Sclafani (jsclafani@co.hinds.ms.us) on all email communications with the Court.

SCHEDULING ORDER

The parties should submit to the Court, via email, a proposed scheduling order (in the form attached hereto) within sixty (60) days after the first defendant files an Answer to the Complaint. The parties should leave the trial setting blank, and the Court will place the case on a trial calendar. Civil trial calendars will be two or three week terms. The Court will require a minimum of ninety (90) days between the close of briefing on dispositive motions and the trial setting. If the parties are unable to reach an agreement on a proposed scheduling order, please contact the Court by email, and the Court will either enter a scheduling order or set a telephonic case management conference.

MOTIONS

All Rule 12 motions to dismiss and Rule 56 motions for summary judgment must be supported by a separate memorandum or brief. With respect to all other requests for relief, it is not necessary for the party seeking relief to file a separate motion and memorandum or brief. (Speaking motions are acceptable.) Respondent **SHALL** file a response to any motion within ten (10) days after service of the motion. The movant **MAY** file a reply in support of any motion

within five (5) days after service of the response. Movants for summary judgment shall file as a separate pleading in support of their motion an itemization of facts relied upon and not generally disputed. The respondent shall file a pleading indicating either agreement with each statement of fact or state the specific reason(s) for disagreement with each statement of fact.

If any party wishes to request a hearing on a civil motion, the party shall contact the Court and request a hearing date. (Civil motion dates are posted on the Court's webpage.) Once a hearing date is approved by the Court, the party requesting the hearing shall file a notice of hearing and provide to the Court a hard copy of the complete briefing in connection with the motion. If the motion seeks dismissal of the complaint or summary judgment, the party requesting the hearing shall also provide to the Court a hard copy of the operative complaint and answer.

If the parties do not wish to request a hearing on a civil motion, upon completion of the briefing, the movant shall send a hard copy of the briefing to the Court with a cover letter requesting that the Court resolve the motion on the papers.

DISCOVERY MOTIONS

The Court would like to minimize briefing and expedite rulings in connection with discovery disputes. If the parties are unable to resolve a discovery dispute through good-faith negotiations, and the parties believe it is a matter that can be addressed by the Court in a telephonic conference, the parties should contact the Court by email to schedule a telephonic discovery conference. Prior to the telephonic discovery conference, the parties may submit to the Court, via email, a summary of the discovery issue(s) in dispute, attaching a copy of the discovery request(s) in dispute and the disputed response(s). If the parties and the Court are unable to resolve the discovery dispute following a telephonic discovery conference, the Court

will require briefing to be submitted on an expedited basis. The telephonic discovery conference will not be on the record, but upon request of any party, the Court will memorialize in a written order any ruling made by the Court during a telephonic discovery conference.

If the discovery dispute implicates complex issues, including issues of privilege, and the parties, in good-faith, do not believe that the dispute can be resolved by a telephonic discovery conference, the parties may, in the first instance, submit the dispute to the Court by written motion.

PROPOSED AGREED ORDERS

If the parties are seeking relief through a proposed agreed order, please provide to the Court, via email, the proposed order (in a format that may, if necessary, be edited by the Court).

EMERGENCY RELIEF

If a party is seeking emergency relief, please contact the Court by email to request a hearing and attach to the email a copy of the pleading or other paper seeking the emergency relief.

MEDIATION/SETTLEMENT CONFERENCE

Pursuant to the Mississippi Court Annexed Mediation Rules for Civil Litigation and Rule 3 of the Local Rules of the Seventh Circuit District, the Court will require the parties to complete a private mediation prior to trial. Alternatively, if the case is set for a jury trial, with the consent of **all** parties, the Court will conduct a settlement conference. If the parties would like to schedule a settlement conference with the Court, please contact the Court by email to request available dates.

PRE-TRIAL CONFERENCE/PRE-TRIAL ORDER

The Court will conduct a pre-trial conference in all civil cases prior to trial. Please contact the Court at least thirty (30) days prior to the trial setting to request a date for the pre-trial conference. At least five (5) days prior to the pre-trial conference, the parties shall submit to the Court a proposed pre-trial order (Federal version is preferred), as well as proposed jury instructions.

[TEMPLATE FOR SCHEDULING ORDER]

AGREED SCHEDULING ORDER

THIS MATTER is before the Court on the parties' *ore tenus* joint motion for entry of a scheduling order. The Court sets the following schedule:

1. Motions for joinder of parties or amendments to the pleadings shall be filed on or before _____.
2. Plaintiff(s) shall designate its experts, if any, on or before _____.
3. Defendant(s) shall designate its experts, if any, on or before _____.
4. All discovery shall be completed on or before _____.
5. The parties shall complete a private mediation, or with the consent of all parties a settlement conference with the Court, on or before _____.
6. All motions, with the exception of *in limine* motions, shall be filed fourteen (14) days after the discovery deadline. All response briefs shall be filed ten (10) days thereafter, and all reply briefs shall be filed five (5) days after the response brief.
7. All *in limine* motions shall be filed forty-five (45) days prior to the trial setting.
8. This case shall be placed on the _____ trial calendar.
9. At least thirty (30) days prior to the trial setting, the parties shall contact the Court to request a date for the pre-trial conference. At least five (5) days prior to the pre-trial conference, the parties shall submit to the Court a proposed pre-trial order (Federal version is preferred), as well as proposed jury instructions.

SO ORDERED this the ____ day of _____, 2018.

Circuit Judge